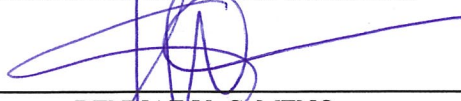


I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session
LEGISLATIVE SESSION VOTING RECORD

Bill No. 40-35 (COR) As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building November 18, 2019					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON					✓	✓
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedo" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES					✓	✓

TOTAL:	13	2	2	2	2	
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 40-35 (COR)

As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole.

*

Introduced by:

Telo T. Taitague

AN ACT TO AMEND § 3229(c)(7) OF ARTICLE 2, AND ADD A NEW § 3126 TO ARTICLE 1, BOTH OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE “ALCOHOLIC BEVERAGE COMPLIANCE FEES AND FINES FUND.”

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

finds that Public Law 31-199 was enacted on April 2, 2012 providing for the proper conduct of sampling and tasting events for alcoholic beverages or distilled spirits.

Included in the measure is a provision for those holding a valid off-sale license, wholesale dealers' license, or agent's license to provide advanced notice of planned

events to the Alcoholic Beverage Control Board, together with a non-recurring fee of Twenty-five Dollars (\$25.00) per event. An expedited processing fee of Fifty

Dollars (\$50.00) is assessed for all notice submissions received less than five (5) business days from a planned event. Non-recurring and expedited processing fees

are required to be deposited into an account called the “Alcoholic Beverage Compliance Fees and Fines Fund;” however, *I Liheslatura* finds that said Fund has

yet to be established.

1 It is, therefore, the intent of *I Liheslaturan Guåhan* to establish the “Alcoholic
2 Beverage Compliance Fees and Fines Fund” consistent with the provisions of Public
3 Law 31-199 and Public Law 32-051, which added further amendments in 2013 to
4 the Alcoholic Beverage Control Law requiring proper education and training of
5 point of sale employees, including servers and sellers, and their supervisors and
6 managers. Moreover, it is the intent of *I Liheslatura* for payments received through
7 the implementation of Public Law 31-199 and Public Law 32-051, and related
8 provisions in Title 11 GCA, Chapter 3 to be deposited in the new “Alcoholic
9 Beverage Compliance Fees and Fines Fund” established by this Act. Funds *shall* be
10 used to help promote responsible drinking and driving practices, youth programs,
11 public service and education programs, and other activities authorized by law.

12 **Section 2.** § 3229(c)(7) of Article 2, Chapter 3, Title 11, Guam Code
13 Annotated, is *amended* to read:

14 “(7) Monies Collected from Assessment of Fees. All monies collected
15 for the non-recurring fee and/or the expedited processing fee *shall* be
16 deposited into the “Alcoholic Beverage Compliance Fees and Fines Fund” in
17 accordance with § 3126 of Article 1 of this Chapter. The Administrator, with
18 Board approval, *shall* be authorized to use the monies collected for programs
19 to promote compliance with liquor laws, business development, and
20 improvement of interagency and interoffice functions. Such programs may
21 include, but are not limited to, enforcement; public service announcements
22 promoting responsible drinking and driving practices; youth programs;
23 education; and Alcoholic Beverage Control Board and administrative
24 meetings.”

25 **Section 3.** A new § 3126 is *added* to Article 1 of Chapter 3, Title 11, Guam
26 Code Annotated, to read:

27 “§ 3126. **Alcoholic Beverage Compliance Fees and Fines Fund.**

1 The “Alcoholic Beverage Compliance Fees and Fines Fund,” (Fund),
2 is hereby created, separate and apart from all other funds of the government
3 of Guam. Monies deposited into the Fund *shall not* be commingled with other
4 funds administered by the Department of Revenue and Taxation (DRT) and
5 the Alcoholic Beverage Control Board, and *shall only* be available for use as
6 stipulated herein pursuant to § 3124.1 of Article 1 and § 3229(c)(7) of Article
7 2 of this Chapter. Monies collected and deposited into the Fund *shall* be
8 automatically or continually appropriated from the Fund to DRT for its
9 authorized use.

10 Should the Board be unable to make quorum to approve the use of the
11 monies collected, the Administrator may still be authorized to use the monies
12 collected; provided, that the Administrator notifies the Chairperson of the
13 Board or his/her designee.”

14 **Section 4. Severability.** If any provision of this Act or its application to any
15 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
16 *not* affect other provisions or applications of this Act that can be given effect without
17 the invalid provision or application, and to this end the provisions of this Act are
18 severable.