


I MINA'TRENTAI DOS NA LIHESLATURAN GUAHÃN
2013 (First) Regular Session

Bill No. 88-72 (COR)
Introduced by:

Michael F.Q. San Nicolas 

**AN ACT TO AMEND §§ 3207 AND 3309 AND TO ADD A
NEW §§ 3207.1 AND 3207.2 OF CHAPTER 3 TITLE 11 OF
THE GUAM CODE ANNOTATED, RELATIVE TO THE
REGULATION OF ALCOHOLIC BEVERAGE
LICENSURE.**

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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible
3 Alcoholic Beverage Control Act”.

4 **Section 2. Legislative Intent.** *I Liheslaturan Guahån* finds that Section
5 3309 of Chapter 3 Title 11 Guam Code Annotated, which limits the number of on-
6 sale and off-sale general licenses allowed in a municipality, was enacted by the *I*
7 *Mina’Dosse Na Liheslaturan Guahån* to protect the interests of the community.

8 *I Liheslaturan Guahån* finds that the village of Tumon has grown into a
9 center for tourism with numerous hotels and a large population of visitors. In
10 addition, the capital village of Hagåtña has become a center for business and
11 government offices with a large population of professionals that work in the
12 village.

13 Therefore, *I Liheslaturan Guahån* finds that the economy and the
14 community will be best served by finding a balance between establishments in
15 excess of the amounts prescribed by the *I Mina’Dosse Na Liheslaturan Guahån*
16 and the resources to protect the general welfare. In order to properly regulate the

1 concentrated number of liquor licenses in Tumon and Hagåtña, fees shall be
2 increased for on-sale general liquor licenses in these areas to provide for increased
3 Alcoholic Beverage Control enforcement, police presence, mass transit availability
4 and other programs to be administered by the village mayor.

5 It will allow the accommodation of our increased tourism numbers and
6 provide enforcement resources for Alcoholic Beverage Control and the Guam
7 Police Department and provide needed funding for village programs in the affected
8 villages.

9 **Section 3. General License Fee for Hagåtña and Tumon.** § 3207 of
10 Chapter 3 Title 11 of the Guam Code Annotated is hereby *amended*, to read:

11 **“§ 3207. Licenses: Classes and Fees.**

12 The Board is authorized to issue the following classes and kinds of licenses at the
13 following fees:

14 Class 1. Manufacturer’s license \$ 100.00 per year

15 Class 2. Agent’s license \$ 250.00 per year

16 Class 3. Wholesale dealer’s license \$1,000.00 per year

17 Class 4. Retail dealer’s on-sale license:

18 Beer \$300.00 per year

19 General excluding Hagåtña and Tumon \$1,000.00 per year

20 General within Hagåtña and Tumon \$2,000.00 per year

21 Wine \$300.00 per year

22 Waiter/Waitress \$ 15.00 per year

23 Manager/Assistant Manager \$25.00 per year

24 Class 5. Retail dealer’s off-sale license:

25 Beer \$200.00 per year

26 General \$1,000.00 per year

- 1 Class 6. Special Alcoholic license \$25.00 per year
- 2 Class 7. Temporary beer license \$20.00 per day not to exceed \$100.00 per
- 3 event
- 4 Class 8. Public warehousemen’s license \$50.00 per year
- 5 Class 9. Club license \$500.00 per year
- 6 Class 10. Temporary general license \$50.00 per day not to exceed \$100.00
- 7 per event
- 8 Class 11. Microbrewery-pub restaurant license \$1,000.00 per year
- 9 Class 12. Mobile License:
- 10 (a) Limousine Service – per vehicle \$750.00 per year
- 11 (b) Charter Vehicle (Vans) – per vehicle Up to ten (10) passengers
- 12 \$500.00 per year
- 13 (c) Charter Vehicle (Vans) - per vehicle More than ten (10)
- 14 passengers \$750.00 per year
- 15 (d) Buses - per vehicle \$1,000.00 per year”

16 **Section 4. Exemption of Hagåtña and Tumon.** §3309 of Chapter 3 Title

17 11 of the Guam Code Annotated is hereby *amended*, to read:

18 **“§3309. Same: Same: Number, Cancellation, Issuance of Licenses in**

19 **Excess of Authorized Ratio: Application: Hearing.**

20 (a) The number of premises for which a class four on-sale general license or

21 a class five off-sale general license is issued shall be limited to one (1) for each

22 two hundred (200) or fraction thereof, inhabitants of the municipality in which the

23 premises are situated for each respective class. The following establishments shall

24 not be included in the number of premises allowed for each respective class;

25 ~~provided, however, that without regard to such population limitation, a~~

26 ~~nontransferable, on-sale, general license may be issued for~~

1 (1) Any hotel of not less than twenty (20) rooms; or

2 (2) Any premises designed to provide restaurant facilities for the
3 public; or in which the investment in buildings is not less than fifty thousand
4 dollars (\$50,000.00),

5 (2) any premises located in the municipality of Hagåtña or in the
6 village of Tumon as defined by the Tumon Census Designated Place (CDP).

7 (b) The Alcohol Beverage Control Division of the Department of Revenue
8 and Taxation shall be responsible for maintaining an accurate count of licenses
9 which fall under the restriction in this section.

10 (c) No on-sale general license shall be issued in lieu of or upon the
11 cancellation or surrender of an on-sale beer and wine license, except in case of an
12 increase in population as provided hereafter. For purposes of this Title
13 municipality shall mean the geographical area over which a mayor as defined in 5
14 GCA Ch. 40 exercises jurisdiction, ~~while inhabitants shall exclude those residing~~
15 ~~on military contractors' reservations. Nothing in this section shall authorize the~~
16 ~~cancellation of any license which may be outstanding~~ Current licenses in any
17 municipality in excess of the number authorized by the ratio established in this
18 section shall not be cancelled nor shall anything in this Article require the issuance
19 of any license in any municipality because the number of the licenses does not
20 equal the authorized ration. Any licenses issued after the July 1st 2013 that do not
21 comply with the provisions of this section shall be held invalid.

22 (d) Whenever it is made to appear to the Board by satisfactory evidence that
23 the population in any municipality has increased by more than two hundred (200)
24 or multiples of two hundred (200) inhabitants since the latest census recognized by
25 the government of Guam, ~~and it appears to the Board that by reason thereof the~~
26 ~~inhabitants of the municipality are unjustly and unfairly discriminated against, and~~

1 if the total number of licenses in such municipality does not exceed the maximum
2 specified, the Board may issue not to exceed one on-sale general license and one
3 off-sale general license for each additional two hundred (200) inhabitants in the
4 municipality since the effective date, hereof, any person applying for an off-sale
5 general license on the ground of increased population shall set forth in his
6 application and shall affirmatively show all of the following:

7 (1)(a) That he is a qualified applicant and that his premises qualify
8 under the law and rules of the Board.

9 (2)(b) That the issuance of the license applied for would serve the
10 public convenience or necessity.

11 (3)(c) That the issuance of the license applied for would not be
12 contrary to the public welfare and morals.

13 (4)(d) That inequality in the ratio of licenses exists between the
14 municipality in which the applicant's premises are located, and other
15 municipalities in the territory.

16 (5)(e) That the population in the municipality for which the license is
17 applied has increased to the extent and under the conditions mentioned in this
18 section.

19 (e) When an application is filed with the Board pursuant to the provision of
20 the section regarding the increase in population, it shall be referred to the
21 Administrator who shall cause a full investigation to be made of all matters stated
22 in and relating to the application and report his findings to the Board with the
23 recommendations. If a protest against the issuance of the license is filed with the
24 Board, the hearing thereon shall be had and conducted accordingly, as provided in
25 this Title.”

1 **Section 5. Distribution of Class 4 On-Sale General License Revenue**
2 **for Hagåtña and Tumon.** A new § 3207.1 is hereby *added* to Chapter 3 Title 11
3 of the Guam Code Annotated, to read:

4 “**§3207.1. Same: Same: Distribution of Class 4 On-Sale General**
5 **License Revenue for Hagåtña and Tumon.**

6 The license fees collected for class 4 on-sale general licenses in Hagåtña and
7 Tumon *shall* be distributed as follows:

8 50% to the General Fund;

9 20% to the Police Services Fund for the procurement and service of patrol
10 vehicles;

11 15% to the Tamuning Municipal Planning Council Revolving Fund or the
12 Hagåtña Municipal Planning Council Revolving Fund, respective of the
13 municipality in which the premises are located; and

14 15% to the Regulatory Enforcement Fund.”

15 **Section 6. Regulatory Enforcement Fund.** A new §3207.2 is hereby
16 *added* to Chapter 3 Title 11 of the Guam Code Annotated, to read:

17 “**§3207.2. Same: Same: Regulatory Enforcement Fund.**

18 There is hereby created, separate and apart from other funds of the
19 government of Guam, a fund to be known as the Regulatory Fund. The Fund *shall*
20 not be commingled with the General Fund, *shall* not be subject to transfer authority
21 by the Governor and *shall* be administered by the Director of the Department of
22 Revenue and Taxation. The Fund, as appropriated by *I Liheslaturan Guåhan shall*
23 be used exclusively for the following:

24 (a) the purchase of vehicles for exclusive use by the Regulatory Division of
25 the Department of Revenue and Taxation to be used in the normal course of
26 business; and

1 (b) other purposes of the Regulatory Division of the Department of Revenue
2 and Taxation to promote compliance with laws by those parties subject to
3 regulation.