

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

2012 APR -9 PM 4:14 *em*

Office of the Governor of Guam

31-12-1458

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 4/9/12
Time 11:58AM
Received by *CR*

April 5, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 328-31 (COR) "AN ACT TO ADD A NEW §3229 TO ARTICLE 2, AND A NEW SUBSECTION (a) TO §3413 OF ARTICLE 4, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY AN OFF-SALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS", which I signed into law on April 2, 2012 as Public Law 31-199.

Senseramente,


EDDIE BAZA CALVO

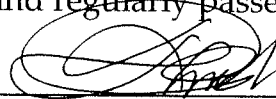
Attachment: copy of Bill

1458

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

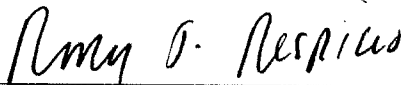
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 328-31 (COR), "AN ACT TO ADD A NEW §3229 TO ARTICLE 2, AND A NEW SUBSECTION (a) TO §3413 OF ARTICLE 4, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY AN OFF-SALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS", was on the 21st day of March, 2012, duly and regularly passed.



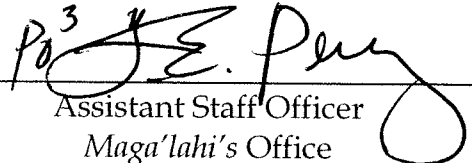
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Rory J. Respicio
Acting Legislative Secretary

This Act was received by I Maga'lāhen Guåhan this 21 day of March, 2012, at 5:45 o'clock P.M.



Assistant Staff Officer
Maga'lāhi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lāhen Guåhan

Date: _____

APR 02 2012

Public Law No. 31-199

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 328-31 (COR)

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
F. F. Blas, Jr.
Adolpho B. Palacios, Sr.
V. Anthony Ada
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW §3229 TO ARTICLE 2, AND A NEW SUBSECTION (a) TO §3413 OF ARTICLE 4, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY AN OFF-SALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the conduct of wine, liquor and liqueur tasting / sampling events by an

1 off-sale licensee, wholesale dealer licensee or agent licensee of alcoholic
2 beverages or distilled spirits is prohibited by law (11 GCA, Chapter 3, Article 4,
3 §3413) insofar as that the consumer *cannot* participate in the event. The inability
4 to conduct tasting events upon the premises has historically blocked what is
5 commonly a responsibly conducted practice in other areas such as California
6 where wine tasting, as well as other alcoholic beverages and distilled spirits, is a
7 common event.

8 It is the intent of *I Liheslaturan Guåhan* to facilitate the judicious and
9 responsible conduct of special events where displays of wines and liquors are
10 sampled and tasted under responsible, controlled conditions on approved premises
11 by the holder of a valid off-sale license, wholesale dealer license or agent license
12 issued by the Alcoholic Beverage Control Board, as provided pursuant to
13 applicable law, rules and regulations. It is, further, the intent of *I Liheslaturan*
14 *Guåhan* to allow and promote the responsible and regulated on-site conduct of
15 tasting events for alcohol beverages and distilled spirits. Consumers would now
16 be able to participate in the sampling of various types of wines and other alcoholic
17 beverages and distilled spirits; and subsequently be provided the opportunity to
18 purchase the products at the end of the tasting event or at a future date, having
19 already experienced the products.

20 It is, further, the intent of *I Liheslaturan Guåhan* that the Alcoholic
21 Beverage Control Board provide for the proper conduct of sampling and tasting
22 events for alcoholic beverages or distilled spirits by promulgating applicable rules
23 and regulations, as authorized pursuant to this Act, and consistent with the scope
24 of its intent.

25 **Section 2.** A new §3229 is hereby *added* to Article 2 of Chapter 3, Title
26 11, Guam Code Annotated, to read:

1 “§ 3229. **Special Display and Tasting / Sampling Events;**

2 **Authorized.** (a) A person holding a valid off-sale license, wholesale
3 dealers’ license, or agent’s license, is authorized to conduct special display
4 and sampling / tasting events of authorized alcoholic beverages and distilled
5 spirits for the purpose of familiarizing consumers with the taste of an
6 alcoholic beverage or distilled spirit product(s) on authorized premises.

7 (b) The Board *shall*, within one hundred twenty (120) days of the
8 enactment of this Act, develop necessary procedures, and as deemed
9 necessary, promulgate rules and regulations, if any, to implement this
10 Section. The procedures, rules and regulations *shall* be duly promulgated
11 by the Board pursuant to Article 3 - Rule Making Procedures, of Chapter 9,
12 Title 5, Guam Code Annotated.

13 (1) The Board *shall* designate the categories of approved
14 alcoholic beverages and/or distilled spirits which are authorized for
15 consumption during sampling / tasting events; and

16 (2) *shall* determine the amount of, and manner by which, the
17 beverages may be offered or served for sampling / tasting.

18 (c) The authorized licensee *shall*, in addition to complying with
19 applicable rules and regulations promulgated relative to this Section, be
20 subject to the following conditions for the conduct of a sampling / tasting
21 event:

22 (1) The tasting / sampling *shall not* be for a fee or charge in
23 any amount to the consumer;

24 (2) The amount of alcoholic beverages offered for tasting
25 *shall* be limited to *no more than* one (1) three (3)-ounce sample of
26 each item per person, with the exception of distilled spirits, which

1 will be limited to a single one (1)-ounce sample of each item per
2 person;

3 (3) A wholesale dealer licensee or agent licensee *shall not*
4 sell any alcoholic beverage product directly to a consumer during the
5 tasting / sampling event; provided, *however*, that the holder of an off-
6 sale license applicable to the premises upon which the event is
7 conducted, may sell directly to consumers for later consumption *off*
8 the premises;

9 (4) Frequency of Event. A special tasting and sampling
10 event *shall not* be conducted for more than two (2) consecutive days
11 at a single location per week, nor more than a total of six (6) days at
12 the same location per month;

13 (5) Advance Notification of Planned Event to Board. Notice
14 of the anticipated or planned conduct of an event, or multiple events,
15 *shall* be submitted to the Board, in writing or by electronic
16 notification, *at least* five (5) business days in advance of the event.
17 The one (1) day per event special license *shall* be assessed a non-
18 recurring fee of Twenty-five Dollars (\$25.00). For all notice
19 submissions received *less than* five (5) business days from a planned
20 event, an *expedited processing fee* of Fifty Dollars (\$50.00) will be
21 assessed. Full payment of the license fee is due and payable at the
22 time a license is issued to the applicant; and

23 (6) Authorized Locations. The following locations are
24 authorized for the conduct of temporary special display and sampling
25 / tasting events for authorized alcoholic beverages:

1 (A) A business holding an off-Sale license, or
2 sponsored on the premises by a licensed wholesale dealer
3 or licensed agent of alcoholic beverages;

4 (B) A Class 1 Manufacturer's establishment, as
5 defined in this Chapter; and

6 (C) Hotel lobbies and hotel special event rooms,
7 to include, but *not* be limited to, exhibit halls, convention
8 centers, mall courtyards, club, vessel, transient vessel,
9 condominium hotel, brewpub and general caterer, when
10 sponsored by a licensed wholesale dealer or licensed
11 agent of alcoholic beverages.

12 (7) Monies Collected from Assessment of Fees. All monies
13 collected for the non-recurring fee and/or the *expedited processing*
14 *fee shall* be deposited into a separate account called the "Alcoholic
15 Beverage Compliance Fees and Fines Fund." The Administrator,
16 with Board approval, *shall* be authorized to use the monies collected
17 for programs to promote compliance with liquor laws, business
18 development, and improvement of interagency and interoffice
19 functions. Such programs may include, but are *not* limited to,
20 enforcement; public service announcements promoting responsible
21 drinking and driving practices; youth programs; education; and
22 Alcoholic Beverage Control Board and administrative meetings.

23 (d) Sampling and Licensed Premise.

24 (1) Licensees desiring to have a promotional sampling on
25 their premises *shall* clearly state and identify in the application the

1 type of liquor to be sampled, the date and hours the sampling is to
2 take place, and the name of the person in charge of the sampling;

3 (2) Samples of alcoholic beverages will be limited to one (1)
4 three (3)-ounce sample of each item per person. Distilled spirits will
5 be limited to a single one (1)-ounce sample of each item per person;

6 (3) No minors or persons under the age of twenty-one (21)
7 years shall be permitted to sample liquor;

8 (4) No person under the age of eighteen (18) years shall
9 serve alcohol, liquor, beer, and/or wine;

10 (5) A copy of the approval license *shall* be posted in the
11 vicinity of the sampling area; and

12 (6) Consumers (Tasters) *shall* remain within the designated
13 “event room” and *not* be allowed to wander throughout the premise,
14 and *shall not* be allowed to exit the premises with alcohol, liquor,
15 wine, and/or beer.”

16 **Section 3.** A new Subsection (a) is hereby added to § 3413 of Article 4,
17 Title 11, Guam Code Annotated, to read:

18 “(a) **Exception.** This §3413 *shall not* apply to temporary special
19 tasting and sampling events, as authorized pursuant to §3229 of Article 2, of
20 this Chapter.”

21 **Section 4. Severability.** *If* any provision of this Act or its application to
22 any person or circumstance is found to be invalid or contrary to law, such
23 invalidity shall *not* affect other provisions or applications of this Act which can be
24 given effect without the invalid provisions or application, and to this end the
25 provisions of this Act are severable.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 3/21/12

VOTING SHEET

Bill No. 328-31(COR)

Resolution No. _____

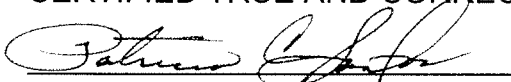
Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose					EA
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.		✓			
YAMASHITA, Aline A.	✓				

TOTAL

13 1 0 0 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



the People

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

DEC 19 2011

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Unu na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 328-31 (COR)

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report Bill No. 328-31 (COR): "An act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits by adding a new §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated." sponsored by Senator Dennis Rodriguez which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

<u>4</u>	TO PASS
<u>0</u>	TO NOT PASS
<u>3</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

2012 JAN 12 AM 11:23

WOW

COMMITTEE REPORT ON

Bill No. 328-31 (COR):

“An act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits by adding a new §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.”



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

DEC 19 2011

MEMORANDUM

To: All Members

Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 328-31 (COR)

Transmitted herewith is the Committee Report Bill No. 328-31 (COR):
"An act to provide for the regulated conduct of special tasting and
sampling events at approved locations, when conducted by a off-sale
licensee, wholesale licensee or agent licensee, for the sale of alcoholic
beverages and distilled spirits by adding a new §3229 to Article 2 of
§3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both
of Title 11, Guam Code Annotated." sponsored by Senator Dennis
Rodriguez which was referred to the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 328-31 (COR)
4. Public Hearing Sign-in Sheet
5. Copies of Submitted Testimony & Supporting Documents
6. Copy of COR Referral of Bill No. 328-31 (COR)
7. Notices of Public Hearing
8. Copy of the Public Hearing Agenda
9. Fiscal Notes

Please take the appropriate action on the attached voting sheet. Your
attention to this matter is greatly appreciated. Should you have any
questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

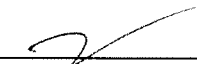
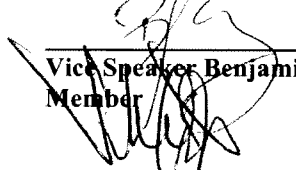
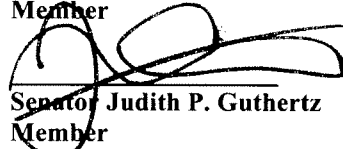
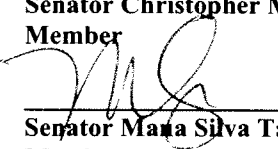
Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

**Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,
Retirement, and Land**

Bill No. 328-31 (COR): An act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits by adding a new §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.

Committee Members	To Pass	To Not Pass	Report Out	Abstain	Inactive Files
 Senator Vicente C. Pangelinan Chairperson	☒	☐	☐	☐	☐
Speaker Judith T. Won Pat, Ed.D Vice Chairperson	☐	☐	☐	☐	☐
 Vice Speaker Benjamin J.F. Cruz Member	☒	☐	☐	☐	☐
Senator Tina Rose Muña-Barnes Member	☐	☐	☒	☐	☐
 Senator Judith P. Guthertz Member	☐	☐	☐	☐	☐
Senator Dennis Rodriguez, Jr. Member	☒	☐	☐	☐	☐
Senator V. Anthony Ada Member	☐	☐	☒	☐	☐
Senator Christopher M. Dueñas Member	☐	☐	☒	☐	☐
 Senator Maria Silva Taijeron Member	☐	☐	☒	☐	☐



Office of

the People

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 328-31 (COR): An act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits by adding a new §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on November 29, 2011 at 1:00 pm in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on November 21, 2011 (5-Day Notice), and again on November 27, 2011 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) Cabrera Pangelinan, Chairman
Senator Dennis Rodriguez, Member
Senator V. Anthony Ada, Member
Senator Mana Silva Taijeron, Member
Senator Adolpho Palacios
Senator Tom Ada
Senator Frank Blas, Jr.

(b) Appearing before the Committee

Ms. Lucia Perez, ABC Board
Mr. Craig Thompson, ABC Board
Ms. Maria Flor Herrero, Lorea Industries - President

(c) Written Testimonies Submitted

Ms. Lucia Perez, ABC Board
Ms. Maria Flor Herrero, Lorea Industries - President
Mr. James Anthony Castro, MidPac – Marketing Director

II. COMMITTEE PROCEEDINGS

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Website: <http://senbenp.com>

(a) Bill Sponsor Summary

Senator Rodriguez: Thank you very much and thank you as well for holding a hearing on this measure. Bill 328-31, as of right now, special tasting events and sampling of by a off-sale licensee, wholesale licensee or agent licensee for the sale of alcoholic beverages and distilled spirits is prohibited by law. At least in so far that the consumer cannot participate in the event. The inability to conduct tasting events upon the premises has historically blocked what is commonly a responsibly conducted practice in other areas such as California. My purpose was to facilitate the judicious and responsible conduct of these events where wines and liquors are sampled and tasted under responsible and controlled conditions on approved premises with a holder of a valid license issued by the Alcoholic Beverage Control (ABC) board. This will not allow, promote, or be responsible for the onsite conduct for tasting events of alcohol beverages and distilled spirits. Consumers will now be able to participate in the sampling of varying types of wines and other alcoholic beverages and distilled spirits and subsequently be provided the opportunity to purchase the products at the end of the tasting event as they leave or at a future date, at their leisure, already experiencing the products.

The bill also calls for the ABC board to provide for the proper conduct of sampling and tasting events for alcoholic or distilled spirits by promulgating applicable rules and regulations consistent with the scope and act.

Most importantly, this legislation will help our non-profit organizations conduct fundraisers. We have seen more now have wine tasting events but they really are not maximizing their full potential that they can receive from these fundraisers because of how are laws are written and hopefully what this does is give them more opportunity to benefit.

(b) Testimony

1. Ms. Lucia Perez, ABC Board

(read written testimony)

Panel Comments and Questions

Chairman Pangelinan: Thank you

2. Ms. Maria Flor Herrero, Lorea Industries - President

(read written testimony)

Panel Comments and Questions

Chairman Pangelinan: I'm not sure how you envision this but will there be, other than non-profits when you are making a donation, would there be charges that were allowed? Do you envision that?

Ms. Perez: Part of the bill states that during an event, the consumer cannot be charged, because it is simply that, a wine tasting event. However, if a consumer wishes, at a later time because they have tasted that wine and they know exactly what they wanted to purchase, they can go off site and do just that.

Chairman Pangelinan: So, there are no sales to the public?

Ms. Perez: Right.

Chairman Pangelinan: This concludes the testimony on Bill No. 328-31. There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at senbenp@guam.net or through our website at senbenp.com

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 328-31 (COR), As Introduced, by the committee with the recommendation To report out only.

2011 OCT -4 PM 2:00

Introduced by:

T.C. ADA *ju*

F.F. BLAS, JR.

A.B. PALACIOS, SR.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1

1 It is the intent of *I Liheslaturan Guåhan* to facilitate the judicious and
2 responsible conduct of special events where displays of wines and liquors are
3 sampled and tasted under responsible, controlled conditions on approved premises
4 by the holder of a valid Off-Sale License, Wholesale Dealer License or Agent
5 License issued by the Alcohol Beverage Control Board, as provided pursuant to
6 applicable law, rules and regulations. It is, further, the intent of *I Liheslaturan*
7 *Guåhan* to allow and promote the responsible, regulated on-site conduct of tasting
8 events for alcohol beverages and distilled spirits. Consumers would now be able to
9 participate in the sampling of varying types of wines and other alcoholic beverages
10 and distilled spirits, and, subsequently, be provided the opportunity to purchase the
11 products at the end of the tasting event as they leave, or at their leisure at a future
12 date having already experienced the products.

13 It is, further, the intent of *I Liheslaturan Guåhan* that the Alcohol Beverage
14 Control Board provide for the proper conduct of sampling and tasting events for
15 alcoholic beverages or distilled spirits by promulgating applicable rules and
16 regulations, as authorized pursuant to this Act, and consistent within the scope of
17 its intent.

18 **Section 2.** A new §3229 is hereby added to Article 2 of Chapter 3, Title 11,
19 Guam Code Annotated, to read:

20 **“§3229. Special Display and Tasting / Sampling Events; Authorized.**

21 (a) A person holding a valid Off-Sale License, Wholesale Dealers’ License, or
22 Agent’s License, is authorized to conduct special display and sampling / tasting
23 events of authorized alcoholic beverages and distilled spirits for the purpose of
24 familiarizing consumers with the taste of an alcoholic beverage or distilled spirit
25 product(s) on authorized premises.

1 (b) The Board shall, within 120 days of the enactment of this Act, develop
2 necessary procedures, and as deemed necessary promulgate rules and regulations,
3 if any, to implement this Section. The procedures, rules and regulations shall be
4 duly promulgated by the Board pursuant to Article 3 - Rule Making Procedures, of
5 Chapter 9, Title 5, Guam Code Annotated.

6 i. The Board shall designate the categories of approved alcoholic
7 beverages and/or distilled spirits which are authorized for consumption
8 during sampling / tasting events; and

9 ii. Shall determine the amount of, and manner by which, the beverages
10 may be offered or served for sampling / tasting.

11 (c) The authorized licensee shall, in addition to complying with applicable
12 rules and regulations promulgated relative to this Section, be subject to the
13 following conditions for the conduct of a sampling / tasting event:

14 i. The tasting / sampling shall not be for a fee or charge in any amount
15 to the consumer;

16 ii. The amount of alcoholic beverages offered for tasting shall be limited
17 to no more one (1) three-ounce (3 oz.) sample of each item per person, with
18 the exception of distilled spirits, which will be limited to a single one-ounce
19 (1 oz.) sample of each item per person;

20 iii. A Wholesale Dealer Licensee or Agent Licensee shall not directly sell
21 any alcoholic beverage product directly to a consumer during the tasting /
22 sampling event, provided, however, the holder of an off-sale license
23 applicable to the premises upon which the event is conducted, may sell
24 directly to consumers for later consumption *off* the premises;

1 iv. Frequency of Event. A special tasting and sampling event shall not be
2 conducted for more than two consecutive days at a single location per week,
3 nor more than a total of six days at the same location per month;

4 v. Advance Notification of Planned Event to Board. The anticipated or
5 planned conduct of an event, or multiple events, shall be submitted to the
6 Board in writing or by electronic notification at least five (5) business days
7 in advance of the event. The one (1) day per event special license shall be
8 assessed a non-recurring fee of \$25.00. For all submissions received less
9 than five (5) business days from planned event, an “Expedited Processing
10 Fee” \$50.00 will be assessed. Full payment of the license fee is due and
11 payable at the time license is issued to the applicant; and

12 vi. Authorized Locations. The following locations are authorized for the
13 temporary conduct of special display and sampling / tasting events for
14 authorized alcoholic beverages:

- 15 1. Business holding an Off-Sales License, or sponsored on the
16 premises by a Licensed Wholesale Dealer or Licensed Agent of
17 Alcoholic Beverages;
- 18 2. Class 1 Manufacturer’s establishment, as defined in this Chapter;
- 19 3. Hotel lobbies and hotel special event rooms, to include, but not be
20 limited to, exhibit halls, convention center, Mall courtyards, Club,
21 Vessel, Transient Vessel, Condominium Hotel, Brewpub and
22 General Caterer; when sponsored by a Licensed Wholesale Dealer
23 or Licensed Agent of Alcoholic Beverages.

24 vii. Monies Collected from Assessment of Fees. All monies collected for
25 the Non-Recurring and/or “Expedited Processing Fee” shall be deposited
26 into a separate account labeled, “Alcohol Beverage Compliance Fees and

1 Fines Fund.” The Administrator, with Board approval, shall be authorized
2 to use monies collected for programs to promote compliance with liquor
3 laws, business development, and improvement of interagency and interoffice
4 functions. Such programs may include but are not limited to: enforcement,
5 public services announcements promoting responsible drinking and driving
6 practices, youth programs, education and Alcoholic Beverage Control Board
7 and administrative meetings.

8 (d) Sampling and Licensed Premise.

9 i. Licensees desiring to have a promotional sampling on their premises shall
10 clearly stated and identify in application the type of liquor to be sampled, the
11 date and hours sampling is to take place and the name of the person in
12 charge of the sampling;

13 ii. Samples of alcoholic beverages, will be limited to one (1) three-ounce (3
14 oz.) sample of each item per person. Distilled spirits will be limited to a
15 single one-ounce (1 oz.) sample of each item per person;

16 iii. No minors or person under the age of 21 years of age shall be permitted
17 sample liquor;

18 iv. No person under the age of eighteen (18) years shall serve alcohol,
19 liquor, beer and/or wine;

20 v. A copy of the approval license shall be posted in the vicinity of the
21 sampling area; and

22 vi. Consumers (Tasters) shall remain within the designated “event room”
23 and not be allowed to wander throughout the premise and shall not be
24 allowed to exit the premises with alcohol, liquor, wine and or beer.

25 **Section 3.** § 3413 of Article 4, Title 11, Guam Code Annotated, is hereby
26 amended adding a new Subsection (a), to read:

1 **“§3413. Consumption Forbidden.** Unless authorized by a license issued
2 for the premises and sold by the licensee, a person shall not consume any alcoholic
3 beverages on any premises where alcoholic beverages are sold, nor except as
4 prescribed by the Board by regulation, on any premises open or used by the public.

5 (a) Exception; This §3413 shall not apply to temporary special tasting and
6 sampling events, as authorized pursuant to §3229 of Article 2, of this
7 Chapter.”

8 **Section 4. Severability.** *If* any provision of this Act or its application to
9 any person or circumstance is found to be invalid or contrary to law, such
10 invalidity shall *not* affect other provisions or applications of this Act which can be
11 given effect without the invalid provisions or application, and to this end the
12 provisions of this Act are severable.”

13 **Section 5. Effective Date.** This Act shall become immediately effective
14 upon enactment.



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE, RETIREMENT AND LAND**

Tuesday, November 29, 2011

Bill No. 328

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Lucia Perez			lperez@guam.net	✓	✓	✓	

324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net



GOVERNMENT OF GUAM

DEPARTMENT OF REVENUE AND TAXATION

ALCOHOLIC BEVERAGE CONTROL BOARD

P.O. Box 23607 GMF Barrigada
Guam 96921

Phone Number: (671)635-1806/05/02

EDDIE BAZA CALVO, Governor Maga'láhi
RAYMOND TENORIO, Lt. Governor Tifente Gubetnadot

CRAIG THOMPSON, Member
LUCIA R. PEREZ, Member

JONH P. CAMACHO, Administrator/Director
MARIE M. BENITO, Deputy Director

Testimony in Support of Bill No. 328-31

AN ACT TO PROVIDE FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY A OFF-SALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS BY ADDING A NEW §3229 TO ARTICLES 2 OF §3215, CHAPTER 3, AND BY AMENDING §3413 OF ARTICLE 4 OF CHAPTER 3, BOTH OF TITLE 11, GUAM CODE ANNOTATED.

*A warm Hafa Adai and Good Afternoon Senators_____. On behalf of ABC Board Member Craig Thompson and me (Lucia Perez), we appreciate the opportunity to submit this **testimony in support of Bill No. 328-31**. It is because of the teamwork and research conducted by the Alcohol Beverage Control team within the Department of Revenue & Taxation, Board Member Thompson, myself and staff from the office of Senator Dennis Rodriguez, Jr. office that we feel this bill in present form presented to you today is ready to be presented to the Legislature as a whole.*

The bill when passed into law will allow and promote responsible and regulated "Special Tasting and Sampling Events." It also establishes the amount of alcoholic beverages allowed to be dispensed in addition to the establishment of a separate account called the "Alcohol Beverage Compliance Fees and Fines Funds." The funding source will be utilized for programs to promote compliance with liquor laws, public education and improvements within the office.

The bill also allows the development of rules and regulations necessary to ensure compliance and most importantly makes the rules and regulations dynamic enough so when updating is needed it can be done so via the ABC Board. This in itself will ensure that all fee structures are current.

Should you have any questions Mr. Thompson and I are available at this time or can be contacted at 488-5824.

11-29-2011

Lorea Industires

220 East Harmon Industrial Park, C-6

Harmon, Guam 96913

Dear Senators,

My name is Maria Flor Herrero and I am the president of Lorea Industries, an importer and wholesaler/distributor of wines, liquors and other products in Guam.

I represent various wine companies from Europe, mainly Spain, as well as companies from Portugal, Chile, Argentina, and California in the United States.

The reason why I am here today is because I would like to testify on behalf of Bill No. 328-31, an Act to provide for the regulated conduct of special wine tasting and sampling events at approved locations, and to amend the existing law regarding tastings of wines and liquors in different establishments of Guam.

Currently the existing law prohibits the tasting of alcoholic beverages, including wine, in off-sale Licensee locations such as supermarkets and other establishments/gift shops which sell wine and other alcoholic beverages.

As a wholesaler, of course I will benefit from this Bill and so will a whole lot of business people in Guam as well as the whole Guam economy in general because it will generate more wine sales.

However, the ones who will benefit the most are the consumers of Guam.

Wine is becoming a very popular drink for many reasons. Doctors recommend it, with moderation of course, because it is natural, is a great compliment to a great meal, it enhances the taste of the food, and especially because red wine has an enzyme Resveratrol, an antioxidant present in many plants and products, especially in red grape skins, which has been found in various studies to be a very good health enhancer.

But how to navigate the market and find out which of the many choices available is the right one at each particular moment and occasion? The obvious answer is of course, Wine Tastings. One of the main aspects of wine Tastings is to educate the consumer as to the many different types of wines available and its many characteristics.

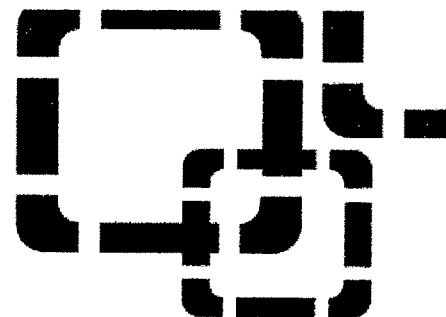
Besides being an importer and wholesaler of wine, I do happen to love and enjoy all the aspects of the Wine World and the Culture of wine. It is amazing because there are so many variables involved in the making of wine, from the terrain/soil, to the different climatic zones where the vines grow, to the climate conditions, to the different types /varieties of grapes, to the actual Wine maker and the making of the wine each and every year after the harvest.

But in the end the most crucial aspect is how the final product tastes. There is only one way to find out, that is by tasting it. However, the making of wine is not cheap, thus the final product is not cheap either. This is why there are wine tastings all over the world, from Spain, where I come from, to France, Italy, California, Japan, Australia and even in China, which is quickly becoming one of the mayor consumers of wine.

I myself conduct wine tastings regularly in most of the NEX and AFEX stores in Guam, which are located inside the military bases. I do enjoy these tastings because it gives me a chance to share my products with the consumers, to educate them as to the many aspects of wine, and to share with them my limited knowledge and love of the amazing world of wine.

Frankly, I see no reason why the rest of the people of Guam, especially those who are starting to discover the world of wine and slowly but surely developing a love and taste for it, always in moderation of course, should not have the same opportunity as the people who are inside, or have access to the military bases.

Thank you.



Mid Pacific Distributors, Inc.
600 Heilo St. Suite 110
Hagatpa, GU 96913

Phone (671) 635-5894/2
Fax (671) 637-5832

November 29, 2011

Hafa Aдай I Liheshlaturan Guahan,

Thank you for your time and allowing us to enter into record our testimony.

We are in support of Bill No. 328-31, an act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by an off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits.

This bill would help us to support non-profit organizations (NPO) for their fundraisers. Currently, NPOs would have to hold their events in a non-ABC licensed venue, in order to do a sampling or special tasting fundraising occasion. NPOs are only able to sell tickets to the events that allow them to attend their event and enjoy what's available. This limits the NPO's opportunity to raise more money for their cause, due to the limitation of selling products. Should this bill pass, NPOs would now have the ability to hold events at ABC licensed venues and have the ability to increase their fundraising proceeds.

We believe in helping our community and we believe in supporting various NPOs on Guam. Bill No. 328-31 would allow us to do this and help all of the island's non-profit organizations raise the necessary money needed to keep their organizations operational to help our people.

Please support Bill No. 328-31.

Si Yu'os Ma'ase

Senseramente!

James Anthony Castro
Marketing Director

Bureau of Budget & Management Research
Fiscal Note of Bill No. 328-31 (COR)

AN ACT TO PROVIDE FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY A OFFSALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS BY ADDING A NEW §3229 TO ARTICLE 2 OF §3215, CHAPTER 3, AND BY AMENDING §3413 OF ARTICLE 4 OF CHAPTER 3, BOTH OF TITLE 11, GUAM CODE ANNOTATED.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Revenue & Taxation (DRT)	Dept./Agency Head: John P. Camacho
Department's General Fund (GF) appropriation(s) to date:	\$9,738,912
Department's Other Fund (Specify) appropriation(s) to date: Tax Collection Enhancement Fund (TCEF) - \$491,863 Better Public Service Fund (BPSF) - \$1,422,747	1,914,610
Total Department/Agency Appropriation(s) to date:	\$11,653,522

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes / x/ No
 If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / x/ N/A / / Yes / / No
 If no, what is the additional amount required? \$ / x/ N/A
3. Does the Bill establish a new program/agency? / / Yes / x/ No
 If yes, will the program duplicate existing programs/agencies? / x/ N/A / / Yes / / No
 Is there a federal mandate to establish the program/agency? / / Yes / x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes / x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x/ Yes / / No
 / x/ Requested agency comments not received by due date / / Other: _____

Analyst: Michael M. Aflague, B&M Analyst Date: 10/27/11 Director: John A. Rios, Acting Director Date: 11/1/11

Footnotes: The Bill has a potential for additional funding impact, however in its present form that impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Christopher M. Duenas

October 5, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio

Subject: Referral of Bill Nos. 326-31(COR) through 336-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 326-31 (COR) through 336-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(6) Attachment

2011 OCT -5
M
11:11:19

328-31 (COR)	D.G. Rodriguez, Jr. T.C. Ada F.F. Blas, Jr. A.B. Palacios, Sr.	AN ACT TO PROVIDE FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY A OFF-SALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS BY ADDING A NEW §3229 TO ARTICLE 2 OF §3215, CHAPTER 3, AND BY AMENDING §3413 OF ARTICLE 4 OF CHAPTER 3, BOTH OF TITLE 11, GUAM CODE ANNOTATED.	10/04/11 2:00 p.m	10/5/11	Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			
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Public Hearing - First Notice

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Hafa Adai,
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Tuesday, November 29 beginning at 1:00pm at the Guam Legislature Public Hearing Room and 6:30pm at the Chalan Pago Community Center. See attached for further details.

Saina Ma'ase.

Lisa Cipollone
 Chief of Staff
 Office of Senator ben c. pangelinan
 (671) 473-4236
cipo@guamlegislature.org

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Development, and Election
Reform

I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

November 21, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – FIRST NOTICE

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing on **Tuesday, November 29, 2011 beginning at 1:00m** at the Guam Legislature's Public Hearing Room and **beginning at 6:30pm** at the Chalan Pago Community Center.

Agenda

1:00 pm

Guam Legislature Public Hearing Room

Bill No. 205-31 (COR): An Act authorizing *I Maga'lahaen Guahan* to borrow up to \$2,000,000 for the purchase and installation of a new emergency 911 system.

Bill No. 280-31 (COR): An Act to appropriate the sum of Five Hundred Thousand Dollars (\$500,000.00) from the Enhanced 911 Emergency Reporting System Fund to the Guam Fire Department Capital Revolving Fund for the purpose of purchasing ambulances.

Bill No. 328-31 (COR): An Act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee for the sale of alcoholic beverages and distilled spirits by adding a New §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.

Bill No. 175-31 (COR): An Act to rezone Lot No. 5231-9-1, in the Municipality of Dededo from Agriculture "A" to Commercial "C".

Bill No. 251-31 (COR): An Act relative to re-zoning Lot No. 54NEW-R1, located in the Municipality of Tamuning, from Residential ("R-1") to Commercial ("C") for purposes of establishing a medical related business.

Bill No. 352-31 (COR): An Act to rezone Lot No. 10060REM-4-1-1, In the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.

Bill No. 353-31 (COR): An Act to rezone Lot No. 10060 REM 3-R3, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 354-31 (COR): An Act to rezone Lot No. 10060-REM-3-1, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 355-31 (COR): An Act to rezone Lot No. 10060 REM 3-2, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 356-31 (COR): An Act to rezone Lot No. 10060 REM 3-3, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 357-31 (COR): An Act to rezone Lot No. 10060-REM-2-2NEW, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 358-31 (COR): An Act to rezone Lot No. 10060 REM2-1-R2, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 359-31 (COR): An Act to rezone Lot No. 10060 REM-2-2-1-R1, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 369-31 (COR): An Act to zone the previously unzoned Lot No. 1060-5-1, in the Municipality of Barrigada, to Single-Family Dwelling (R-1).

Bill No. 370-31 (COR): An Act to zone the previously unzoned Lot No. 1060-5-2, in the Municipality of Barrigada, to Single-Family Dwelling (R-1).

Bill No. 371-31 (COR): An Act to rezone Lot No. 19A-3, in the Municipality of Sinajana from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Agenda

6:30pm

Chalan Pago Community Center

Bill No. 334-31 (COR): An Act to Rezone Lot No. 3261-R4 in the Municipality of Chalan Pago from Residential “R-1” to Light Industrial “M1” Zone.

Bill No. 335-31 (COR): An Act to Rezone Lot No. 3261-1-R3 in the Municipality of Chalan Pago from Residential “R-1” to Light Industrial “M1” Zone.

Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guåhan gi www.guamlegislature.com. Yanggen para un na’hâlom testigu-mu, chule’ para i ifisinan-mâmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapási nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature’s website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net



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Hafa Adai,

Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Tuesday, November 29 beginning at 1:00pm at the Guam Legislature Public Hearing Room and 6:30pm at the Chalan Pago Community Center. The agenda is as follows:

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Måttes, gi diha 29 gi Nubembre 2011
 (Tuesday, November 29, 2011)

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
 (Guam Legislature Public Hearing Room)

**TAREHA
(AGENDA)**

ala una gi despues di talo'áni
 (1:00 PM)

**Priniponi Siha
(Bills)**

Bill No. 205-31 (COR): An Act authorizing *I Maga'lahan Guahan* to borrow up to \$2,000,000 for the purchase and installation of a new emergency 911 system.

Bill No. 280-31 (COR): An Act to appropriate the sum of Five Hundred Thousand Dollars (\$500,000.00) from the Enhanced 911 Emergency Reporting System Fund to the Guam Fire Department Capital Revolving Fund for the purpose of purchasing ambulances.

Bill No. 328-31 (COR): An Act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee for the sale of alcoholic beverages and distilled spirits by adding a New §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.

Bill No. 175-31 (COR): An Act to rezone Lot No. 5231-9-1, in the Municipality of Dededo from Agriculture "A" to Commercial "C".

Bill No. 352-31 (COR): An Act to rezone Lot No. 10060REM-4-1-1, In the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.

Bill No. 353-31 (COR): An Act to rezone Lot No. 10060 REM 3-R3, In the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.

Bill No. 354-31 (COR): An Act to rezone Lot No. 10060-REM-3-1, In the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.

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Bill No. 357-31 (COR): An Act to rezone Lot No. 10060-REM-2-2NEW, In the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.

Bill No. 358-31 (COR): An Act to rezone Lot No. 10060 REM2-1-R2, In the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.

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Bill No. 370-31 (COR): An Act to zone the previously unzoned Lot No. 1060-5-2, In the Municipality of Barrigada, to Single-Family Dwelling (R-1).

Bill No. 371-31 (COR): An Act to rezone Lot No. 19A-3, in the Municipality of Sinajana from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Sentan Kumunidat Chalan Pago
(Chalan Pago Community Center)

TAREHA
(AGENDA)

gi alas 6:30 gi pipuengi
(6:30 pm)

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Saina Ma'ase.

Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
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Saina Ma'ase.

Lisa Cipollone
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I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

November 27, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing on **Tuesday, November 29 2011 beginning at 1:00pm** at the Guam Legislature's Public Hearing Room and **beginning at 6:30pm** at the Chalan Pago Community Center.

Agenda

1:00 pm

Guam Legislature Public Hearing Room

Bill No. 205-31 (COR): An Act authorizing *I Maga'lahren Guahan* to borrow up to \$2,000,000 for the purchase and installation of a new emergency 911 system.

Bill No. 280-31 (COR): An Act to appropriate the sum of Five Hundred Thousand Dollars (\$500,000.00) from the Enhanced 911 Emergency Reporting System Fund to the Guam Fire Department Capital Revolving Fund for the purpose of purchasing ambulances.

Bill No. 328-31 (COR): An Act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee for the sale of alcoholic beverages and distilled spirits by adding a New §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.

Bill No. 175-31 (COR): An Act to rezone Lot No. 5231-9-1, in the Municipality of Dededo from Agriculture "A" to Commercial "C".

Bill No. 251-31 (COR): An Act relative to re-zoning Lot No. 54NEW-R1, located in the Municipality of Tamuning, from Residential ("R-1") to Commercial ("C") for purposes of establishing a medical related business.

Bill No. 352-31 (COR): An Act to rezone Lot No. 10060REM-4-1-1, in the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.

Bill No. 353-31 (COR): An Act to rezone Lot No. 10060 REM 3-R3, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 354-31 (COR): An Act to rezone Lot No. 10060-REM-3-1, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

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Agenda

6:30pm

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gi Máttas, gi díha 29 gi Nubembre 2011
(Tuesday, November 29, 2011)

Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)

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ala una gi despues di talo'ani
(1:00 PM)

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Sentan Kumunidat Chalan Pago
(Chalan Pago Community Center)

TAREHA
(AGENDA)

gi alas 6:30 gi pipuengi
(6:30 pm)

Bill No. 334-31 (COR): An Act to Rezone Lot No. 3261-R4 in the Municipality of Chalan Pago from Residential "R-1" to Light Industrial "M1" Zone.

Bill No. 335-31 (COR): An Act to Rezone Lot No. 3261-1-R3 in the Municipality of Chalan Pago from Residential "R-1" to Light Industrial "M1" Zone.

Yanggen un nisisita espesiát na setbision, put fabot ágang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi www.guamlegislature.com. Yanggen para un na 'hálom testigu-mu, chule' para i ifisinan-mámi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapási nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

Saina Ma'ase.

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org

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22	Employment	22
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\$3.00 ea. - Additional Packages \$5.00 ea.
\$3.00 ea.



I Mina Trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan
Office of the People
Website: www.senbenp.com

INEKUNGOK PUPLEKO
(PUBLIC HEARING)

gi Måttes, gi dña 29 gi Nubembre 2011
(Tuesday, November 29, 2011)

Kuaiton Inekungok Pupileko gi i Liheslaturan Guahan
(Guam Legislature Public Hearing Room)

TAREHA
(AGENDA)

als una gi despues di lalo' ani
(1:00 PM)

Prinsipni Siba
(Bills)

Bill No. 205-31 (COR): An Act authorizing i Maga'tehen Guahan to borrow up to \$2,000,000 for the purchase and installation of a new emergency 911 system.

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Sontan Kumantidit Chulan Pago
(Chulan Pago Community Center)

TAREHA
(AGENDA)

gi alas 6:30 gi pñuengi
(6:30 pm)

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Nov 27, 2011



**I Mina'trentai Unu Na
Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan
Office of the People
Website: www.senbenp.com**

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Måttes, gi diha 29 gi Nubembre 2011
(Tuesday, November 29, 2011)***

***Kuåtton Inekungok Pupbleko gi I Liheslaturan Guahan
(Guam Legislature Public Hearing Room)***

**TAREHA
(AGENDA)**

***ala una gi despues di talo'ani
(1:00 PM)***

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(Chalan Pago Community Center)***

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(AGENDA)***

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MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular

Bill No. 328-31 (cor)

Introduced by:

D.G. RODRIGUEZ, JR. *Dr*

T.C. ADA *TC*

F.F. BLAS, JR. *FF*

A.B. PALACIOS, SR. *AB*

AN ACT TO PROVIDE FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY A OFF-SALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS BY ADDING A NEW §3229 TO ARTICLE 2 OF §3215, CHAPTER 3, AND BY AMENDING §3413 OF ARTICLE 4 OF CHAPTER 3, BOTH OF TITLE 11, GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent: *I Liheslaturan Guåhan* finds that the conduct of wine, liquor and liqueur tasting / sampling events by a off-sale licensee, wholesale dealer licensee or agent licensee of alcoholic beverages or distilled spirits is prohibited by law (11 GCA, Chapter 3, Article 4, §3413) in so far as that the consumer cannot participate in the event. The inability to conduct tasting events upon the premises has historically blocked what is commonly a responsibly conducted practice in other areas such as California where wine tasting, as well as other alcoholic beverages and distilled spirits, is a common event.

1 by the holder of a valid Off-Sale License, Wholesale Dealer License or Agent
2 License issued by the Alcohol Beverage Control Board, as provided pursuant to
3 applicable law, rules and regulations. It is, further, the intent of *I Liheslaturan*
4 *Guåhan* to allow and promote the responsible, regulated on-site conduct of tasting
5 events for alcohol beverages and distilled spirits. Consumers would now be able to
6 participate in the sampling of varying types of wines and other alcoholic beverages
7 and distilled spirits, and, subsequently, be provided the opportunity to purchase the
8 products at the end of the tasting event as they leave, or at their leisure at a future
9 date having already experienced the products.

10 It is, further, the intent of *I Liheslaturan Guåhan* that the Alcohol Beverage
11 Control Board provide for the proper conduct of sampling and tasting events for
12 alcoholic beverages or distilled spirits by promulgating applicable rules and
13 regulations, as authorized pursuant to this Act, and consistent within the scope of
14 its intent.

15 **Section 2.** A new §3229 is hereby added to Article 2 of Chapter 3, Title 11,
16 Guam Code Annotated, to read:

17 **“§3229. Special Display and Tasting / Sampling Events; Authorized.**

18 (a) A person holding a valid Off-Sale License, Wholesale Dealers’ License, or
19 Agent’s License, is authorized to conduct special display and sampling / tasting
20 events of authorized alcoholic beverages and distilled spirits for the purpose of
21 familiarizing consumers with the taste of an alcoholic beverage or distilled spirit
22 product(s) on authorized premises.

23 (b) The Board shall, within 120 days of the enactment of this Act, develop
24 necessary procedures, and as deemed necessary promulgate rules and regulations,
25 if any, to implement this Section. The procedures, rules and regulations shall be

duly promulgated by the Board pursuant to Article 3 - Rule Making Procedures, of Chapter 9, Title 5, Guam Code Annotated.

i. The Board shall designate the categories of approved alcoholic beverages and/or distilled spirits which are authorized for consumption during sampling / tasting events; and

ii. Shall determine the amount of, and manner by which, the beverages may be offered or served for sampling / tasting.

(c) The authorized licensee shall, in addition to complying with applicable rules and regulations promulgated relative to this Section, be subject to the following conditions for the conduct of a sampling / tasting event:

i. The tasting / sampling shall not be for a fee or charge in any amount to the consumer;

ii. The amount of alcoholic beverages offered for tasting shall be limited to no more one (1) three-ounce (3 oz.) sample of each item per person, with the exception of distilled spirits, which will be limited to a single one-ounce (1 oz.) sample of each item per person;

iii. A Wholesale Dealer Licensee or Agent Licensee shall not directly sell any alcoholic beverage product directly to a consumer during the tasting / sampling event, provided, however, the holder of an off-sale license applicable to the premises upon which the event is conducted, may sell directly to consumers for later consumption *off* the premises;

iv. Frequency of Event. A special tasting and sampling event shall not be conducted for more than two consecutive days at a single location per week, nor more than a total of six days at the same location per month;

v. Advance Notification of Planned Event to Board. The anticipated or planned conduct of an event, or multiple events, shall be submitted to the

1 Board in writing or by electronic notification at least five (5) business days
2 in advance of the event. The one (1) day per event special license shall be
3 assessed a non-recurring fee of \$25.00. For all submissions received less
4 than five (5) business days from planned event, an "Expedited Processing
5 Fee" \$50.00 will be assessed. Full payment of the license fee is due and
6 payable at the time license is issued to the applicant; and

7 vi. Authorized Locations. The following locations are authorized for the
8 temporary conduct of special display and sampling / tasting events for
9 authorized alcoholic beverages:

- 10 1. Business holding an Off-Sales License, or sponsored on the
11 premises by a Licensed Wholesale Dealer or Licensed Agent of
12 Alcoholic Beverages;
- 13 2. Class 1 Manufacturer's establishment, as defined in this Chapter;
- 14 3. Hotel lobbies and hotel special event rooms, to include, but not be
15 limited to, exhibit halls, convention center, Mall courtyards, Club,
16 Vessel, Transient Vessel, Condominium Hotel, Brewpub and
17 General Caterer; when sponsored by a Licensed Wholesale Dealer
18 or Licensed Agent of Alcoholic Beverages.

19 vii. Monies Collected from Assessment of Fees. All monies collected for
20 the Non-Recurring and/or "Expedited Processing Fee" shall be deposited
21 into a separate account labeled, "Alcohol Beverage Compliance Fees and
22 Fines Fund." The Administrator, with Board approval, shall be authorized
23 to use monies collected for programs to promote compliance with liquor
24 laws, business development, and improvement of interagency and interoffice
25 functions. Such programs may include but are not limited to: enforcement,
26 public services announcements promoting responsible drinking and driving

1 practices, youth programs, education and Alcoholic Beverage Control Board
2 and administrative meetings.

3 (d) Sampling and Licensed Premise.

4 i. Licensees desiring to have a promotional sampling on their premises shall
5 clearly stated and identify in application the type of liquor to be sampled, the
6 date and hours sampling is to take place and the name of the person in
7 charge of the sampling;

8 ii. Samples of alcoholic beverages, will be limited to one (1) three-ounce (3
9 oz.) sample of each item per person. Distilled spirits will be limited to a
10 single one-ounce (1 oz.) sample of each item per person;

11 iii. No minors or person under the age of 21 years of age shall be permitted
12 sample liquor;

13 iv. No person under the age of eighteen (18) years shall serve alcohol,
14 liquor, beer and/or wine;

15 v. A copy of the approval license shall be posted in the vicinity of the
16 sampling area; and

17 vi. Consumers (Tasters) shall remain within the designated "event room"
18 and not be allowed to wander throughout the premise and shall not be
19 allowed to exit the premises with alcohol, liquor, wine and or beer.

20 **Section 3.** § 3413 of Article 4, Title 11, Guam Code Annotated, is hereby
21 amended adding a new Subsection (a), to read:

22 **"§3413. Consumption Forbidden.** Unless authorized by a license issued
23 for the premises and sold by the licensee, a person shall not consume any alcoholic
24 beverages on any premises where alcoholic beverages are sold, nor except as
25 prescribed by the Board by regulation, on any premises open or used by the public.

1 (a) Exception; This §3413 shall not apply to temporary special tasting and
2 sampling events, as authorized pursuant to §3229 of Article 2, of this
3 Chapter.”

4 **Section 3. Severability.** *If* any provision of this Act or its application to
5 any person or circumstance is found to be invalid or contrary to law, such
6 invalidity shall *not* affect other provisions or applications of this Act which can be
7 given effect without the invalid provisions or application, and to this end the
8 provisions of this Act are severable.”

9 **Section 4. Effective Date.** This Act shall become immediately effective
10 upon enactment.