

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

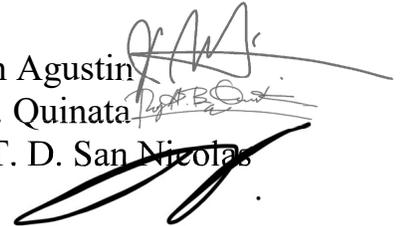
BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
11-37 (COR)	Joe S. San Agustin Roy Anthony Benavente Quinata Dwayne T. D San Nicolas	AN ACT TO AMEND § 3309(a) OF CHAPTER 3, DIVISION 1, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING RETAIL BUSINESSES WITH LARGE INVESTMENTS TO THE LIST OF EXEMPTIONS WITHIN THE POPULATION LIMITATIONS FOR NEW ALCOHOL BEVERAGE CONTROL LICENSES.	1/24/23 10:43 a.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 11-37 (COR)

Introduced by:

Joe S. San Agustin
Roy A. B. Quinata
Dwayne T. D. San Nicolas



AN ACT TO AMEND § 3309(a) OF CHAPTER 3, DIVISION 1, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING RETAIL BUSINESSES WITH LARGE INVESTMENTS TO THE LIST OF EXEMPTIONS WITHIN THE POPULATION LIMITATIONS FOR NEW ALCOHOL BEVERAGE CONTROL LICENSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 1. Legislative Findings and Intent. *I Liheslaturan*

Guåhan finds that Guam's statutes limit the number of new on-sale or off-sale general alcohol licenses issued within a municipality, with the current ratio being 1 for each 200 inhabitants residing within that municipality. That threshold, once reached, no new licenses may be issued for that village, until one is vacated. However, the same statute provides exceptions to that ceiling for on-sale licenses, if the applicant is either a hotel with a minimum of 20 rooms, or a restaurant facility with at least a \$50,000 investment into the building.

Such exceptions were established to help enhance economic activity through these extensive investments which would maintain controlled environments for alcohol sales, while assuring that regulations would continue to remain paramount. Utilizing the same standard in granting these exemptions, this Act would include

1 large-scale retail businesses with investments of at least \$1,000,000 in the building
2 and with a payroll of at least 50 employees to the list of exceptions. This exception
3 would be for off-sale general licenses.

4 These investments are intended to inject large economic activity and growth
5 within the island and should not be subject to the restrictions established in § 3309(a)
6 of Chapter 3, 1GAR, because of the location they elected to construct their business
7 on. These businesses are also bound to invest into the assurances that all regulatory
8 aspects of Guam's Alcohol Beverage Control laws are properly adhered to.

9 **Section 2.** § 3309(a) of Chapter 3, Division 1 of Title 11, Guam Code
10 Annotated is hereby *amended* to read as follows:

11 **§ 3309. Same: Same: Number, Cancellation, Issuance of Licenses in Excess of**
12 **Authorized Ratio: Application: Hearing.**

13 (a) The number of premises for which an on-sale general license or an off-sale
14 general license is issued shall be limited to one (1) for each two hundred (200) or
15 fraction thereof, inhabitants of the municipality in which the premises are situated,
16 provided, however, that without regard to such population limitation, a
17 nontransferable, on-sale, general license may be issued for any hotel of not less than
18 twenty (20) rooms, ~~or~~ for any premises designed to provide restaurant facilities for
19 the public in which the investment in buildings is not less than fifty thousand dollars
20 (\$50,000.00), or an off-sale, general license for any retail business in which the
21 investment in the building is not less than one million dollars (\$1,000,000) which
22 shall employ no less than fifty (50) employees, and which shall be non-transferrable.
23 No on-sale general license shall be issued in lieu of or upon the cancellation or
24 surrender of an on-sale beer and wine license, except in case of an increase in
25 population as provided hereafter.

26 **Section 3. Severability.** If any provision of this Act or its application to
27 any person or circumstance is found to be invalid or contrary to law, such invalidity

1 *shall not* affect other provisions or applications of this Act that can be given effect
2 without the invalid provision or application, and to this end the provisions of this
3 Act are severable.

4 **Section 4. Effective Date.** The Act *shall* be effective upon enactment.