

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

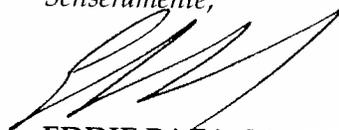
Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-936
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/4/11
Time 4:00 PM
Received by OK

Dear Madame Speaker:

Transmitted herewith is Bill No. 146-31 (COR) "AN ACT TO ADD A NEW §6101(k) TO ARTICLE 1, AND NEW §§6602(c) AND (d) AND 6603 TO ARTICLE 6; AND TO AMEND §6600 OF ARTICLE 6, ALL OF CHAPTER 6 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PLACING LIMITATIONS ON THE IMPORTATION OF TOBACCO PRODUCTS", which was signed into law on September 30, 2011 as Public Law 31-90.

Senseramente,



EDDIE BAZA CALVO

2011 OCT -5 AM 8:07

WJW

Attachment: copy of Bill

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

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

This is to certify that Bill No. 146-31 (COR), "AN ACT TO ADD A NEW §6101(k) TO ARTICLE 1, AND NEW §§6602(c) AND (d) AND 6603 TO ARTICLE 6; AND TO AMEND §6600 OF ARTICLE 6, ALL OF CHAPTER 6 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PLACING LIMITATIONS ON THE IMPORTATION OF TOBACCO PRODUCTS," was on the 19th day of September, 2011, duly and regularly passed.



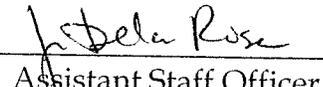
Judith T. Won Pat, Ed.D.
Speaker

Attested:

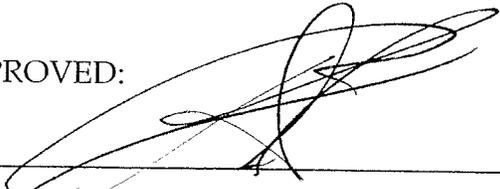


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 20th day of Sept., 2011, at
4:10 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date:

SEP 30 2011

Public Law No. 31-90

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

Bill No. 146-31 (COR)

As amended by the Committee on Appropriations, Taxation,
Public Debt, Banking, Insurance, Retirement & Land,
and further amended on the Floor.

Introduced by:

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

**AN ACT TO *ADD* A NEW §6101(k) TO ARTICLE 1, AND
NEW §§6602(c) AND (d) AND 6603 TO ARTICLE 6; AND
TO *AMEND* §6600 OF ARTICLE 6, ALL OF CHAPTER 6
OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE
TO PLACING LIMITATIONS ON THE IMPORTATION
OF TOBACCO PRODUCTS.**

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

2 **Section 1.** A new §6101(k) is hereby *added* to Article 1, Chapter 6 of Title
3 11, Guam Code Annotated, to read as follows:

1 “(k) ‘*Bona fide* Importer/Exporter’ means one having no
2 predisposition otherwise in having possession of such imported or
3 exported tobacco.”

4 **Section 2.** §6600 of Article 6, Chapter 6 of Title 11, Guam Code
5 Annotated, is hereby *amended* to read as follows:

6 “**§6600. Who May Import.**

7 (a) **General Rule.** Tobacco products may be brought into Guam
8 from without Guam for delivery or use within Guam only if the tobacco
9 products are imported by or consigned to a licensed wholesaler and if the
10 importer is licensed with the Guam Department of Revenue and Taxation
11 and recognized as a bonded bona fide importer/exporter of tobacco.

12 (b) **Exemptions.** Tobacco products satisfying the conditions of
13 any of the following paragraphs *shall not* be subject to the requirements of
14 Subsection (a) of this Section:

15 (1) Personal-use tobacco products

16 (A) Personal use tobacco products can only be
17 imported via passenger baggage through the means of the A.B.
18 Won Pat International Airport, the Andersen Air Force Base
19 Terminal, and the J.D. Leon Guerrero Commercial Port of
20 Guam via passenger and commercial vessels. Tobacco
21 products arriving via air cargo, the Guam Main Postal Facility,
22 or through any type of freight courier service *shall not* be
23 deemed as personal cargo.

24 (B) There *shall* be a maximum of twelve (12) packages
25 of tobacco products and one thousand (1000) cigarettes (five (5)
26 cartons), *not* more than two hundred (200) of which acquired
27 elsewhere than in such locations, within the returning residents

1 tariff exemption from duty and taxes or per bona fide
2 importer/exporter that can be imported into Guam via the entry
3 means identified in §6600(b)(1)(A) exemptions per month. This
4 exemption *shall* be applied to all air and ocean passengers, to
5 include any airline and vessel crewmembers.”

6 **Section 3.** New §6602(c) and (d) are hereby *added* to Article 6, Chapter 6
7 of Title 11, Guam Code Annotated, to read as follows:

8 “(c) Any individual who imports tobacco products outside the
9 exemptions identified in this Article *shall* be imposed a fine of three (3)
10 times the value of the commodity, which *shall* be determined by the Officer
11 of the Customs and Quarantine Agency at the port of entry. The commodity
12 *shall* be seized and the violator of this Section *shall* be fined an additional
13 three (3) times the value of the current value of the commodity for the cost
14 of storage, destruction, and administrative fees for tobacco exceeding the
15 exemption pursuant to §47.70 of Chapter 47 of Title 9, Guam Code
16 Annotated. This fee *shall* be deposited into the Customs and Quarantine
17 Forfeiture Fund.

18 (d) The Customs and Quarantine Agency *shall* maintain a database
19 of all individuals who are in violation of this Section to determine and
20 administer subsequent violation charges.”

21 **Section 4.** A new §6603 is hereby *added* to Article 6, Chapter 6 of Title
22 11, Guam Code Annotated, to read as follows:

23 “§ 6603. **Customs and Quarantine Forfeiture Fund.** There is
24 hereby created, separate and apart from other funds of the government of
25 Guam, a fund to be known as the “Customs and Quarantine Forfeiture Fund”
26 (Fund), which *shall* be funded by all penalties accumulated by seizures and
27 confiscations at any of the port of entries on Guam. The Fund *shall* be

1 maintained separate and apart from other funds of the government of Guam,
2 *shall* be kept in a separate bank account, and *shall not* be subject to any
3 transfer authority of *I Maga'lahen Guåhan* or *I Liheslaturan Guåhan*, and
4 *shall* remain in such account until expended by the Customs and Quarantine
5 Agency for purposes of this Section. The Director of the Customs and
6 Quarantine Agency *shall* have programmatic oversight of the Fund, and no
7 expenditure shall be made therefrom without the Director's consent. All
8 proceeds from penalties collected under §6602 *shall* be deposited into the
9 Fund, and *shall not* be commingled with the General Fund. Said Fund *shall*
10 be examined and reported upon by the Director of the Department of
11 Administration as required by law, who shall submit a quarterly report to *I*
12 *Liheslaturan Guåhan*. The certifying officer of the Fund *shall* be the
13 Director of the Customs and Quarantine Agency. The Fund *shall* be used
14 exclusively for the purposes of this Article, to purchase computers and
15 software to establish and maintain a database for all violations of tobacco
16 products exceeding the exemption, or other activities under the management
17 of the Customs and Quarantine Agency. The Director of Customs and
18 Quarantine Agency, subject to the Administrative Adjudication Act, *shall*
19 promulgate and adopt rules and regulations to implement the provisions of
20 this Section of this Chapter, including provisions establishing the procedure
21 for collection of penalties and for periodic review of the costs for providing
22 storage, destruction, and administrative fees.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: Sept. 19, 2011

VOTING SHEET

ABill No. 146-31(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	✓				
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

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



the People

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

AUG 01 2011

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 Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Una 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. 146-31 (COR), As Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 146-31 (COR), As Amended: "An act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6101 or Article 1, §6600 and §6602 of Article 6, and by adding a new §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated." sponsored by Senator Benjamin J.F. Cruz and which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- 4 TO PASS
- 0 NOT TO PASS
- 1 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

2011 AUG - 9 PM 4: 26

Bill No. 146-31 (COR): An Act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6602 of Article 6, and by adding a New §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.

Bill No. 162-31 (COR): An Act to amend §70132 of Title 11 of the Guam Code Annotated Relative to clearances required to obtain, renew or cancel a business license or any other license issued by a regulating agency or board.

Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing “Split-Zone Elections”.

Bill No. 181-31 (COR): An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weigh stations on Guam.

Bill No. 200-31 (COR): An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development

Bill No. 207-31 (COR): An Act to authorize the Department of Land Management to exchange a portion of Government of Guam land and deed Lot No. 1NEW-6, within Block No. 24, Municipality of Hagatna to Adrian L. Cristobal and Concepcion F. Cristobal pursuant to Civil Case No. CV230-88 recorded under Document No. 478218.

Bill No. 208-31 (COR): An Act to amend §60900 and add a new §60909 and §60910 of Article 9, Chapter 60, Title 21 Guam Code Annotated relative to the construction of a new Department of Land Management Building in Hagatna.

Bill No. 210-31 (COR): An Act to add a new Chapter 53 to Title 11 of the Guam Code Annotated to provide the Department of Revenue and Taxation Enforcement and Collection Resources to target high risk, cash-based businesses and for non-licensed businesses engaged in military construction projects. This Act shall be known as “The Cash Economy Enforcement Act of 2011”.

Bill No. 219-31 (COR): An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

*Yanggen un nisisita espesiât na setbisio put fabot âgang i Ifisinan Senadot ben pangelinan gi 473-423617, i-mel si senbenp@guam.net , patsino hâlom gi i uepsait gi <http://www.senbenp.com>
Este na nutisiu inapâsi nu i fendon gubetnamento.*

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at senbenp@guam.net or log onto <http://www.senbenp.com>

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**COMMITTEE REPORT
ON**

Bill No. 146-31 (COR), As Amended

Sponsored by Senator Benjamin J.F. Cruz.

“An act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6101 or Article 1, §6600 and §6602 of Article 6, and by adding a new §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.”



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

AUG 01 2011

MEMORANDUM

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

To: All Members
Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

Vice Chairman
Committee on Education

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

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

Subject: Committee Report on Bill No. 146-31 (COR), As Amended

Transmitted herewith for your consideration is the Committee Report on Bill No. 146-31 (COR), As Amended: "An act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6101 or Article 1, §6600 and §6602 of Article 6, and by adding a new §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated", sponsored by Senator Benjamin J.F. Cruz

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

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 146-31 (COR), As Introduced
4. Copy of Bill No. 146-31 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copy of submitted testimony and additional documents
7. Fiscal Notes
8. Copy of COR referral Bill No. 146-31 (COR), As Introduced
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

Member
Committee on the Guam
Military Buildup and
Homeland Security

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.

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

Si Yu'os Ma'åse',

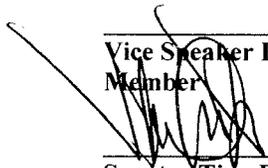
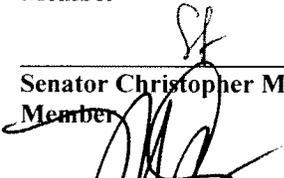
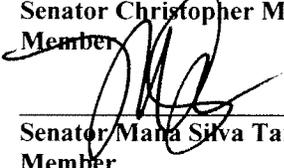
Vicente (ben) Cabrera Pangelinan
Chairman

I MINA' TRENTAI UNU NA LIHESLATURAN GUÁHAN

Committee Voting Sheet

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

Bill No. 146-31 (COR), As Amended: "An act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6101 or Article 1, §6600 and §6602 of Article 6, and by adding a new §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated."

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker Judith T. Won Pat, Ed.D Vice Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Speaker Benjamin J. F. Cruz Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Tina Rose Muña-Barnes Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Judith P. Guthertz Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dennis Rodriguez, Jr. Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator V. Anthony Ada Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Christopher M. Duenas Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Maria Silva Taijeron Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 146-31 (COR), As Introduced: "An act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6101 or Article 1, §6600 and §6602 of Article 6, and by adding a new §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated."

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on June 20, 2011 at 9:00am in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices for the public hearing were disseminate via hand-delivery and electronic mail to all senators and all main media broadcasting outlets on June 13, 2011 (5 day notice), and again on June 18, 2011 (48 hour notice).

(a) Committee Members and Senators present:

Senator Vicente (ben) Cabrera Pangelinan, Chairman
Senator B.J. Cruz, Member
Senator Adolpho Palacios, Member
Senator Anthony Ada, Member
Senator Christopher Duenas
Senator Mana Tajjeron
Senator Aline Yamashita
Senator Sam Mabini

(b) Appearing before the committee:

Major Vince Perez, Guam Customs and Quarantine
Major Darlene Merfalin, Guam Customs and Quarantine
John Camacho, Director, Department of Revenue and Taxation

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

(c) Written Testimony Submitted:

John Camacho, Director, Department of Revenue and
Taxation

Eric J. N. Deflin, CQIII, Guam Customs and Quarantine

Mike Lidia, Research Analyst, Office of Vice Speaker

Benjamin J. Cruz

II. COMMITTEE PROCEEDINGS

(a) Bill Sponsor Summary

Senator Vicente (ben) Cabrera Pangelinan: We will now proceed with the other pending issues on the agenda. The next bill on the agenda is Bill 146-31 “An act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6101 or Article 1, §6600 and §6602 of Article 6, and by adding a new §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated”. We have signed up to testify Mr. Vince Perez and Darlene Merfalin from Guam Customs and Quarantine and Mr. John Camacho of Department of Revenue and Taxation. We will have Vice Speaker B.J. Cruz give us a short synopsis of the bill.

Vice Speaker B.J. Cruz: Thank you very much Mr. Speaker. I just want to report that I have received, on behalf of the Guam Legislature, recognition from the Guam Cancer Coalition for our efforts to pass legislation on increasing the tobacco tax and in recognition of the fact that that was a difficult decision on our part but it was a very good decision.

After we passed that bill I was notified by Customs and Quarantine that there was still a major loophole that people were bringing in cigarettes mostly from the Philippines and Asia and they were bringing it in their baggage and weren't coming through bonded vans down at the port. They were just bringing it in and they were selling them at mom and pop stores and at various little shops throughout the island.

Through a KUAM news story they were charging \$2.75 a pack which is less than the amount of tax we were imposing on regular cigarettes. It was doing two things. It was undermining the intent of the legislation, increasing the tax and undermining the tobacco industry the regular cigarettes that are bonded and paid for before they are released from the port and it undermining the intent of the legislation to increase the cost of cigarettes so that we could dissuade the young people from buying \$2.75 pack of cigarettes rather than paying the \$7.00 or \$8.00 that it is now going for.

Through the assistance of Customs and Quarantine, we needed to close this loophole and also make sure that when they come in and are flying back in from Manila or where ever that they are

only allowed to bring in a certain amount of cigarettes and can't bring in cases coming in as baggage and selling it. So that was the intent of the legislation. It's very simple and a couple pages long and it does those two things.

I wanted to thank Customs and Quarantine publicly for their support for informing me of the loophole and assisting my office writing correctly how this was to be done.

Senator Vicente (ben) Cabrera Pangelinan: Si yu'os ma'ase Mr. Vice Speaker. We will go ahead and begin with either Vince or Darlene?

(b) Testimony

1. Major Vince Perez, Acting Chief, Guam Customs and Quarantine

Major Vince Perez: Hafa adai Senators. I am Major Vince S. Perez. I am the acting Chief of the Guam Customs and Quarantine agency. As the Honorable Vice Speaker Benjamin Cruz mentioned we have been going back and forth in reference to some of the things that have been happening as far tobacco importation and the gray areas that have been identified. Basically my support from the agency is that in recent months with the department of Revenue and Taxation, the office of the Attorney General of Guam and the Honorable Vice Speaker Benjamin J.F. Cruz.

We have had discussions to reduce the use of tobacco products on island. This bill gives the agency more authority to seize smuggled tobacco, recoup expenses for storage, destruction and administration fees through the collection of penalties and it is also about protecting Guam's local business community as it is preventing our youth from taking up a deadly because they have access to cheap tobacco.

One of the areas that we have noticed and the good senator has mentioned in line with the increase in the tobacco sales on Guam we kind of opened a gray market in which people would go to the Philippines and buy cartons and cartons of cigarettes and bring them in through baggage and as it stands now we currently are faced with the situation where we can't really do much. Also the other gray areas people are bringing it in through containers. Cases of these cigarettes and they are selling them at a very very reduced rate.

The stance of the agency is in support of this bill. However there is some clarifications that might be necessary and I will turned that over to Major Merfalin to touch on.

Testimony

2. Major Darlene Merfalin, Guam Customs and Quarantine

Major Darlene Merfalin: Good morning Senators. My name is Major Darlene Merfalin from the Guam Customs and Quarantine agency. Upon reviewing Bill 146 I am in support of this bill. This bill is a win win situation not only for the Government of Guam but for the people of

Guam as well as the legal license business importers of tobacco into the island with the diligent efforts by Vice Speaker Cruz to eliminate cigarette smoking.

I would like to address several areas of this bill for verbiage and clarification. On subsection 6101 (g) under definitions of tobacco products it defines what tobacco products are. It covers a lot on tobacco products itself. My concern is based on the definition; tobacco cigarettes, cigar pipe, smokeless tobacco, chewing tobacco or any other form of tobacco utilized for smoking, chewing, inhalation or other means of ingestion. I think the heading in itself for the bill “An act to place limitations on the importation of cigarettes and smokeless tobacco” my recommendation is to maybe reconsider the heading as “of cigarettes and tobacco products” since smokeless tobacco is already defined on letter (g) as a tobacco product.

I would also like to address the subsection 6600 “Who May Import” under part (b) in “Exemptions” also on part (b) (1) (a) where it defines the personal use of cigarettes and tobacco products where it defines ports of entry. Senator under the Guam Main Facility there was an act called the “PACT Act of 2000” enacted by the 111 U.S. Congress. It is an acronym for Prevent All Cigarettes Trafficking. In this act it specifically specifies that there will be no transportation of cigarette or tobacco products via mail. You may want to reconsider that under the “PACT Act”.

Under (1) (b) that would be tobacco products again. Smokeless tobacco would be defined as (g) and further down towards the last sentence there “This exemption shall be applied to all passengers and airline crewmembers.” I recommend that you indicate airline and vessel crewmembers because we have crewmembers come in from the ships that also bringing in tobacco products to Guam.

Guam Customs and Quarantine we wear many hats. The enforcement of federal and local regulations, unparticular to regulations from various government agencies but with the intent of this bill it just incorporates everything that has to do with importation of tobacco and tobacco products. It gives Guam Customs jurisdiction to make the decision assess the fines three times the amount, it identifies the penalties of first offence and subsequent violators thereafter.

It gives us the authority and power to effectuate at port of entry to make a sound decision. It does not meet the requirements of this bill. We seize it, we assess the three times the amount, we prepare the documentation for criminal activity, criminal prosecution whether it’s a misdemeanor or felony of the third degree. It gives us that path. Right now it doesn’t give us that path. The reason for that is because of the entities involved here.

The importation of cigarettes now if it doesn’t meet the Surgeon General’s requirement we refer it to the Attorney General’s office. If the importer doesn’t have a wholesale license and only a retail license we refer it to Revenue & Taxation. It will discourage the people that are not license or businesses that are attempting to smuggle counterfeit cigarettes into the island. It’s going to give them serious consequences of their actions.

What I really like about this bill is that it really broke down the passengers for air travel and also for surface, meaning crewmembers of commercial vessels. There is a situation on I'd like to identify on the passengers. Right now Guam Customs and Quarantine doesn't have a database at the airport senator to say for example, Darlene Merfalin came in three times on the month of June and brought in ten cartons of cigarettes. We don't have any database established.

For point of clarification, under the administrative fees if there can be a verbiage that can be inserted there. I know you're giving authority to the director to promulgate the rules and regulation under the triple "A" but if it could be put as law into the law that the cost of establishing a database at the airport and ports of entry because Commercial Port is the port that deals with the largest volume of commodities into the island. Red flag importers are habitual violators of tobacco importation, intellectual property rights, public health violations and revenue and tax.

We are doing this manually through the Microsoft Excel software program. We don't have a program in place. We cannot share this information with Revenue and Taxation or other government agencies because it's all done manually on a spreadsheet under the Microsoft Excel software program. The biggest reward is that customs is facing under this bill is that we have our own account. We have our own funding. Nobody can touch it. It's going to go for this purpose and that's the advantage we have.

The storage fees, the destruction fees, especially the destruction fees is not even in our budget. That comes out of our budget and we are not even getting compensated for Mr. John Doe who's a habitual violator for bringing in counterfeit cigarettes. It's at the government's expense. This is a plus for us. Also obtaining computers and software so we can establish the data tracking of airline crewmembers and passengers which are going to be business people.

Business people travel a lot and they're the ones who will bring in these cigarettes. These are the one that we need to monitor. But because of their constant traveling we need to monitor how many cartons of cigarettes they bring in. According to this it's 5 per month and if we don't have a database established we don't have anything to guide ourselves with. This just extends out to the other ports of entry that is essential that we have a computer and software in place to do effective enforcement of this bill.

This bill gives us the path. It identifies the procedures that help make sound determination that this commodity cannot come in because it's not in compliance with this bill. Also we execute the penalties and it comes back to the Customs and Quarantine Agency so we can recover on our cost. Even if we execute the fine or the misdemeanor the office is going to have to stay back and complete his report on his interception of the tobacco products.

Our officers are not being paid government overtime because there is no money. Because of this administrative fees of this collection of penalties solely identified going to a specific funding or account our officers can be compensated in a monetary method than a compensation of flex time.

Like I said it's a plus plus. Minor details of fine tuning it and it's a very good bill and I am sure that you're going to get the kudos from the business out there that are legitimate in bringing in tobacco and tobacco products. Thank you.

Senator Vicente (ben) Cabrera Pangelinan: Thank you very much Major Merfalin. John?

Testimony

3. John Camacho, Director, Department of Revenue and Taxation

John Camacho: Thank you for giving me the opportunity to testify on Bill 146-31. I have four comments and I want to read what Major Merfalin mentioned about monitoring the intake of 5 cartons of cigarettes a month. If you go back in history about giving exemptions to use tax people coming in 1,000 a month of value it didn't work because they didn't have a system to monitor it. So it's going to be the same thing if don't have a system to monitor these people coming in 5 cartons a day and that's it for them for that month. It's something that we should look at. Thank you.

Senator Vicente (ben) Cabrera Pangelinan: Thank you very much Mr. Camacho. Senator Mabini?

Panel Comments and Questions

Senator Sam Mabini: Thank you for your testimony. I have a quick question. As you mentioned earlier that the port receives a lot of commodities and I'm assuming that the dogs is that under your purview as well and are they tasked to search and find these tobacco products?

Major Darlene Merfalin: No Senator they are not trained for tobacco detection. They are for illicit narcotics and agricultural products.

Senator Sam Mabini: Could they be?

Major Vince Perez: That not to say. Tobacco is an agricultural product that they won't detect it but to give you a firm answer I will say no.

Senator Sam Mabini: Do you have an estimated cost? I am assuming that the agency has looked into the systems that are available for this. Do you have an estimate of how much it will be to implement a system for the agency?

Major Darlene Merfalin: Well I am not just talking about the software system itself, we need the computers as well. Just on the airport itself you're looking at approximately \$500,000.00. That's with the computers and also the software. I know you've been through the airport many times; all of those primary counters most of them don't even have computers right now.

Panel Comments and Questions

Senator Vicente (ben) Cabrera Pangelinan: Rather than spend \$500,000.00 just say 2 cartons per trip you don't even have to keep track of them. You bring in more and if they want to pay \$5,000.00 or \$350.00 to go to Manila and smuggle 2 cartons then more power to them but rather than spending half a million on tracking it just set aside a smaller limit and you don't have to deal with that. If they are bringing in 3 you get to keep 2. That way we don't have to deal with tracking. We shouldn't want to make more work for us to track these passengers.

Major Darlene Merfalin: Ok so if you want to minimize the \$500,000.00 we'll go down to one counter down at the airport strictly with one computer and one software.

Senator Vicente (ben) Cabrera Pangelinan: But why track them? Why not just say "you can keep 2 cartons and that's it.". If your spending \$1,000.00 to go to Manila so you can bring back an extra 5 cartons but your only allowed 2 you just take away the 3. If they want to go every other day to go to Manila at \$500.00 to bring back an extra carton of cigarettes, I don't see that there's a better way in dealing with this than to put up a database of all of these people bringing it in. It's just seems to be a little bit more work than necessary if you just fine them if they have more than they're allowed to for that trip then just take away what they are not allowed.

Major Darlene Merfalin: That sounds practical but you got to look at the accumulative part of it. That's only for a single person but if you take the single person, single person, single person within a month that's revenue that we receive on the individual coming in. The methodology of these smugglers where you got the good guys that say "I didn't know I couldn't bring in more than 5." Then you've got the ones circumvent the law for a profit. Those are the ones that we are targeting because of the legitimate businesses that we have here in the tobacco industry. They will be willing to do anything in smuggling techniques to make that profit. If we concentrate at the airport on the enforcement of these tobacco products then they're going to move to the other ports of entry to do their smuggling techniques because the airport is too hot.

These potential smugglers move their business from one port of entry to the other until the other cools off then they go back to their cycle.

Senator Vicente (ben) Cabrera Pangelinan: It's still illegal at every port of entry so you're going to catch them.

Major Darlene Merfalin: We're gonna try. But if we have tools of technology that can expedite and assist us making sound judgment it's a plus. If we are going to do everything manually it's just very time consuming and our enforcement at ports of entry is been compromised because of too much work and few personnel out there.

Major Vince Perez: Also good senator to add on is sometimes we find in our investigation that these onezys and twozys are bringing it in and are actually part of a bigger unit and then what they'll do is they'll all get together and give it to the one person who is responsible for selling it what we want to do is we're not going to be targeting the legitimate people who bring it in for either personal consumption we are looking at those who are trying to circumvent the law. This tool is not just beneficial for tobacco it will also be for other things. When we ask people how much they are bringing in and my exemption is like \$1,000.00 but then it comes back 3 or 4 months later and another customs officer says "is this the first time bringing it in?" "I am only bringing \$1,000.00." but all these \$1,000.00 add up.

The database would be very beneficial so we can identify whether or not there is a trend on certain individuals or organizations.

Senator Vicente (ben) Cabrera Pangelinan: I don't think you should build that database to fund these entire issues of customs and taxation and importation. I don't know if we should solve this problem with this.

With no further comments that concludes our public hearing on Bill 146-31. Thank you very much and si yu'us ma'ase'.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 146-31 (COR), As Amended, by the Committee, with the recommendation TO REPORT OUT

I MINA' TRENTA I UNO NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 146-31(COR)

Introduced by:

B.J.F. Cruz 

2011 APR 13 PM 12:33

AN ACT TO PLACE LIMITATIONS ON THE IMPORTATION
OF CIGARETTES AND SMOKELESS TOBACCO PRODUCTS
BY AMENDING §6101 OF ARTICLE 1, §6600 AND §6602 OF
ARTICLE 6, AND BY ADDING A NEW §6603 TO ARTICLE 6
OF CHAPTER 6 OF TITLE 11 OF THE GUAM CODE
ANNOTATED

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

2 **Section 1.** 6101 Article 1 of Chapter 6 of Title 11, Guam Code Annotated, is
3 hereby amended to read as follows:

4 **“§ 6101. Definitions.** Unless the context otherwise requires, the definitions
5 set forth herein shall govern the construction and interpretation of this Chapter.

6 (a) ‘Director’ means the Director of Revenue and Taxation.

7 (b) ‘License’ means Retail License and Wholesale License for sales of
8 tobacco products, as defined under this Section.

9 (c) ‘Minor’ means any person under eighteen (18) years of age.

10 (d) ‘Person’ means any individual, company, corporation, firm, partnership,
11 organization, estate, trust, limited liability company, limited liability
12 partnership or other legal entity.

1 (e) 'Retail' means the sale of tangible personal property for consumption or
2 use by the purchaser and not for resale.

3 (f) 'Retail License' means a license issued by the Director of Revenue and
4 Taxation for the retail sale of tobacco products or sale through a vending
5 machine.

6 (g) 'Tobacco product' means any tobacco cigarette, cigar, pipe tobacco,
7 smokeless tobacco, chewing tobacco or any other form of tobacco which
8 may be utilized for smoking, chewing, inhalation or other means of
9 ingestion.

10 (h) 'Vending Machine' means any mechanical, electrical or electronic
11 device that, on insertion of money, tokens or any other form of payment,
12 automatically dispenses tobacco products.

13 (i) 'Wholesale' means the importation into or purchase on Guam from a
14 manufacturer or other wholesale licensee of tangible personal property not
15 for consumption or use by the purchaser but solely for resale or retail
16 wholesale or retail sellers.

17 (j) 'Wholesale License' means a license issued by the Director of Revenue
18 and Taxation for the wholesale sale of tobacco products to retailers.

19 (k) 'Bona fide Importer/Exporter' means one having no predisposition
20 otherwise in having possession of such imported or exported tobacco."

21 **Section 2.** Section 6600 Article 6 of Chapter 6 of Title 11, Guam Code
22 Annotated, is hereby *amended* to read as follows:

23 **"§ 6600. Who May Import.**

24 **(A) General Rule.** Tobacco products may be brought into Guam from
25 without Guam for delivery or use within Guam only if the tobacco products are
26 imported by or consigned to a licensed wholesaler- and if the importer is licensed

1 with the Guam Department of Revenue and Taxation and recognized as a bonded
2 bona fide importer/exporter of tobacco.

3 (B) Exemptions. Cigarettes or smokeless tobacco products satisfying the
4 conditions of any of the following paragraphs shall not be subject to the
5 requirements of Subsection (A) of this section:

6 (1) Personal-use cigarettes or smokeless tobacco products

7 (a) Personal use cigarettes or smokeless tobacco products
8 can only be imported via passenger baggage through the
9 means of A.B. Won Pat International Airport, Anderson
10 Air Force Base Terminal, the Commercial Port of Guam
11 via passenger vessels, and the Guam Main Facility. Any
12 type of freight courier service shall not be deemed as
13 personal cargo.

14 (b) There shall be a maximum of twelve (12) packages of
15 smokeless tobacco and 1,000 cigarettes (5 cartons), not
16 more than Two Hundred (200) of which acquired
17 elsewhere than in such locations, within the returning
18 residents tariff exception from duty and taxes or per bona
19 fide importer/exporter that can be imported into Guam
20 via the entry means identified in (B) Exemptions (a) per
21 month. This exemption shall be applied to all passengers
22 and airline crewmembers.”

23 **Section 3.** 6602 of Article 6 of Chapter 6 of Title 11, Guam Code
24 Annotated, is hereby *amended* to read as follows:

25 “§ 6602. **Penalty.** Whoever transports or imports into Guam for delivery or
26 use in Guam tobacco products in violation of this Article shall be penalized
27 as follows:

1 (a) In the case of a first violation, the person shall be guilty of a
2 misdemeanor and may be fined not more than One Thousand Dollars
3 (\$1,000.00) or imprisoned for not more than one (1) year, or both;

4 (b) In the case of any subsequent violation, the person shall be
5 guilty of a felony of the third degree and shall be fined not more than
6 Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than
7 five (5) years, or both.

8 (c) Any individual who imports cigarettes or smokeless tobacco
9 outside the exemptions identified in this code shall be imposed a fine
10 of three times the value of the commodity which shall be determined
11 by the officer of the Department of Customs and Quarantine at the
12 port of entry. The commodity shall be seized and the violator of this
13 section shall be fined an additional three times the value of the current
14 value of the commodity for the cost of storage, destruction, and
15 administrative fees for cigarettes or smokeless tobacco exceeding the
16 exemption pursuant to § 47.70. of Chapter 47 of Title 9 Guam Code
17 Annotated. This fee shall be deposited into the Customs and
18 Quarantine Forfeiture Fund.”

19 **Section 4.** A new 6603 is hereby *added* to Article 6 of Chapter 6 of Title 11,
20 Guam Code Annotated, to read as follows:

21 **“§6603. Customs and Quarantine Forfeiture Fund.** There is hereby
22 created, separate and apart from other funds of the government of Guam, a
23 fund to be known as the “Customs and Quarantine Forfeiture Fund
24 (hereinafter “the Fund”), which shall be funded by all penalties accumulated
25 by seizures and confiscations at any of the port of entries on the island of
26 Guam. The Fund shall be maintained separate and apart from other funds of
27 the government of Guam and shall be kept in a separate bank account and

1 shall not be subject to any transfer authority of I Maga'lahen Guåhan or I
2 Liheslaturan Guåhan and shall remain in such account until expended by the
3 Customs and Quarantine Agency for purposes of this section. The Director
4 of the Customs and Quarantine Agency shall have programmatic oversight
5 of the Fund, and no expenditure shall be made therefrom without the
6 Director's consent. All proceeds from penalties collected under this section
7 shall be deposited into the Fund and shall not be commingled with the
8 General Fund. Said Fund shall be examined and reported upon by the
9 Director of the Department of Administration as required by law, who shall
10 submit a quarterly report to I Liheslaturan Guåhan. The certifying officer of
11 the Fund shall be the Director of the Customs and Quarantine Agency. The
12 fund shall be used exclusively for the purposes of this Article, or other
13 activities under the management of the Customs and Quarantine Agency.
14 The Director of Customs and Quarantine Agency, subject to the
15 Administrative Adjudication Act, shall promulgate and adopt rules and
16 regulations to implement the provisions of this section of this chapter,
17 including provisions establishing the procedure for collection of penalties
18 and for periodic review of the costs for providing storage, destruction, and
19 administrative fees for cigarettes or smokeless tobacco exceeding the
20 exemption."

21 **Section 5. Date of Enactment.** This Act shall take effect immediately upon
22 enactment.

I MINA' TRENTA I UNO NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 146-31

As amended by the Committee on Appropriations, Taxation,
Public Debt, Banking, Insurance, Retirement & Land

Introduced by:

B.J.F. Cruz

**AN ACT TO PLACE LIMITATIONS ON THE IMPORTATION
OF ~~CIGARETTES AND SMOKELESS~~ TOBACCO PRODUCTS
BY AMENDING §6101 OF ARTICLE 1, §6600 AND §6602 OF
ARTICLE 6, AND BY ADDING A NEW §6603 TO ARTICLE 6
OF CHAPTER 6 OF TITLE 11 OF THE GUAM CODE
ANNOTATED**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. 6101 Article 1 of Chapter 6 of Title 11, Guam Code Annotated, is hereby amended to read as follows:

“§ 6101. **Definitions.** Unless the context otherwise requires, the definitions set forth herein shall govern the construction and interpretation of this Chapter.

(a) ‘Director’ means the Director of Revenue and Taxation.

(b) ‘License’ means Retail License and Wholesale License for sales of tobacco products, as defined under this Section.

(c) ‘Minor’ means any person under eighteen (18) years of age.

(d) ‘Person’ means any individual, company, corporation, firm, partnership, organization, estate, trust, limited liability company, limited liability partnership or other legal entity.

1 (e) 'Retail' means the sale of tangible personal property for consumption or
2 use by the purchaser and not for resale.

3 (f) 'Retail License' means a license issued by the Director of Revenue and
4 Taxation for the retail sale of tobacco products or sale through a vending
5 machine.

6 (g) 'Tobacco product' means any tobacco cigarette, cigar, pipe tobacco,
7 smokeless tobacco, chewing tobacco or any other form of tobacco which
8 may be utilized for smoking, chewing, inhalation or other means of
9 ingestion.

10 (h) 'Vending Machine' means any mechanical, electrical or electronic
11 device that, on insertion of money, tokens or any other form of payment,
12 automatically dispenses tobacco products.

13 (i) 'Wholesale' means the importation into or purchase on Guam from a
14 manufacturer or other wholesale licensee of tangible personal property not
15 for consumption or use by the purchaser but solely for resale or retail
16 wholesale or retail sellers.

17 (j) 'Wholesale License' means a license issued by the Director of Revenue
18 and Taxation for the wholesale sale of tobacco products to retailers.

19 (k) 'Bona fide Importer/Exporter' means one having no predisposition
20 otherwise in having possession of such imported or exported tobacco.'

21 **Section 2.** Section 6600 Article 6 of Chapter 6 of Title 11, Guam Code
22 Annotated, is hereby *amended* to read as follows:

23 **"§ 6600. Who May Import.**

24 **(A) General Rule.** Tobacco products may be brought into Guam from
25 without Guam for delivery or use within Guam only if the tobacco products are
26 imported by or consigned to a licensed wholesaler; and if the importer is licensed

1 with the Guam Department of Revenue and Taxation and recognized as a bonded
2 bona fide importer/exporter of tobacco.

3 (B) Exemptions. Cigarettes or smokeless tobacco products satisfying the
4 conditions of any of the following paragraphs shall not be subject to the
5 requirements of Subsection (A) of this section:

6 (1) Personal-use cigarettes or smokeless tobacco products

7 (a) Personal use cigarettes or smokeless tobacco products
8 can only be imported via passenger baggage through the
9 means of A.B. Won Pat International Airport, Anderson
10 Air Force Base Terminal, the Commercial Port of Guam
11 via passenger and commercial vessels and the Guam
12 Main Facility. Any type of freight courier service shall
13 not be deemed as personal cargo. Tobacco products
14 arriving via Air Cargo, the Guam Main Postal Facility or
15 through any type of freight courier service shall not be
16 deemed as personal cargo.

17 (b) There shall be a maximum of twelve (12) packages of
18 smokeless tobacco products and 1,000 cigarettes (5
19 cartons), not more than Two Hundred (200) of which
20 acquired elsewhere than in such locations, within the
21 returning residents tariff exception from duty and taxes
22 or per bona fide importer/exporter that can be imported
23 into Guam via the entry means identified in (B)
24 Exemptions (a) per month. This exemption shall be
25 applied to all air and ocean passengers, to include and
26 airline and vessel crewmembers.”

1 **Section 3.** 6602 of Article 6 of Chapter 6 of Title 11, Guam Code
2 Annotated, is hereby *amended* to read as follows:

3 “**§ 6602. Penalty.** Whoever transports or imports into Guam for delivery or
4 use in Guam tobacco products in violation of this Article shall be penalized
5 as follows:

6 (a) In the case of a first violation, the person shall be guilty of a
7 misdemeanor and may be fined not more than One Thousand Dollars
8 (\$1,000.00) or imprisoned for not more than one (1) year, or both;

9 (b) In the case of any subsequent violation, the person shall be
10 guilty of a felony of the third degree and shall be fined not more than
11 Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than
12 five (5) years, or both.

13 (c) Any individual who imports ~~cigarettes or smokeless~~ tobacco
14 products outside the exemptions identified in this code shall be
15 imposed a fine of three times the value of the commodity which shall
16 be determined by the officer of the ~~Department of~~ Customs and
17 Quarantine Agency at the port of entry. The commodity shall be
18 seized and the violator of this section shall be fined an additional three
19 times the value of the current value of the commodity for the cost of
20 storage, destruction, and administrative fees for ~~cigarettes or~~
21 ~~smokeless~~ tobacco exceeding the exemption pursuant to § 47.70. of
22 Chapter 47 of Title 9 Guam Code Annotated. This fee shall be
23 deposited into the Customs and Quarantine Forfeiture Fund.”

24 (d) The Customs and Quarantine Agency shall maintain a database of
25 all individuals who are in violation of this section to determine and
26 administer subsequent violation charges.

1 **Section 4.** A new 6603 is hereby *added* to Article 6 of Chapter 6 of Title 11,
2 Guam Code Annotated, to read as follows:

3 “**§6603. Customs and Quarantine Forfeiture Fund.** There is hereby
4 created, separate and apart from other funds of the government of Guam, a
5 fund to be known as the “Customs and Quarantine Forfeiture Fund
6 (hereinafter “the Fund”), which shall be funded by all penalties accumulated
7 by seizures and confiscations at any of the port of entries on the island of
8 Guam. The Fund shall be maintained separate and apart from other funds of
9 the government of Guam and shall be kept in a separate bank account and
10 shall not be subject to any transfer authority of I Maga’lahen Guåhan or I
11 Liheslaturan Guåhan and shall remain in such account until expended by the
12 Customs and Quarantine Agency for purposes of this section. The Director
13 of the Customs and Quarantine Agency shall have programmatic oversight
14 of the Fund, and no expenditure shall be made therefrom without the
15 Director’s consent. All proceeds from penalties collected under this section
16 shall be deposited into the Fund and shall not be commingled with the
17 General Fund. Said Fund shall be examined and reported upon by the
18 Director of the Department of Administration as required by law, who shall
19 submit a quarterly report to I Liheslaturan Guåhan. The certifying officer of
20 the Fund shall be the Director of the Customs and Quarantine Agency. The
21 fund shall be used exclusively for the purposes of this Article, to purchase
22 computers and software to establish and maintain a database for all
23 violations of tobacco products exceeding the exemption, or other activities
24 under the management of the Customs and Quarantine Agency. The
25 Director of Customs and Quarantine Agency, subject to the Administrative
26 Adjudication Act, shall promulgate and adopt rules and regulations to
27 implement the provisions of this section of this chapter, including provisions

1 establishing the procedure for collection of penalties and for periodic review
2 of the costs for providing storage, destruction, and administrative fees. ~~for~~
3 ~~cigarettes or smokeless tobacco exceeding the exemption.”~~

4 **Section 5. Date of Enactment.** This Act shall take effect immediately upon
5 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**

Monday, June 20, 2011

Bill No. 146

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
MAS. DARLENE MUNOZ FORTIN	S				✓	X	
MAS. VINCE PEREZ	R				✓	Y	
COLL ERIC DELTA	S					Y	
LT. HENRY AWAUNA	S					Y	



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**

Monday, June 20, 2011

Bill No. 146

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Tob Carroll				✓	✓	Yes	



Dipåtamenton Kontribusiyon yan Adu'aña

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guåhan

EDDIE BAZA CALVO, Governor / *Maga'låhi*
RAY TENORIO, Lt. Governor / *Tiñente Gubetnadot*

JOHN P. CAMACHO, Acting Director
Akto Direktot
MARIE M. BENITO, Deputy Director
Sigundo Direktot

June 20, 2011

The Honorable Vicente C. Pangelinan
Chairman, Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance
Retirement, and Land
Thirty First Guam Legislature
324 West Soledad Avenue, Suite 100
Hagatna, Guam 96910

Re: Bill No. 146-31 "AN ACT TO PLACE LIMITATIONS ON THE IMPORATION OF CIGARETTES AND SMOKELESS TOBACCO PRODUCTS BY AMENDING § 6101 OF ARTICLE 1, §6600 AND §6602 OF ARTICLE 6, AND BY ADDING A NEW §6603 TO ARTICLE 6 OF CHAPTER 6 OF TITLE 11 OF THE GUAM CODE ANNOTATED."

Dear Senator Pangelinan:

My name is John P. Camacho. I am the Director of the Department of Revenue and Taxation.

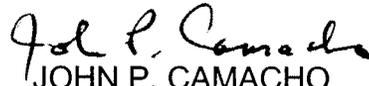
I am in favor Bill No. 146-31 for the following reasons:

- ❖ Tobacco products may be brought into Guam, for delivery and use in Guam only if the importation or the consignment is made to a wholesaler of tobacco products that is licensed by the Department of Revenue and Taxation. In addition the importer must be recognized as a bonded bona fide importer/exporter of tobacco.
- ❖ The ports of entry to bring in into Guam the allowed quantity of the smokeless tobacco and cigarettes are clearly listed. The tobacco products that are brought into Guam via passenger baggage for personal use or personal cargo are exempted and do not require a wholesale tobacco license.
- ❖ The quantity of tobacco products can be brought into Guam for personal use is set to a maximum of 12 packages of smokeless tobacco and 1,000 cigarettes (5 cartons) per month via passenger baggage. Only 200 of the 1,000 cigarettes is exempted from duty and taxes per bona fide importer per month. The limitation and exemption apply to all passengers and airline crewmembers.

- ❖ There is a penalty for the importation of cigarettes or smokeless tobacco products in excess of the exemptions set forth in §6600 (B). The penalty is equivalent to three times the value of the commodity per the determination of the officer of the Customs and Quarantine at the port of entry.

For all of the foregoing reasons, I am in favor of Bill 146-31.

Sincerely,


JOHN P. CAMACHO
Director



Scott Mendiola <smendiola@guamlegislature.org>

Tobacco Bill 146-31 Recommendation

eric delfin <eric.delfin@cqa.guam.gov>

Fri, Jul 8, 2011 at 2:03 PM

To: Scott Mendiola <smendiola@guamlegislature.org>

Hafa Adai Scott . . .

Please find the attachment of our reccomedations

One question . . .(b) Exemption (1) Personal-Use Cigarettes (b) "not more than Two-Hundred (200) of which acquired elsewhere" (Two-Hundred of what type of tobacco products?)

Other than that. . .everything else is fine as per Major Merfalen. . .If you have any questions, please contact me @ 898-3971

Eric

—

CQIII ERIC J. N. DELFIN
Customs Air Cargo Section
Maritime & Air Cargo Division
Customs & Quarantine Agency
P.O. Box 21828 Guam Main Facility
Barrigada, Guam 96921
2nd Floor, New Air Cargo Bldg., Tiyan
[671.642.8073](tel:671.642.8073) Work
[671.642.8074](tel:671.642.8074) Work
[671.647.6227](tel:671.647.6227) Facsimile
Email: eric.delfin@cqa.guam.gov

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Bill 146-31 Tobacco Law Reccomended Changes and Amendments.docx

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I MINA' TRENTA I UNO NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 146-31

Introduced by:

Sen. B.J.F. Cruz

**AN ACT TO PLACE LIMITATIONS ON THE IMPORTATION
OF CIGARETTES AND SMOKELESS TOBACCO PRODUCTS
BY AMENDING §6101 OF ARTICLE 1, §6600 AND §6602 OF
ARTICLE 6, AND BY ADDING A NEW §6603 TO ARTICLE
6 OF CHAPTER 6 OF TITLE 11 OF THE GUAM CODE
ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. 6101 Article 1 of Chapter 6 of Title 11, Guam Code Annotated, is hereby amended to read as follows:

§6601. Definitions. Unless the context otherwise requires, the definitions set forth herein shall govern the construction and interpretation of this Chapter.

- (a) 'Director' means the Director of Revenue and Taxation.
- (b) 'License' means Retail License and Wholesale License for sales of tobacco products, as defined under this Section.
- (c) 'Minor' means any person under eighteen (18) years of age.
- (d) 'Person' means any individual, company, corporation, firm, partnership, organization, estate, trust, limited liability company, limited liability partnership or other legal entity.
- (e) 'Retail' means the sale of tangible personal property for consumption or use by the purchaser and not for resale.
- (f) 'Retail License' means a license issued by the Director of Revenue and Taxation for the retail sale of tobacco products or sale through a vending machine.
- (g) 'Tobacco product' means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other means of ingestion.
- (h) 'Vending Machine' means any mechanical, electrical or electronic device that, on insertion of money, tokens or any other form of payment, automatically dispenses tobacco products.

(i) 'Wholesale' means the importation into or purchase on Guam from a manufacturer or other wholesale licensee of tangible personal property not for consumption or use by the purchaser but solely for resale or retail wholesale or retail sellers.

(j) 'Wholesale License' means a license issued by the Director of Revenue and Taxation for the wholesale sale of tobacco products to retailers.

(k) 'Bona fide Importer/Exporter' means one having no predisposition otherwise in having possession of such imported or exported tobacco."

Section 2. Section 6600 Article 6 of Chapter 6 of Title 11, Guam Code Annotated, is hereby amended to read as follows:

§ 6600. Who May Import.

(A) General Rule

Tobacco products may be brought into Guam from without Guam for delivery or use within Guam only if the tobacco products are imported by or consigned to a licensed wholesaler and if the importer is licensed with the Guam Department of Revenue and Taxation and recognized as a bonded bona fide importer/exporter of tobacco.

(B) Exemptions

Cigarettes or smokeless tobacco products satisfying the conditions of any of the following paragraphs shall not be subject to the requirements of Subsection (A) of this section:

(1) Personal-use cigarettes or ~~smokeless~~ tobacco products

(a) Personal use cigarettes or ~~smokeless~~ tobacco products can only be imported via passenger baggage through the means of A.B. Won Pat International Airport, Anderson Air Force Base Terminal, and the Commercial Port of Guam via passenger and commercial vessels. ~~and the Guam Main Facility. Any type of freight courier service shall not be deemed as personal cargo.~~ Cigarettes or tobacco products arriving via Air Cargo, the Guam Main Postal Facility or through any type of freight courier service shall not be deemed as personal cargo.

(b) There shall be a maximum of twelve (12) packages of ~~smokeless~~ tobacco products and 1,000 (5 cartons) cigarettes not more than Two Hundred (200) of which acquired elsewhere than in such locations, within the returning residents tariff exception from duty and taxes or per bona fide importer/exporter that can be imported into Guam via the entry means identified in (B) Exemptions (a) per month. This exemption shall be applied to all air and ocean passengers, to include airline and vessel crewmembers.

Section 3. §6602 of Article 6 of Chapter 6 of Title 11, Guam Code Annotated, is hereby amended to read as follows:

§ 6602. Penalty.

Whoever transports or imports into Guam for delivery or use in Guam tobacco products in violation of this Article shall be penalized as follows:

(a) In the case of a first violation, the person shall be guilty of a misdemeanor and may be fined not more than One Thousand Dollars (\$1,000.00) One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both;

(b) In the case of any subsequent violation, the person shall be guilty of a felony of the third degree and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than five (5) years, or both.

(c) Any individual who imports cigarettes or ~~smokeless~~ tobacco products outside the exemptions identified in this code shall be imposed a fine of three times the value of the commodity which shall be determined by the officer of the ~~Department of~~ Customs and Quarantine Agency at the port of entry. The commodity shall be seized and the violator of this section shall be fined an additional three times the value of the current value of the commodity for the cost of storage, destruction, and administrative fees for cigarettes and other tobacco products exceeding the exemption pursuant to § 47.70. of Chapter 47 of Title 9 Guam Code Annotated. This fee shall be deposited into the “Customs and Quarantine Forfeiture Fund.”

(d) The Customs and Quarantine Agency shall maintain a database of all individuals who are in violation of this section to determine and administer subsequent violation charges.

Section 4. A new §6603 is hereby *added* to Article 6 of Chapter 6 of Title 11, Guam Code Annotated, to read as follows:

§6603. Customs and Quarantine Forfeiture Fund. There is hereby created, separate and apart from other funds of the government of Guam, a fund to be known as the “Customs and Quarantine Forfeiture Fund (hereinafter “the Fund”), which shall be funded by all penalties accumulated by seizures and confiscations at any of the port of entries on the island of Guam. The Fund shall be maintained separate and apart from other funds of the government of Guam and shall be kept in a separate bank account and shall not be subject to any transfer authority of I Maga’lahen Guåhan or I Liheslaturan Guåhan and shall remain in such account until expended by the Customs and Quarantine Agency for purposes of this section. The Director of the Customs and Quarantine Agency shall have programmatic oversight of the Fund, and no expenditure shall be made therefrom without the Director’s consent. All proceeds from penalties collected under this section shall be deposited into the Fund and shall not be commingled with the General Fund. Said Fund shall be examined and reported upon by the Director of the Department of Administration as required by law, who shall submit a quarterly report to I Liheslaturan Guåhan. The certifying officer of the Fund shall be the Director of the Customs and Quarantine Agency. The fund shall be used exclusively for the purposes of this Article, or other activities under management of the Customs and Quarantine Agency. The Director of the Customs and Quarantine Agency, subject to the Administrative Adjudication Act, shall promulgate and adopt rules regulations to implement the provisions of this section of this chapter, including provisions establishing the procedure for collection of penalties and for periodic review of the costs for providing storage, destruction, and administrative fees for and to purchase computers and software to establish and maintain a database for all violations of cigarettes and ~~smokeless~~ tobacco products exceeding the exemption.

Section 5. Date of Enactment. This Act shall take effect immediately upon enactment.

Color Coding

Deletion - AAAA

Insertion - AAAA

Mike Lidia mike.lidia@senatorbjcruz.com
tocipo@guamlegislature.org,
"Benjamin J.F. Cruz" <senator@senatorbjcruz.com>,
Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>
date Wed, Jun 22, 2011 at 9:23 AM
subject Amendments to Bill No. 146-31 (COR)

~~lida (del)~~ Jun 22 (2 days ago)

Lisa:

Please keep all the changes recommended by Customs & Quarantine except for one modification that I have copy pasted below:

Section 4. A new §6603 is hereby added to Article 6 of Chapter 6 of Title 11, Guam Code Annotated, to read as follows:

§6603. Customs and Quarantine Forfeiture Fund. There is hereby created, separate and apart from other funds of the government of Guam, a fund to be known as the "Customs and Quarantine Forfeiture Fund (hereinafter "the Fund"), which shall be funded by all penalties accumulated by seizures and confiscations at any of the port of entries on the island of Guam. The Fund shall be maintained separate and apart from other funds of the government of Guam and shall be kept in a separate bank account and shall not be subject to any transfer authority of I Maga'láhen Guåhan or I Liheslaturan Guåhan and shall remain in such account until expended by the Customs and Quarantine Agency for purposes of this section. The Director of the Customs and Quarantine Agency shall have programmatic oversight of the Fund, and no expenditure shall be made therefrom without the Director's consent. All proceeds from penalties collected under this section shall be deposited into the Fund and shall not be commingled with the General Fund. Said Fund shall be examined and reported upon by the Director of the Department of Administration as required by law, who shall submit a quarterly report to I Liheslaturan Guåhan. The certifying officer of the Fund shall be the Director of the Customs and Quarantine Agency. The fund shall be used exclusively for the purposes of this Article, to purchase computers and software to establish and maintain a database for all violations of cigarettes and smokeless tobacco products exceeding the exemption, or other activities under management of the Customs and

Quarantine Agency. The Director of the Customs and Quarantine Agency, subject to the Administrative Adjudication Act, shall promulgate and adopt rules regulations to implement the provisions of this section of this chapter, including provisions establishing the procedure for collection of penalties and for periodic review of the costs for providing storage, destruction, and administrative fees.

The amendment as written by C&Q for comparison:

Section 4. A new §6603 is hereby *added* to Article 6 of Chapter 6 of Title 11, Guam Code Annotated, to read as follows:

§6603. Customs and Quarantine Forfeiture Fund. There is hereby created, separate and apart from other funds of the government of Guam, a fund to be known as the “Customs and Quarantine Forfeiture Fund (hereinafter “the Fund”), which shall be funded by all penalties accumulated by seizures and confiscations at any of the port of entries on the island of Guam. The Fund shall be maintained separate and apart from other funds of the government of Guam and shall be kept in a separate bank account and shall not be subject to any transfer authority of I Maga’lahen Guåhan or I Liheslaturan Guåhan and shall remain in such account until expended by the Customs and Quarantine Agency for purposes of this section. The Director of the Customs and Quarantine Agency shall have programmatic oversight of the Fund, and no expenditure shall be made therefrom without the Director’s consent. All proceeds from penalties collected under this section shall be deposited into the Fund and shall not be commingled with the General Fund. Said Fund shall be examined and reported upon by the Director of the Department of Administration as required by law, who shall submit a quarterly report to I Liheslaturan Guåhan. The certifying officer of the Fund shall be the Director of the Customs and Quarantine Agency. The fund shall be used exclusively for the purposes of this Article, or other activities under management of the Customs and Quarantine Agency. The Director of the Customs and Quarantine Agency, subject to the Administrative Adjudication Act, shall promulgate

and adopt rules regulations to implement the provisions of this section of this chapter, including provisions establishing the procedure for collection of penalties and for periodic review of the costs for providing storage, destruction, and administrative fees for and to purchase computers and software to establish and maintain a database for all violations of cigarettes and smokeless tobacco products exceeding the exemption.

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 146-31 (COR)**

AN ACT TO PLACE LIMITATIONS ON THE IMPORTATION OF CIGARETTES AND SMOKELESS TOBACCO PRODUCTS BY AMENDING §6101 OF ARTICLE 1, §6600 AND §6602 OF ARTICLE 6, AND BY ADDING A NEW §6603 TO ARTICLE 6 OF CHAPTER 6 OF TITLE 11 OF THE GUAM CODE ANNOTATED.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Revenue & Taxation	Dept./Agency Head: John P. Camacho
Department's General Fund (GF) appropriation(s) to date:	9,318,618
Department's Other Fund (Specify) appropriation(s) to date: \$818,249 (Tax Collection Enhancement Fund) / \$1,585,109 (Better Public Service Fund)	2,403,358
Total Department/Agency Appropriation(s) to date:	\$11,721,976

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-235)	\$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 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
- 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
- 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
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- 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: <u>Michael M. Aflague, B&M Analyst, BBMR</u>	Date: <u>4/26/11</u>	Director: <u>Benita A. Manglona</u>	Date: <u>5/6/11</u>
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8/5/11

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
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

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MAJORITY LEADER

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Senator
Christopher M. Duenas

April 14, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 143-31 (COR) through 148-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 143-31(COR) through 148-31 (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 Senators 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) Attachments

2011 Apr 14 PM 2:31

I Mina' Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

April 13 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
146-31 (COR)	B. J.F. Cruz	AN ACT TO PLACE LIMITATIONS ON THE IMPORTATION OF CIGARETTES AND SMOKELESS TOBACCO PRODUCTS BY AMENDING §6101 OF ARTICLE 1, §6600 AND §6602 OF ARTICLE 6, AND BY ADDING A NEW §6603 TO ARTICLE 6 OF CHAPTER 6 OF TITLE 11 OF THE GUAM CODE ANNOTATED.	4/13/11 12:33 p.m.	4/14/11		Committee on Appropriation, Taxation, Public Debt, Banking, Insurance, Retirement and Land			



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Budget FY2012 (10)

Hafa Adai,
The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 in the Guam Legislature Public Hearing Room. The following is on the agenda:

Calvo (8)

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

campaign 2010 (3)

*gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)*

CMTF (1)

*Kuátton Inekungok Pubbleko gi l Lheslaturan Guáhan
(Guam Legislature Public Hearing Room)*

DC-Conf Trip

*Alas nuebi gi egga'an despu
(9:00 AM)*

Democrat Speech

**TAREHA
(AGENDA)**

Dos Amantes

**Komfitmasion Siha:
(Confirmation hearings)**

Farmer's Coop

Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

Faxes

**Priniponi Siha
(Bills)**

Faxes 31GL

Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

Fundraiser 2010

Bill No. 144-31 (COR): An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

FY11 Comm Rpts

Bill No. 146-31 (COR): An Act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6602 of Article 6, and by adding a New §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.

GEDA

Bill No. 162-31 (COR): An Act to amend §70132 of Title 11 of the Guam Code Annotated Relative to clearances required to obtain, renew or cancel a business license or any other license issued by a regulating agency or board.

Grants (242)

Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing "Split-Zone Elections".

Messages Comm

Bill No. 181-31 (COR): An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weigh stations on Guam.

Messages Comm 3...

Bill No. 200-31 (COR): An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development

Military Buildup (2)

Bill No. 207-31 (COR): An Act to authorize the Department of Land Management to exchange a portion of Government of Guam land and deed Lot No. 1NEW-6, within Block No. 24, Municipality of Hagatna to Adrian L. Cristobal and Concepcion F. Cristobal pursuant to Civil Case No. CV230-88 recorded under Document No. 478218.

NCSL Fall Seminar...

Bill No. 208-31 (COR): An Act to amend §60900 and add a new §60909 and §60910 of Article 9, Chapter 60, Title 21 Guam Code Annotated

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- Artemio Hernandez
- Chris Budasi
- Edison Manaloto
- Stephanie Mendiola

relative to the construction of a new Department of Land Management Building in Hagatna.

Bill No. 210-31 (COR): An Act to add a new Chapter 63 to Title 11 of the Guam Code Annotated to provide the Department of Revenue and Taxation Enforcement and Collection Resources to target high risk, cash-based businesses and for non-licensed businesses engaged in military construction projects. This Act shall be known as "The Cash Economy Enforcement Act of 2011".

Bill No. 219-31 (COR): An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

Yanggen un nisisita espesiát na setbisio put fabot ágang i lffsinan Senadot ben pangelinan gi 473-4236/7, i-mel si senbenp@guam.net patsino hálom gi i uepsait gi <http://www.senbenp.com> Este na nutisiu inapási nu i fendon gubetnamento.

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at senbenp@guam.net or log onto <http://www.senbenp.com>

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
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**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 Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)***

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

***Alas nuebi gi egga'an despu
(9:00 AM)***

**TAREHA
(AGENDA)**

***Komfitmasion Siha:
(Confirmation hearings)***

**Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board**

***Priniponi Siha
(Bills)***

Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

Bill No. 144-31 (COR): An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

Bill No. 146-31 (COR): An Act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6602 of Article 6, and by adding a New §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.

Bill No. 162-31 (COR): An Act to amend §70132 of Title 11 of the Guam Code Annotated Relative to clearances required to obtain, renew or cancel a business license or any other license issued by a regulating agency or board.

Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing “Split-Zone Elections”.

Bill No. 181-31 (COR): An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weigh stations on Guam.

Bill No. 200-31 (COR): An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development

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Hafa Adai,
The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 in the Guam Legislature Public Hearing Room. The following is on the agenda:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)

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

Alas nuebi gi egga'an despu (9:00 AM)

TAREHA (AGENDA)

Komfirmasion Siha: (Confirmation hearings)

- Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
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I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – 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 beginning at **9:00am, Monday, June 20, 2011 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner

Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board

Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board

Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board

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Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing “Split-Zone Elections”.

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Bill No. 219-31 (COR): An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.



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The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 beginning at 9:00am in the Guam Legislature Public Hearing Room. The following is on the agenda:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)

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

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Nicole Santos to me

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Was Bill 43 heard? I just missed about 30 mins. Could you give me a quick run-down of what happened w/ Bill 43? Thanks, Lisa.

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Nicole Santos
Senior Policy Analyst
Office of Senator Thomas C. Ada
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**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)***

***Kuátton Inekungok Pubbleko gi I LiheSlaturan Guahan
(Guam Legislature Public Hearing Room)***

***Alas nuebi gi egga'an despu
(9:00 AM)***

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(AGENDA)**

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(Confirmation hearings)***

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(Bills)***

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I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: Media

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

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"Alladi, Amritha" <aalladi@guam.gannett.com>

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The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 beginning at 9:00am in the Guam Legislature Public Hearing Room. The agenda is as follows:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)

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

Alas nuabi gi egga'an despu (9:00 AM)

TAREHA (AGENDA)

Komfitmasion Siha: (Confirmation hearings)

- Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
- Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
- Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
- Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
- Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

Priniponi Siha (Bills)

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Bill No. 144-31 (COR): An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

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Bill No. 146-31 (COR): An Act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6602 of Article 6, and by adding a New §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.

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Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
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cipo@guamlegislature.org

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**Senator Vicente "ben" Cabrera Pangelinan
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Website: www.senbenp.com**

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)***

***Kuátton Inekungok Pubbleko gi I Lihselaturan Guahan
(Guam Legislature Public Hearing Room)***

***Alas nuebi gi egga'an despu
(9:00 AM)***

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INEKUNGOK PUBBLEKO (PUBLIC HEARING)
gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)
Kuátton Inekungok Pubbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)
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Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2011

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Land

Vice Chairman
Committee on Education

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

Member
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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

Governor Edward Calvo
Office of the Governor
Adelup, Guam

Re: Public Hearing Notice

Hafa Adai Governor Calvo,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00 am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is the agenda:

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Website: <http://senbenp.com>

Letter to Governor Edward Calvo
June 13, 2011
Page 2

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This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

For copies of the bills, you can log onto www.guamlegislature.com or contact our office at 473-4236.

Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



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Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2011

Leonardo Rapadas, Esq.
Attorney General of Guam
Office of the Attorney General
Hagatna, Guam

Re: Public Hearing Notice

Hafa Adai General Rapadas,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00 am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is the agenda:

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Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board

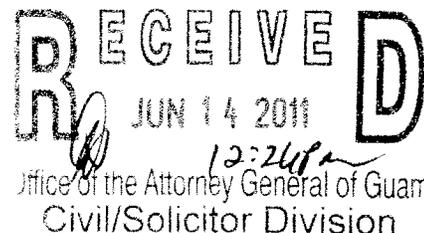
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Letter to Attorney General Leonardo Rapadas
June 13, 2011
Page 2

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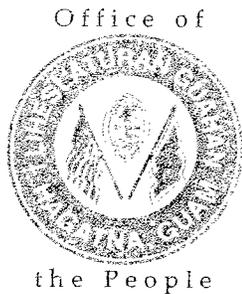
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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2011

Mr. David Leddy
President
Guam Chamber of Commerce
Hagatna, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Leddy,

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*Rec. by: Charlie O.
Cabrera
6/14/11*

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Committee on Appropriations,
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Land

Vice Chairman
Committee on Education

Member
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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>

Letter to Mr. David Leddy
June 13, 2011
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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2011

Ms. Doris Flores Brooks
Public Auditor
Office Public Accountability
Hagatna, Guam

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BY:	M. W.

Re: Public Hearing Notice

Hafa Adai Ms. Brooks,

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Letter to Ms. Doris Brooks
June 13, 2011
Page 2

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Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing “Split-Zone Elections”.

Bill No. 181-31 (COR): An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weigh stations on Guam.

Bill No. 200-31 (COR): An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development

Bill No. 207-31 (COR): An Act to authorize the Department of Land Management to exchange a portion of Government of Guam land and deed Lot No. 1NEW-6, within Block No. 24, Municipality of Hagatna to Adrian L. Cristobal and Concepcion F. Cristobal pursuant to Civil Case No. CV230-88 recorded under Document No. 478218.

Bill No. 208-31 (COR): An Act to amend §60900 and add a new §60909 and §60910 of Article 9, Chapter 60, Title 21 Guam Code Annotated relative to the construction of a new Department of Land Management Building in Hagatna.

Bill No. 210-31 (COR): An Act to add a new Chapter 53 to Title 11 of the Guam Code Annotated to provide the Department of Revenue and Taxation Enforcement and Collection Resources to target high risk, cash-based businesses and for non-licensed businesses engaged in military construction projects. This Act shall be known as “The Cash Economy Enforcement Act of 2011”.

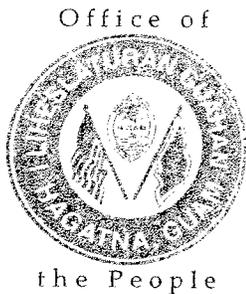
Bill No. 219-31 (COR): An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

For copies of the bills, you can log onto www.guamilegislature.com or contact our office at 473-4236.

Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



Office of

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

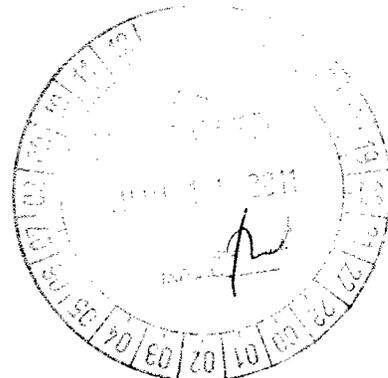
Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2011

Mr. John Camacho
Director
Department of Revenue & Taxation
Barrigada, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Camacho,



The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00 am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is the agenda:

Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner

Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board

Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board

Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board

Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

Bill No. 144-31 (COR): An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

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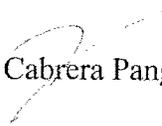
Letter to Mr. John Camacho
June 13, 2011
Page 2

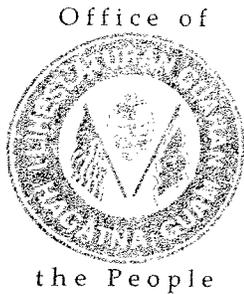
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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator





I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 14, 2011

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

George Mastin
Resident Agent in Charge of Guam & Northern Marianas
BUREAU OF ALCOHOL, TOBACCO & FIREARMS
First Hawaiian Bank Bldg. Suite 503
400 Route 8
Mongmong, GU 96910

Vice Chairman
Committee on Education

Re: Public Hearing Notice

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

Hafa Adai Mr. George Mastin,

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

Bill No. 146-31 (COR) An act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6101 or Article 1, §6600 and §6602 of Article 6, and by adding a new §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.

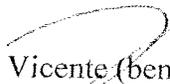
Member
Committee on the Guam
Military Buildup and
Homeland Security

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

For copies of the bill, log onto: <http://guamlegislature.com> or www.senbenp.com

Si Yu'os Ma'ase',


Vicente (ben) Cabrera Pangelinan
Senador

6-14-11
EMBEDDED: GEORGE.MASTIN@ATF.GOV



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 15, 2011

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

Col. Raffaele M.J. Sgambelluri
Acting Director
Guam Customs & Quarantine Agency
AB Won Pat International Airport

Re: Public Hearing Notice

Hafa Adai Col. Raffaele M.J. Sgambelluri,

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 9:00am on **Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following bill is on the agenda:

Bill No. 144-31 (COR) An act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" exemptions.

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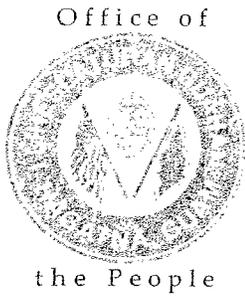
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Si Yu'os Ma'ase',

Vicente (ben) Cabrera Pangelinan
Senator





I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

[Handwritten signature]
0-10-11
Vicente (ben) Cabrera Pangelinan
Senator

June 15, 2011

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

Pedro Leon Guerrero
General Manager
Port Authority of Guam (PAG)
Jose De Leon Guerrero Commercial Port

Re: Public Hearing Notice

Vice Chairman
Committee on Education

Hafa Adai Mr. Pedro Leon Guerrero,

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

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Member
Committee on the Guam
Military Buildup and
Homeland Security

For copies of the bill, log onto: <http://guamlegislature.com> or www.senbenp.com

Si Yu'os Ma'ase',

[Handwritten signature]
Vicente (ben) Cabrera Pangelinan
Senator

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)

June 15, 2011

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

Barbara Benavente
Supervisor
Prevention and Training Branch
Department of Mental Health & Substance Abuse
J&G Complex 2nd floor

Vice Chairman
Committee on Education

Re: Public Hearing Notice

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

Hafa Adai Ms. Barbara Benavente,

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Committee on
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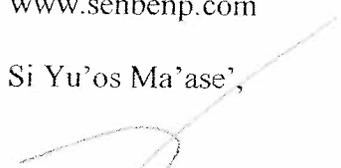
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Member
Committee on the Guam
Military Buildup and
Homeland Security

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Si Yu'os Ma'ase',


Vicente (ben) Cabrera Pangelinan
Senator

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

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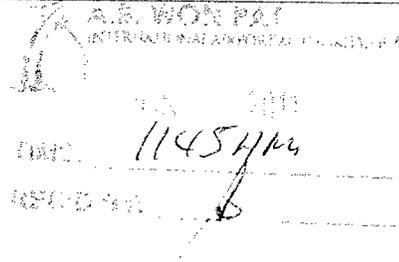
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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 15, 2011



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

Mary C. Torres
Executive Manager
A.B. Won Pat International Airport

Re: Public Hearing Notice

Vice Chairman
Committee on Education

Hafa Adai Ms. Mary C. Torres,

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

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

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Member
Committee on the Guam
Military Buildup and
Homeland Security

Si Yu'os Ma'ase',

Vicente (ben) Cabrera Pangelinan
Senator

Member
Committee on Health and
Human Services, Senior
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Reform



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 15, 2011

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

Fred Workman
Post Master
Guam Main Facility

Re: Public Hearing Notice

Vice Chairman
Committee on Education

Hafa Adai Mr. Fred Workman,

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

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Member
Committee on
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Member
Committee on the Guam
Military Buildup and
Homeland Security

Si Yu'os Ma'ase',

Vicente (ben) Cabrera Pangelinan
Senator

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



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>



**I Mina'Trentai Unu Na
Lihselaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE**

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

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)***

***Kuátton Inekungok Pubbleko gi I Lihselaturan Guahan
(Guam Legislature Public Hearing Room)***

***Alas nuebi gi egga'an despu
(9:00 AM)***

**TAREHA
(AGENDA)**

***Komfitmasion Siha:
(Confirmation hearings)***

**Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board**

***Priniponi Siha
(Bills)***

Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

Bill No. 144-31 (COR): An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

I MINA' TRENTA I UNO NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 146-31 (COR)

Introduced by:

B.J.F. Cruz



2011 APR 13 PM 12:33



**AN ACT TO PLACE LIMITATIONS ON THE IMPORTATION
OF CIGARETTES AND SMOKELESS TOBACCO PRODUCTS
BY AMENDING §6101 OF ARTICLE 1, §6600 AND §6602 OF
ARTICLE 6, AND BY ADDING A NEW §6603 TO ARTICLE 6
OF CHAPTER 6 OF TITLE 11 OF THE GUAM CODE
ANNOTATED**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. 6101 Article 1 of Chapter 6 of Title 11, Guam Code Annotated, is hereby amended to read as follows:

“§ 6101. Definitions. Unless the context otherwise requires, the definitions set forth herein shall govern the construction and interpretation of this Chapter.

(a) ‘Director’ means the Director of Revenue and Taxation.

(b) ‘License’ means Retail License and Wholesale License for sales of tobacco products, as defined under this Section.

(c) ‘Minor’ means any person under eighteen (18) years of age.

(d) ‘Person’ means any individual, company, corporation, firm, partnership, organization, estate, trust, limited liability company, limited liability partnership or other legal entity.

1 (e) 'Retail' means the sale of tangible personal property for consumption or
2 use by the purchaser and not for resale.

3 (f) 'Retail License' means a license issued by the Director of Revenue and
4 Taxation for the retail sale of tobacco products or sale through a vending
5 machine.

6 (g) 'Tobacco product' means any tobacco cigarette, cigar, pipe tobacco,
7 smokeless tobacco, chewing tobacco or any other form of tobacco which
8 may be utilized for smoking, chewing, inhalation or other means of
9 ingestion.

10 (h) 'Vending Machine' means any mechanical, electrical or electronic
11 device that, on insertion of money, tokens or any other form of payment,
12 automatically dispenses tobacco products.

13 (i) 'Wholesale' means the importation into or purchase on Guam from a
14 manufacturer or other wholesale licensee of tangible personal property not
15 for consumption or use by the purchaser but solely for resale or retail
16 wholesale or retail sellers.

17 (j) 'Wholesale License' means a license issued by the Director of Revenue
18 and Taxation for the wholesale sale of tobacco products to retailers.

19 (k) 'Bona fide Importer/Exporter' means one having no predisposition
20 otherwise in having possession of such imported or exported tobacco.'

21 **Section 2.** Section 6600 Article 6 of Chapter 6 of Title 11, Guam Code
22 Annotated, is hereby *amended* to read as follows:

23 **“§ 6600. Who May Import.**

24 **(A) General Rule.** Tobacco products may be brought into Guam from
25 without Guam for delivery or use within Guam only if the tobacco products are
26 imported by or consigned to a licensed wholesaler- and if the importer is licensed

1 with the Guam Department of Revenue and Taxation and recognized as a bonded
2 bona fide importer/exporter of tobacco.

3 **(B) Exemptions.** Cigarettes or smokeless tobacco products satisfying the
4 conditions of any of the following paragraphs shall not be subject to the
5 requirements of Subsection (A) of this section:

6 (1) Personal-use cigarettes or smokeless tobacco products

7 (a) Personal use cigarettes or smokeless tobacco products
8 can only be imported via passenger baggage through the
9 means of A.B. Won Pat International Airport, Anderson
10 Air Force Base Terminal, the Commercial Port of Guam
11 via passenger vessels, and the Guam Main Facility. Any
12 type of freight courier service shall not be deemed as
13 personal cargo.

14 (b) There shall be a maximum of twelve (12) packages of
15 smokeless tobacco and 1,000 cigarettes (5 cartons), not
16 more than Two Hundred (200) of which acquired
17 elsewhere than in such locations, within the returning
18 residents tariff exception from duty and taxes or per bona
19 fide importer/exporter that can be imported into Guam
20 via the entry means identified in (B) Exemptions (a) per
21 month. This exemption shall be applied to all passengers
22 and airline crewmembers.”

23 **Section 3.** 6602 of Article 6 of Chapter 6 of Title 11, Guam Code
24 Annotated, is hereby *amended* to read as follows:

25 “§ 6602. **Penalty.** Whoever transports or imports into Guam for delivery or
26 use in Guam tobacco products in violation of this Article shall be penalized
27 as follows:

1 (a) In the case of a first violation, the person shall be guilty of a
2 misdemeanor and may be fined not more than One Thousand Dollars
3 (\$1,000.00) or imprisoned for not more than one (1) year, or both;

4 (b) In the case of any subsequent violation, the person shall be
5 guilty of a felony of the third degree and shall be fined not more than
6 Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than
7 five (5) years, or both.

8 (c) Any individual who imports cigarettes or smokeless tobacco
9 outside the exemptions identified in this code shall be imposed a fine
10 of three times the value of the commodity which shall be determined
11 by the officer of the Department of Customs and Quarantine at the
12 port of entry. The commodity shall be seized and the violator of this
13 section shall be fined an additional three times the value of the current
14 value of the commodity for the cost of storage, destruction, and
15 administrative fees for cigarettes or smokeless tobacco exceeding the
16 exemption pursuant to § 47.70. of Chapter 47 of Title 9 Guam Code
17 Annotated. This fee shall be deposited into the Customs and
18 Quarantine Forfeiture Fund.”

19 **Section 4.** A new 6603 is hereby *added* to Article 6 of Chapter 6 of Title 11,
20 Guam Code Annotated, to read as follows:

21 **“§6603. Customs and Quarantine Forfeiture Fund.** There is hereby
22 created, separate and apart from other funds of the government of Guam, a
23 fund to be known as the “Customs and Quarantine Forfeiture Fund
24 (hereinafter “the Fund”), which shall be funded by all penalties accumulated
25 by seizures and confiscations at any of the port of entries on the island of
26 Guam. The Fund shall be maintained separate and apart from other funds of
27 the government of Guam and shall be kept in a separate bank account and

1 shall not be subject to any transfer authority of I Maga'láhen Guáhan or I
2 Liheslaturan Guáhan and shall remain in such account until expended by the
3 Customs and Quarantine Agency for purposes of this section. The Director
4 of the Customs and Quarantine Agency shall have programmatic oversight
5 of the Fund, and no expenditure shall be made therefrom without the
6 Director's consent. All proceeds from penalties collected under this section
7 shall be deposited into the Fund and shall not be commingled with the
8 General Fund. Said Fund shall be examined and reported upon by the
9 Director of the Department of Administration as required by law, who shall
10 submit a quarterly report to I Liheslaturan Guáhan. The certifying officer of
11 the Fund shall be the Director of the Customs and Quarantine Agency. The
12 fund shall be used exclusively for the purposes of this Article, or other
13 activities under the management of the Customs and Quarantine Agency.
14 The Director of Customs and Quarantine Agency, subject to the
15 Administrative Adjudication Act, shall promulgate and adopt rules and
16 regulations to implement the provisions of this section of this chapter,
17 including provisions establishing the procedure for collection of penalties
18 and for periodic review of the costs for providing storage, destruction, and
19 administrative fees for cigarettes or smokeless tobacco exceeding the
20 exemption."

21 **Section 5. Date of Enactment.** This Act shall take effect immediately upon
22 enactment.