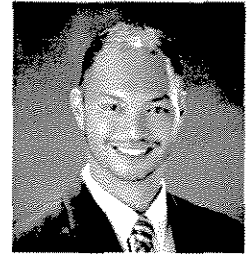




Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,
General Government Operations, and Youth Development
I Mina'Trentai Tres Na Liheslaturan Guåhan | 33rd Guam Legislature



MAY 26 2015

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Tres na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairman
Committee on Rules, Federal, Foreign & Micronesian Affairs,
Human & Natural Resources, Election Reform, and Capitol District

RE: Committee Report on Bill No. 9-33 (COR), As Amended by the Committee

Dear Speaker Won Pat,

Håfa adai! Transmitted herewith is the Committee Report on Bill No. 9-33 (COR), as amended by the Committee – “AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY AMENDING CHAPTER 2 – ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS – BUSINESS REGULATIONS.”

Committee votes are as follows:

- 4 TO DO PASS
- _____ TO NOT PASS
- 5 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Respectfully,

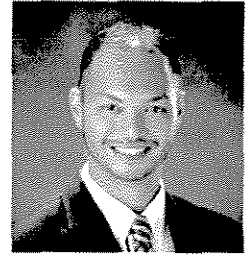
MICHAEL F.Q. SAN NICOLAS

2015 MAY 26 AM 10:46
[Signature]



Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,
General Government Operations, and Youth Development
I Mina'trentai Tres Na Liheslaturan Guåhan | 33rd Guam Legislature



COMMITTEE REPORT

Bill No. 9-33 (COR)

As Amended by the Committee

Introduced by Dennis G. Rodriguez, Jr.

“AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY AMENDING CHAPTER 2 – ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS – BUSINESS REGULATIONS.”



Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,
General Government Operations, and Youth Development
I Mina'trentai Tres Na Liheslaturan Guåhan | 33rd Guam Legislature



MAY 26 2015

MEMORANDUM

TO: All Members
Committee on Finance & Taxation, General
Government Operations, and Youth Development

RE: **Committee Report on Bill No. 9-33 (COR), As Amended by the Committee**

Håfa adai! Transmitted herewith is the Committee Report on Bill No. 9-33 (COR), as amended by the Committee – “AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY AMENDING CHAPTER 2 – ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS – BUSINESS REGULATIONS.”

This report includes the following:

- Vote Sheet
- Report Digest
- Copy of Bill No. 9-33 (COR), as Introduced
- Copy of Bill No. 9-33 (COR), as Amended
- Public Hearing Sign-in Sheet
- Written Testimonies and Supporting Documents
- Fiscal Note
- Copy of COR Referral of Bill No. 9-33 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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

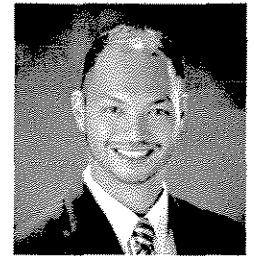
Respectfully,


MICHAEL F.Q. SAN NICOLAS



Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,
 General Government Operations, and Youth Development
 | *Mina'trentai Tres Na Liheslaturan Guåhan* | 33rd Guam Legislature



COMMITTEE VOTE SHEET

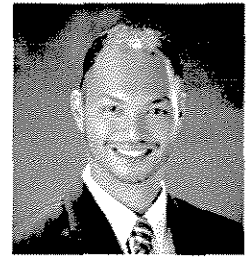
Bill No. 9-33 (COR), As Amended by the Committee – “AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY AMENDING CHAPTER 2 – ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS – BUSINESS REGULATIONS.”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Michael F.Q. San Nicolas Chairman		✓				
Senator Mary C. Torres Vice Chairman				5/26/15		
Speaker Judith T. Won Pat, Ed.D. Member						
Vice Speaker Benjamin J.F. Cruz Member		✓				
Senator Tina R. Muña Barnes Member		✓				
Senator Rory J. Respicio Member				m 5/26/15		
Senator Thomas C. Ada Member				✓		
Senator Dennis G. Rodriguez, Jr. Member						
Senator Frank B. Aguon, Jr. Member	 5/26/15	✓				
Senator Nerissa B. Underwood, Ph.D. Member				✓		
Senator James V. Espaldon Member				✓		



Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,
General Government Operations, and Youth Development
I Mina'trentai Tres Na Liheslaturan Guåhan | 33rd Guam Legislature



COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 9-33 (COR) was introduced on January 5, 2015, by Senator Dennis G. Rodriguez, Jr. The bill was subsequently referred by the Committee on Rules to the Committee on Finance & Taxation, General Government Operations, and Youth Development on January 6, 2015.

The Committee on Finance & Taxation, General Government Operations, and Youth Development held a public hearing on March 12, 2015, in *I Liheslatura's* Public Hearing Room. Among the items on the hearing agenda was Bill No. 9-33 (COR). The hearing convened at 10:01 a.m. and was recessed at 11:57 a.m. The hearing reconvened at 2:03 p.m. and was adjourned at 5:35 p.m.

Public Notice Requirements

Public Hearing notices were disseminated via electronic mail to all senators and all main media broadcasting outlets on March 5, 2015, and again on March 9, 2015. Notice was also posted on *I Liheslatura's* website beginning on March 5, 2015.

Senators Present

Senator Michael F.Q. San Nicolas, Committee Chairman
Senator Mary C. Torres, Committee Vice Chairwoman
Senator Thomas C. Ada, Committee Member
Vice Speaker Benjamin J.F. Cruz, Committee Member
Senator Dennis G. Rodriguez, Jr., Committee Member
Senator Frank B. Aguon, Jr., Committee Member
Senator Nerissa B. Underwood, Ph.D., Committee Member
Senator James V. Espaldon, Committee Member
Senator V. Anthony Ada
Senator Tommy A. Morrison
Senator Frank F. Blas, Jr.

Oral Testimony

Audrey Topasna, PEACE Office, Guam Behavioral Health and Wellness Center
Sarah Harrell, Guam Behavioral Health and Wellness Center
Mary Rhodes, President, Guam Hotel and Restaurant Association
Bartley Jackson, Chairman, Guam Hotel and Restaurant Association

Written Testimony

Audrey Topasna, PEACE Office, Guam Behavioral Health and Wellness Center

II. TESTIMONY & DISCUSSION

Chairman Michael San Nicolas: We'll go ahead and continue this hearing on Bill No. 9-33 introduced by Senator Rodriguez. An act to adopt the rules and regulations relative to responsible alcohol server seller training programs by amending chapter 2 Alcoholic Beverage Control Board of Title 3 Guam Administrative rules and regulations and business regulations and at this time I would like to yield to Senator Rodriguez for his opening statement on the bill.

Senator Dennis Rodriguez: Good Morning. Thank you very much Mr. Chair for the opportunity to speak on this bill. To briefly give a synopsis of the bill but also for having a public hearing on it. What Bill 9 is Mr. Chairman and members of the committee and the public is an act to adopt the rules and regulations relative to responsible alcohol server selling training programs by amending chapter 2 Alcoholic Beverage Control Board of Title 3 the Guam administrative Rules and Regulations, Business regulations. About 20 months ago, this body, the Guam Legislature passed a public law 3251 that provides for the demanded requirement for anyone who wishes to sell and serve alcohol for them to obtain a server seller training program certification and so really just to give a little bit of history this was something that was inspired by members from our Department of Youth Affairs and members from our Guam Behavioral Health and Wellness Center who had already and put into a place a volunteer program that would train servers and sellers of alcohol of alcohol establishments. And so what this bill does Mr. Chairman is because the initial law had required the ABC Board to promulgate rules and regulations within 150 calendar days and that has not happened its really to move this process forward and this body to adopt these initial rules and regs. And then for the ABC board then to make any changes in the future. We've been working as an anticipation of this public hearing with the members of Guam Behavioral Health and Wellness and DYA to even fine tune this measure even further. This proposed rules and regs was also provided to members of the board a few months ago I think sometime last year. But then you know I understand that the board members are volunteer members and they have a lot on their plates. One of the busiest boards and so would like to be able to facilitate this by passing it through a legislative action. Thank you very much Mr. Chairman.

Chairman San Nicolas: Thank you Senator Rodriguez. Present to testify on behalf of Bill No. 9-33 we have Ms. Audrey Topasna, Ms. Sarah Harold, and Ms. Mary Rhodes if you can please join us at the table. And Mr. Bart Jackson also joined us. So we have two groups basically represented in this panel. We have Guam Behavioral Health and Wellness Center and the Guam Hotel and Restaurant Association and the Private Sector so we'll go ahead and yield I guess to our private sector members who are present or would you like to yield to our government members who are present? Up to you. Okay so we'll go ahead and start with Audrey.

Audrey Topasna: Guess I'm the lucky one. Okay, Good Morning. Senator San Nicolas, Senator Rodriguez and all the other senators and we thank you for allowing us to testify this

morning. Just for the record, my name is Audrey Topasna. I am the Underage Drinking Prevention Coordinator for the Guam Peace project and I also serve as the team leader for the Non-Communicable Disease alcohol prevention and control group and I'm here in support of Bill 9-33 on the act to adopt the rules and regulations relative to be responsible alcohol server and seller training programs. (*Read testimony. Please see attached testimony*). To reduce alcohol abuse and prevent underage drinking, it requires a multi-strategic approach and in saying that it requires individual and environmental level interventions and individual we refer to such as family based or school based, with environmental, we look at raising the alcohol price of alcohol, raising the minimum legal drinking age and also to include the alcohol servers seller intervention skills training and that is why we are here to support this bill. So it moves basically moves it forward on what was passed which was public law 32-51. And that's what which it established the responsible alcohol sales and service act. Our Island has dealt with far too many issues with alcohol related such as motor vehicle crashes, family violence, cancer, and suicides. We must continue to improve Guam environmental interventions and so the passing of Bill 9 will move that process forward. So we can begin to implement the Alcohol Server and Seller Training programs as required by Public Law 32-51. So I'd like to thank Senator San Nicolas, Senator Rodriguez, and all the other committee members for taking the necessary steps needed to improve our island community's health and addressing safety issues. Thank you so much.

Chairman San Nicolas: Thank you very much, Audrey. Next we have Sarah.

Sarah Harrell: Hafa Adai. My name is Sarah Harrell. I work as a program coordinator for the Guam Behavioral Health & Wellness Center prevention and training branch. But I'm also here as a member or representing the alcohol control group reaction group from the NCD Consortium and that's a partnership among many other government agencies and non-profit organizations. It's being lead by the Department of Public Health and Social Services. The information that I will present is basically in addition to what Audrey, my colleague here had already shared with you. Because of the passing of Public Law 3251 and thank you for the members of the 32nd legislature initiated by Senator Rodriguez. We joined; Guam joins 43 other states and territories in having responsible beverage server trainer and other related practices throughout US so it's really a national strategy. It's an objective that even in the national field they are implementing so it's a good step. It's a positive step for Guam in making sure that underage drinking doesn't happen. That drunk driving doesn't happen and that we don't lose lives anymore to alcohol related injuries or deaths. Aside from that, because of Guam Behavioral Health's partnership with Department of Youth Affairs in 2013 like what Senator Rodriguez had already shared earlier. Audrey and I, together with four other trainers, we underwent a training through the Pacific Institute Research and Evaluation and that's brought in by Department of Youth Affairs they are a non-profit organization and that was funded by the underage drinking laws by DYA. Before the public law was a law we were able to meet at least 50 servers and sellers in the private industry in the beverage serve industry and we were able to provide them the responsible

beverage server seller training. So I would like to share with you how they positively evaluated the training how they thought it was a very good tool for them to use. Like I said 100% of those 50 trainees positively evaluated the training specifically when we asked them in their evaluation form if they will be able to use the skills from the RBS training in their work place like 64% strongly agree that yes they will use it and 36% agreed so that's 100% of them telling us that yes, they will use it when they are at the bars when they are the restaurants, when they are at the mom and pop stores. Having access to alcohol for the consumer for the customer. When we asked them if they would recommend the training to their colleagues in the industry, 92% strongly agreed and 8% agreed. So this is not us program coordinators saying that RBS or any server intervention training is necessary in our community, these are the servers themselves. I would like to share a story that was also shared during one of the trainings. Part of the training is that we discuss experiences and we try to do problem solving kind of discussion with the servers that are involved in the training and one of the servers in one of the trainings that we held shared that as an individual, as a server, or as a licensed server no matter how hard they tried to stop somebody if they have their doubts that this person is under 21. If their boss or if their manager says that I got that person covered go ahead and give them that bottle of beer. As a mere employee it's very hard for them to say no but with the RBS training it's almost like a license, pun intended, a license to say no because they are being provided the skills on how to properly put their foot down and make sure that underage drinking doesn't happen. Not on their watch. So with what we just shared we are very certain that our sellers and servers, they are very ready. They are ready for this training to happen to be provided to them so as programmatic people I think that we really need to do what we have to do to make sure that it does happen. Thank you.

Chairman San Nicolas: Thank you Sarah. Ms. Rhodes.

Mary Rhodes: Hafa Adai everybody. For the record my name is Mary Rhodes and I am the president for the Guam Hotel and Restaurant Association. Thank you for this opportunity. I just want to be clear that Public Law 32-51 did pass and we all understand and really appreciate the intent of the spirit of the law. I think that what both Audrey and Sarah who I both know personally and very well. What they are saying and of course as an industry, as a tourism industry especially those who are responsible as servers and for businesses that are serving alcohol and licensed and permitted to do so take their job seriously and all of these things are important. Which is really why public law 32-51 did pass. Today's draft bill, Bill 9 is really about the promulgation of the rules and regulations. So I don't think we're here to talk about whether or not this is necessary because we've already been there. We've talked about the value of responsible beverage serving before and if you look at the record GHRA was actually supportive. We didn't come in a speak against the bill. We wanted to work directly with the ABC license board on promulgating rules and regulations. I did call the chairman of the ABC License Board because when I saw the draft bill I wanted to make sure that he was aware that this was being heard. To give you a little bit of background starting last year when we thought

that the ABC License Board was going to have to promulgate Rules and Regs. I personally talked to Senator Dennis Rodriguez about where they are at with this timeline which they did not meet. They had already passed this timeline. So GHRA requested a meeting with the ABC License Board. We also invited all of the potential trainers who were interested in providing this RBS training so that we can help identify what are the challenges in training and again without taking anything away from the public law this is really about the promulgation of rules and regulations . So the ABC licensing board has had probably four different meetings with the trainers including GCC a private trainer, who works, actually a couple of trainers who work in the industry and one who doesn't and also GHRA with our food and beverage committee. We talked about what the curriculum should look like which was already written into law, what the specific requirements should be, we talked about a timeline to be inclusive of an RFP we actually asked the ABC licensing board to document a letter requesting for an extension because they had missed the deadline to promulgate rules and regulations. So that's where we're at today. Unfortunately in my call this morning with Chairman Frank Leon Guerrero he had indicated that he did receive a letter being aware that this was happening but he did not receive any copy of the legislation. He was quite surprised to understand and I am only explaining because we meet on a regular basis. I just saw him in December, I saw him in January. We were wondering when we were going to actually get an extension of this. But what this Bill 9 is putting out is to circumvent ABC license board from doing their job. This is actually promulgating the rules and regs. to move forward and there are some I actually submitted I do approve to move forward with it but with some changes. So what I'd like to recommend since this draft bill is still in committee that we have a roundtable discussion and we include public health we include Department of Youth Affairs but we also include the industry, the trainers, and especially ABC License Board together with the administrator. We've never done that just so you know. We have only done individual meetings with Senator Rodriguez or separately with ABC License Board. None of us have ever come together on this and there are some things that are very important that we've discussed that would make this a better set of rules and regulations. Nowhere in here do we talk about an RFP process. We only give the administrator the authority to approve the training program. That can carry a lot of weight and political influence which I think is a very dangerous slippery slope for anyone in the government giving an agency that authority. I think that Mr. Juan Carlos is a great man and I've worked with him both with insurance industry and now with tourism. Love him to death but I think that's some who knows when he's going to retire too and so we don't want to give that much authority to one person that is why you have an ABC Board and that ABC Board actually is made up of individuals who yes, they volunteer. Yes, they have other jobs but they are not associated with the industry. They are not associated with being a trainer. They are not associated with having license or permits to handle or distribute alcohol. So it's very clear that to be on that ABC Board they asked me for example I didn't want it. He tried to get me to do it many times. I didn't want it because too many of our members that are their business but they are a very neutral group and I think we need to include them. When this bill was first introduced they were not included that is the reason why they were so confused and just so you know ABC

License Board has gone through two changes in the last three years because of their inability to have a quorum and so there are a lot of challenges with the board they worked through them this last year and let's give them that opportunity to promulgate rules and regs. And not side step them. Lets actually, we've identified our timeline just so you know to get to promulgating rules and regs, getting and RFP process, getting trainers approved, and also having training within the first year because this does allow a 12 month extension or grandfather period for servers to still keep their job and then get a three year training program. So that's really all I'm asking is for more collaboration to include the ABC Board. I think all your industry representatives both social and non-profit and business for profit are willing to get together because we do need to identify the specific curriculum and the RFP process and we need to ensure that the administrator and Rev. & Tax with the ABC License Board is included in this because ultimately it is their responsibility and ultimately they should be able to weigh in on this so thank you for your time.

Chairman San Nicolas: Thank you Ms. Rhodes. Mr. Jackson.

Bartley Jackson: Thank you Mr. Chairman. Hafa Adai. Hafa Adai everyone. I'm really here to speak on the next bill but I do want to support the GHRA position in this matter and that is of course we are very supportive of responsible beverage server training and it's really a question of creating the consensus. So as Mary said our position we would really like to see a roundtable all parties represented so that we can sit down and talk through these rules and regs. Which really need to be implemented as quickly as possible.

Chairman San Nicolas: Thank you Mr. Jackson.

Ms. Rhodes: Sorry Mr. Chairman. Can I just add one more thing?

Chairman San Nicolas: Sure, Ms. Rhodes.

Ms. Rhodes: GHRA has voluntarily just so you know has worked with providing responsible beverage training since 1999 with our distributors. So we've been providing responsible beverage serving with a particular program since 99 so there are a lot of people who are voluntarily either certified as a train the trainer or train but we certainly don't have everybody in the industry. So we do this on a voluntary basis. I'm sure that the training you guys provided is a voluntary right now because nothing is in to effect because of the public law.

Chairman San Nicolas: Thank you Ms. Rhodes. Senator Rodriguez.

Senator Rodriguez: Thank you very much Mr. Chairman and thank you for your testimony. You know I respect everyone's opinion but I really think that speaking on behalf of ABC Board, you're out of place in doing that. I think if you speak on behalf of GHRA that's fine. I think even

the comment about this is circumventing the ABC Board. If they just did their job then you know we wouldn't be here today and so it's passed about 20 months since the passage of the law and so that's why we are here today to make sure it moves forward. They received copies of these many months ago when they came to my office. I think Mr. Leon Guerrero was first appointed it was Mr. Llaneta and also Ms. Maya. So they have copies of this the regulatory individual Mr. Juan Carlos also has a copy of this. They are all part of it and so I think to say that we need another roundtable we need more discussions we've been having discussions. Even when the first bill was introduced and passed Public Law 3251, the board was involved. We had John Ray Taitano who was intimately involved with us in moving this forward. So that is why I think it's very dangerous when we speak or are speaking for other individuals and so you know I just want to say that this really needs to move forward. We have done everything in ensuring that alcohol stays out of the hands of our youth. We have done things to ensure that now the age of legal authority to consume alcohol is 21. The bars now close at 2 am. That's all the back end stuff. This is really the front end where we are saying we need to train and educate our servers and sellers on how to appropriately and responsibly serve these alcohols and so you know sure Mr. Chairman we can have another roundtable. I think that we should respect that but this is time that we move forward and ensure that the law is carried out. Thank you very much.

Ms. Rhodes: Mr. Chairman.

Chairman San Nicolas: Thank you. Hang on Ms. Rhodes.

Ms. Rhodes: Just for clarification I am not speaking on behalf those are the meetings I attended with them. Just so you know.

Chairman San Nicolas: Sure. Okay. Thank you. I actually very much appreciate the efforts of Senator Rodriguez to drive the issue forward. Very clearly the Alcohol Beverage Control Board had a deadline to meet. They were participating in the original passage of the law that set that deadline for the establishment of these rules and regulations. They didn't meet that deadline and so Senator Rodriguez is driving this issue forward and he's taking the helm on it and that's very much appreciated but also too we do want to listen as well and I know Senator Rodriguez wants to also. So what the committee is going to do is we're going to schedule as quickly as possible a roundtable discussion as requested so that we can get round of input on the measure but as Senator Rodriguez stated we should not be delaying this issue any further than it already has been due to the nonproliferation of rules and regulations that should have been completed by now. He's absolutely right that it needs to get done. So we will get this roundtable scheduled right away. We'll coordinate with all the interested parties who should participate and once that roundtable is concluded we will work with the sponsor of this legislation to craft the final version that will be reported out of committee soon after that. So we're looking at no more than one more month of back and forth on this measure but Senator Rodriguez is right. Any more than

that will be a detriment to the community at this point. So thank you very much for your testimony, all of you. It was very well delivered. I was actually very impressed Ms. Sarah about the data that you provided and you were very concise and it was very well delivered so thank you very much for everyone's testimony. If there are no further questions from the panel we'll go ahead and conclude the hearing then on Bill No. 9-33. Thank you very much.

III. FINDINGS AND RECOMMENDATIONS

At the request of the Guam Hotel and Restaurant Association, the Committee convened a roundtable discussion with regards Bill No. 9-33 (COR) on March 31, 2015. Various community stakeholders were invited to discuss the provisions of the Bill with several recommendations incorporated into an amended version of Bill No. 9-33 (COR), which is attached herewith.

The Committee on Finance & Taxation, General Government Operations, and Youth Development hereby reports out Bill No. 9-33 (COR), as amended by the Committee, with the recommendation TO REPORT OUT ONLY.

MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN

2015 (FIRST) Regular Session

Bill No. 9-33 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

**AN ACT TO ADOPT THE RULES AND REGULATIONS
RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER
TRAINING PROGRAMS, BY AMENDING CHAPTER 2 -
ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3,
GUAM ADMINISTRATIVE RULES AND REGULATIONS -
BUSINESS REGULATIONS.**

2015 JUN 25 PM 2:27
BT

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that Alcohol Beverage Control Board has not promulgated to the requisite *Rules*
4 *and Regulations*, as mandated pursuant to §2107(c) of Chapter 2, Title 3, Guam
5 Administrative Rules and Regulations, which provides, "[t]he Administrator shall
6 approve classroom alcohol server/seller training programs that meet the
7 regulations duly promulgated by the Board pursuant to 11 Guam Code Annotated
8 §3124." Further, Section 11(a) of P.L. 32-51 provides, "The Board shall
9 promulgate the requisite rules and regulations mandated pursuant to §3124 of Title
10 11, Guam Code Annotated, within one hundred fifty calendar days of the effective
11 date of this Act." Public Law 32-51 was enacted into law on July 05, 2013, and
12 eleven (11) months have passed without ABC Board action.

13 *I Liheslaturan Guåhan* further finds that in the interest of health and public
14 safety, and in lieu of any action by the Board, it is appropriate to initiate the policy
15 action required and legislatively provide for the regulations pursuant to law.

1 It is, therefore, the intent of *1 Liheslaturan Guåhan* to provide for and adopt
2 the Rules of Procedures appended to this Act as Exhibit “A”.

3 **Section 2. Amendment of Rules; 3 GAR Chapter 2.** Chapter 2 -
4 Alcoholic Beverage Control Board, of Title 3, Guam Administrative Rules and
5 Regulations - BUSINESS REGULATIONS, is hereby *AMENDED*, as provided in
6 Exhibit “A”, which is appended to this Act.

7 **Section 3. Adoption of Rules.** Notwithstanding any other provision of
8 law, rule, regulation and Executive Order, the Rules and Regulations of Chapter 2
9 - Alcoholic Beverage Control Board, of Title 3 - BUSINESS REGULATIONS,
10 Guam Administrative Rules and Regulation, and attached hereto as Exhibit “A”,
11 are hereby *ADOPTED* by *1 Mina’ Trentai Tres Na Liheslaturan Guåhan*.

12 **Section 4. Amendment of Rules.** The Alcoholic Beverage Control Board
13 *shall*, in keeping with the provisions of Article 2, and § 3511 of Article 5, both of
14 Chapter 3, Title 11, and pursuant to Article 3- Rule Making Procedures, of Chapter
15 9, Title 5, Guam Code Annotated, review and amend, as may be necessary, the
16 Rules and Regulations adopted pursuant to Section 3 of this Act.

17 **Section 5.** Section 11 of P.L. 32-51, is hereby *REPEALED* and
18 *REENACTED*, to read:

19 **“Section 11. Phased Implementation for Enforcement.**

20 (a) The Board shall promulgate the requisite rules and regulations mandated
21 pursuant to §3124 of Title 11, Guam Code Annotated, within one hundred fifty
22 calendar days of the effective date of this Act.

23 (b) With the approval by the Administrator of a classroom alcohol

1 server/seller training program, and the actual commencement of program
2 availability, then the compliance, enforcement and penalty provisions of this Act
3 *shall* become effective within twelve (12) months of the effective date of this
4 Act.”

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

10 **Section 7. Effective Date.** This Act shall become immediately effective
11 upon enactment.

EXHIBIT "A"

TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS BUSINESS REGULATIONS

Chapter 2 - Alcoholic Beverage Control Board

[NOTE: Rule-making authority cited for Alcoholic Beverage Control Board; § 3511 of Chapter 3, Title 11 Guam Code Annotated.]

§ 2100. Introduction.

§ 2100.1. Definitions.

§ 2101. Applications.

§ 2102. Qualifications of Prospective Licenses.

§ 2103. Premises Qualifications.

§ 2104. Transfer of Licenses.

§ 2105. Responsibilities of the Licensee.

§ 2106. Employee's Responsibilities.

§ 2107. Administrator's Responsibilities.

§ 2108. Responsibilities in the Employment of Minors as Entertainers.

§ 2109. Miscellaneous Provisions.

~~§ 2110. Cancellation of Rules and Regulations.~~

§ 2110. Responsibilities of Alcohol Server/Seller Training Programs.

§ 2111. Cancellation of Rules and Regulations.

1 **§ 2100. Introduction.** The following regulations consolidate and add to
2 those previously promulgated by the Alcoholic Beverage Control Board under the
3 provisions of 11 GCA §3511. They provide necessary controls in the licensing,
4 operation and conduct of businesses that are selling or serving alcoholic beverages.
5 The penalties for violations of these regulations are indicated under 11 GCA §3611
6 and/or §3617.

7 **§ 2100.1. Definitions.** For the purposes of this Chapter, except as
8 otherwise specifically provided, the following shall have the meaning prescribed in
9 this section:

10 (a) *Board* means the Alcoholic Beverage Control Board, as provided
11 pursuant to § 3106 of Chapter 3 of Title 3, Guam Code Annotated.

12 (b) *Administrator* means the Alcoholic Beverage Control Administrator, as
13 provided pursuant to §§ 3102 and 3506 of Chapter 3, Title 11, Guam Code
14 Annotated.

15 **§ 2101. Applications.** (a) Applications for any Alcoholic Beverage
16 Control license or transfer or any license authorized under 11 GCA Chapter 3, shall
17 be submitted upon proper forms approved by the Board and furnished by the
18 Alcoholic Beverage Control Administrator;

19 (b) Each applications must be properly and completely filled out and
20 accompanied by any and all require data supplementing the application forms. If
21 the Board feels that additional information is necessary, consideration of the
22 application may be postponed and a reasonable period of time may be afforded the
23 applicant to comply with this requirement.

24 (c) Applications or other documents to be formally presented to the
25 Board must first be filed with the Alcoholic Beverage Control Administrator.

1 These documents shall be marked or stamped to indicate time and date of receipt.
2 The Administrator shall review all applications or other documents and if not
3 complete according to instructions on the form or according to instructions on the
4 form or according to regulations, shall mark them "rejected as incomplete" and
5 return them to applicant to completion and resubmission;

6 (d) The required fee must have been paid into the treasury of Guam
7 before the Board will consider the application of any person for an alcoholic
8 beverage control license. The acceptance of the fee by the Treasury of Guam does
9 not constitute Board approval or extension of license required under provisions of
10 11 GCA §3309.

11 **§ 2102. Qualifications of Prospective Licensees.** (a) Prior to the Board
12 considering an application for an alcoholic beverage control license, a thorough
13 investigation into the applicant's background will be conducted by the Alcoholic
14 Beverage Control Administrator. The Board will carefully consider the results of
15 this investigation and may make a determination as to approval or disapproval of
16 the application upon such action.

17 (b) Where the applicant for a license is a corporation, all individuals who
18 own stock in such corporations or are otherwise involved in any way as
19 proprietors, managers, employees or agents of the business being licensed shall be
20 listed by legal name in the current application on file with the Administrator. No
21 license shall be issued or renewed unless these listings are complete and legally
22 accurate and reveal compliance with the intent of 11 GCA §§3300 and 3301, as
23 each may be applicable.

24 **§ 2103. Premises Qualifications.** (a) Prior to the Board considering

1 an application for an alcoholic beverage control license, the Alcoholic Beverage
2 Control Board will require the Administrator to conduct an inspection of the
3 premises to determine that they meet the requirements of the law. Results of this
4 inspection will be included with the application and made available to the Board
5 upon its consideration thereof.

6 (b) Licensees shall provide, at the time of application or renewal of any
7 Class 4, General On-Sale license, and maintain in a sanitary and functioning
8 manner adequate separate toilet and/or lavatory facilities with hot and cold running
9 water for men and women. Such facilities shall provide for reasonable security
10 and privacy.

11 **§ 2104. Transfer of Licenses.** (a) Where a license has been issued to or
12 in the name of a partnership, no substitution, addition, removal of other change to
13 the licensed partnership shall be made until the proposed change has first been
14 considered by the Board upon application for a transfer by the licensee in the same
15 manner and procedure as application for a transfer between two distinct business
16 entities;

17 (b) No application for transfer of a license will be considered by the
18 Board unless the applicant has met the same personal qualifications as that
19 required of an applicant for an original license nor will an application for transfer
20 be considered by the Board if the proposed premises do not meet the qualifications
21 as that required for premises in an application for an original license. This
22 procedure does not apply to transfers as defined in 11 GCA §3310(1).

23 **§ 2105. Responsibilities of the Licensee.** (a) It shall be the
24 responsibility of a licensee to notify the Administrator in writing of any and all

1 changes in licensed business ownership, management, agents or any other changes
2 which materially affect or modify the data on file and recorded as the basis for
3 granting or renewal of such license, prior to the time such change occurs. Failure
4 to do so within twenty-four (24) hours of such change shall require immediate
5 temporary suspension of the license pending investigation and review by the
6 Board. This suspension shall remain in effect until removed, modified, or other
7 action as may be deemed necessary and appropriate has been taken by the Board.

8 (b) All Class 4, On-Sale establishments shall have a duly registered
9 manager or assistant manager on the premises, in the absence of the licensee, and
10 during the hours from 7:00 p.m. daily until closing. The manager or assistant
11 manager shall be capable and competent in maintenance of order and
12 responsible for compliance with pertinent laws and regulations as pertains to the
13 licensed premises.

14 (c) A licensee proposing to transfer or in the process of transferring his
15 license to another party shall remain responsible for the conduct of the licensed
16 business and liable for compliance with all terms of the license and all laws
17 and regulations pertaining thereto until such time as the Board has approved the
18 transfer and the transferred license has been re-issued by the Administrator in the
19 new licensee's name.

20 (d) A licensee who proposes to be absent or who may be absent from
21 the Island of Guam for a period of forty-eight (48) hours or more shall, prior
22 to departure, notify the Board in writing of the name of the person or persons
23 who are designated responsible for the licensed premises during such absence.
24 The person so designated must meet all qualifications for owner or manager as

1 specified by law and/or regulations and must agree in writing that he is so
2 qualified and accepts this responsibility prior to the licensee's departure. The
3 Board may refuse to accept or approve such designation if, in the Board's
4 consideration, they decide such would not be in conformance with the law,
5 these regulations, or otherwise not in the best interest of the public.

6 (e) A licensee shall post a list of employees and their specified duty
7 hours on the premises where such list shall be at all times available for
8 inspection by duly authorized representatives of the government of Guam. These
9 specified work periods shall clearly indicate the hours when each employee is
10 considered to be on duty. The list shall be posted in advance and shall not be
11 changed except for a bona fide reason. When such changes are made to a
12 posted list, the change shall be initialed by the person making the change, the
13 date and time of such change entered thereon.

14 (f) Licensees of General On-Sale establishments shall be required to
15 register or cause to be registered with the Alcoholic Beverage Control
16 Administrator all persons employed by his establishment and engaged in the
17 mixing and/or the serving of alcoholic beverages, within seventy-two (72) hours
18 after their employment.

19 (g) Licensees shall not engage in business practices which are inimical or
20 discriminatory to public interest or that which may tend to create a monopoly.
21 Credit extended by or to any whole sale or retail licensee beyond forty-five (45)
22 days from date of sale or delivery of the alcoholic beverages shall constitute a
23 violation of provisions of 11 GCA §3429.

24 (h) Class 4, 5, 6, 7, 9, 10, 11 and 12 ABC licensees shall not hire or

1 employ any employee that *does not* have a valid alcohol employee license from an
2 approved alcohol server/seller training program twelve months from the effective
3 date of this act, provided, however:

4 (1) that a current ABC license *shall* continue to be valid until
5 expiration, but the licensee *shall* be required to have taken the alcohol
6 server/seller training program prior to license renewal. Further, the
7 unexpired license *shall not* be portable, as provided pursuant to §3212.1(b)
8 which only applies to a licensee who has passed an alcohol server/seller
9 training program.

10 **§ 2106. Employee's Responsibilities.** (a) Employees of an On-Sale
11 licensee, engaged in the mixing and/or the serving of alcoholic beverages, shall not
12 engage in dancing while on duty or scheduled for duty as per posted schedule with
13 the premises.

14 (b) Individuals of questionable reputations shall not be employed in a
15 General On-Sale establishment. The Alcoholic Beverage Control Board shall be
16 advised immediately by the Administrator when violations of this regulation
17 become evident during an inspection. The licensee shall be notified in writing
18 by the Board to remedy the situation within a specified time. If subsequent
19 investigation, after the specified time, determines the discrepancy continues to
20 exist, the Board may order a suspension of the license and require the licensee
21 to show cause as to why his license should not be revoked.

22 **§ 2107. Administrator's Responsibilities.** (a) It shall be the
23 responsibility of the Alcoholic Beverage Control Administrator to enforce the
24 provisions of these regulations and make timely reports of violations to the

1 Board.

2 (b) If it is discovered by the Administrator that an establishment has
3 acquired an unsavory reputation, this fact shall be reported to the Board
4 immediately for any action they may deem appropriate and necessary.

5 (c) The Administrator shall approve classroom alcohol server/seller
6 training programs that meet the regulations duly promulgated by the Board
7 pursuant to 11 Guam code annotated §3124.

8 **§ 2108. Responsibilities in the Employment of Minors as Entertainers.**

9 (a) Minor entertainers or minor members of a group must be
10 represented by an adult and a responsible adult shall accompany all minors after
11 the legal curfew hours.

12 (b) The individual or group must be properly licensed.

13 (c) It shall be the responsibility of the licensee to cause the minor
14 entertainers to be registered prior to employment, and it is likewise the
15 licensee's responsibility to determine that all entertainers have reached their
16 sixteenth (16th) birthday.

17 (d) The designated adult representative may be permitted to register the
18 entertainers and it shall be his responsibility to notify the Administrator of any
19 change in the position or membership of a group. Adequate proof of birth shall
20 be presented at the time of registering entertainers.

21 (e) Termination of the hours of duty of minors must coincide with the
22 sale of alcoholic beverages.

1 (f) It shall be the responsibility of the licensee to adhere to all
2 provisions of the Alcoholic Beverage Control Act and these regulations as
3 concerns minors. Further, he is to be held strictly liable for the general behavior
4 of the minors during the hours of their duty.

5 (g) All minors employed as entertainers must remain within certain
6 specified enclosures designated for entertainment. They will not be permitted to
7 visit the bar or tables where alcoholic beverages are being sold or served or
8 consumed.

9 **§ 2109. Miscellaneous Provisions.** (a) All General On-Sale
10 Licensee's shall register or cause to be registered with the Alcoholic Beverage
11 Control Administrator anyone employed as a manager or assistant manager,
12 within seventy-two (72) hours after employment and the proper Alcoholic
13 Beverage Control forms must be accomplished at the time of registering. No
14 person who is not eligible as a licensee will be employed as a manger or
15 assistant manager.

16 (b) All persons having Class 3, Wholesale Dealer's licenses shall
17 keep a copy of invoices or alcoholic beverage sales filed in the order in which
18 made so as to be readily available for examination by the Alcoholic Beverage
19 Control Administrator or members of the Alcoholic Beverage Control Board.
20 These invoices must be kept separate from invoices of sales of other
21 commodities, must show date of sale, delivery, quantity, brand and price
22 received. Wholesalers shall comply with provisions of 11 GCA §3429(k) in
23 preparing invoices for sale of alcoholic beverages.

24 (c) The business entrance doorway of any premises licensed to sell or

1 serve alcoholic beverage for consumption thereon must be kept unlocked while
2 the premises are open for business. No licensed business establishment shall be
3 used for private parties when the door is locked after expiration of authorized
4 hours for the sale of alcoholic beverages unless means are established whereby
5 it can be determined that no alcoholic beverages are being sold therein.

6 (d) Requests for changing the "trade name" of the premises, licensed
7 to sell or serve alcoholic beverages, must be filed with the Board through the
8 Alcoholic Beverage Control Administrator. The reason for the change must be
9 included. If the Board approves the change, the license and allied records
10 retained by the Administrator will be amended to include the new name. The
11 application for a name change will be coordinated with the License

12 (e) If the portion of the licensed premises, open to the customers, is
13 equipped with a bar, the preparation of all drinks shall be made on the top
14 surface of the bar in such a manner as to permit any interested customer to
15 have a clear and unobstructed view of the bartender's operation.

16 (f) Whenever a suspension is effected by the Administrator or the
17 Board, the Administrator shall cause a "Notice of Suspension" to be posted in a
18 conspicuous place on the exterior of the licensed premises. The notice will
19 contain the following wording: "Government of Guam, Notice of Suspension,
20 Alcoholic Beverage Control Licenses Issued for these Premises have been
21 Suspended. By Order of: The Alcoholic Beverage Control Administrator or the
22 Alcoholic Beverage Control Board under 11 GCA §3614. This poster shall not
23 be removed except by authorized persons."

24 ~~§ 2110. Cancellation of Rules and Regulations.~~ These regulations cancel any

1 ~~rules and/or regulations previously promulgated by any previous Alcoholic~~
2 ~~Beverage Control Board.~~

3 **§ 2110. RESPONSIBILITIES OF ALCOHOL SERVER/SELLER**
4 **TRAINING PROGRAMS.**

5 (a) No alcohol server/seller training program shall offer or conduct
6 alcohol server/seller training classes until they have received written approval from
7 the Administrator.

8 (b) All alcohol server/seller training programs shall apply for approval
9 from the Administrator by submitting their complete program, including instructor
10 manuals, student manuals, videos and any other materials that are used for the
11 program.

12 (c) The curriculum of an alcohol server/seller training program shall
13 include, at a minimum, all of the following topics:

14 (1) The ethics and responsibilities of serving alcoholic beverages;

15 (2) Basic alcohol content among different types of drinks containing
16 alcohol;

17 (3) The clinical effects of alcohol, including the identification of
18 progressive stages of intoxication and the visible signs associated with
19 each stage;

20 (4) Variables associated with visible intoxication, including the rate of
21 drinking, tolerance, weight, food consumption, gender, and use of other
22 drugs;

23 (5) Procedures for monitoring consumption, personal skills to prevent
24 intoxication and intervention procedures;

25 (6) Acceptable forms of personal identification, techniques for

1 determining the validity of identification, and procedures for dealing with
2 fraudulent identification;

3 (7) Personal skills to assess the need to ask for identification based on
4 appearance and company policy;

5 (8) The identification of potential third-party sales and furnishing of
6 alcoholic beverages to minors by persons 21 years of age or over;

7 (9) The understanding of possible legal, civil, and administrative
8 consequences of violations of this Act, the rules of the Board, and other
9 pertinent laws;

10 (10) How to identify at place of employment spirits and other alcoholic
11 beverage products not intended for resale or commercial distribution
12 outside of military bases, and procedures for reporting these violations to
13 the Board;

14 (11) The understanding of Guam laws pertaining to minors attempting to
15 purchase, minors in possession, and third-party sales or furnishing of
16 alcoholic beverages by adults to minors;

17 (12) Knowledge of the legal hours of alcohol service and occupancy;

18 (13) Identification of signs of prohibited activities, such as gambling,
19 solicitation for prostitution, and drug sales; and

20 (14) Any other pertinent laws as determined by the Board or
21 Administrator to be appropriate and in keeping with applicable law and
22 these regulations.

23 (d) The alcohol server/seller training program shall administer a
24 comprehensive examination to participants of the program, including individuals
25 seeking certification as instructors within the program. The examination shall

1 thoroughly test the individual's knowledge and competency in the curriculum
2 topics required by the Board. The minimum passing grade for the examination
3 participants of the program shall be not less than 75%. For instructor
4 certification, the passing grade shall be not less than 85%. All tests shall be
5 approved by the Administrator.

6 (e) The alcohol server/seller training program shall issue an alcohol
7 employee license to the student who successfully completes the program.
8 Certification shall be valid for a term of three years.

9 (f) The alcohol server/seller training program shall issue an instructor
10 certification card to all instructors that have been certified by the program that
11 shall be valid for a term of three years, and shall notify the Board or
12 Administrator. The alcohol server/seller training program shall immediately
13 notify the Board or Administrator when an instructor is no longer certified by
14 the program.

15 (g) The alcohol server/seller training program shall make available all
16 records of students, instructors and certifications to the Board and the
17 Administrator.

18 (h) The Administrator shall rescind approval of any alcohol
19 server/seller training program that fails to continue to meet these requirements
20 or fails to pay the yearly fee set by the Board.

21 (i) The Administrator shall not approve online alcohol server/seller
22 training programs.

23 **§ 2111. Cancellation of Rules and Regulations.** These regulations cancel

- 1 any rules and/or regulations previously promulgated by any previous Alcoholic
- 2 Beverage Control Board.”

MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN

2015 (FIRST) Regular Session

Bill No. 9-33 (COR)

As Amended by the Committee on Finance & Taxation,
General Government Operations, and Youth Development.

Introduced by:

D.G. RODRIGUEZ, JR.

**AN ACT TO ADOPT THE RULES AND REGULATIONS
RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER
TRAINING PROGRAMS, BY *AMENDING* CHAPTER 2 -
ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3,
GUAM ADMINISTRATIVE RULES AND REGULATIONS -
BUSINESS REGULATIONS.**

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that Alcohol Beverage Control Board has not promulgated to the requisite *Rules*
4 *and Regulations*, as mandated pursuant to §2107(c) of Chapter 2, Title 3, Guam
5 Administrative Rules and Regulations, which provides, "[t]he Administrator shall
6 approve classroom alcohol server/seller training programs that meet the
7 regulations duly promulgated by the Board pursuant to 11 Guam Code Annotated
8 §3124." Further, Section 11(a) of P.L. 32-51 provides, "The Board shall
9 promulgate the requisite rules and regulations mandated pursuant to §3124 of Title
10 11, Guam Code Annotated, within one hundred fifty calendar days of the effective
11 date of this Act." Public Law 32-51 was enacted into law on July 05, 2013, and
12 eleven (11) months have passed without ABC Board action.

13 *I Liheslaturan Guåhan* further finds that in the interest of health and public
14 safety, and in lieu of any action by the Board, it is appropriate to initiate the policy

1 action required and legislatively provide for the regulations pursuant to law.

2 It is, therefore, the intent of *I Liheslaturan Guåhan* to provide for and adopt
3 the Rules of Procedures appended to this Act as Exhibit “A”.

4 **Section 2. Amendment of Rules; 3 GAR Chapter 2.** Chapter 2 -
5 Alcoholic Beverage Control Board, of Title 3, Guam Administrative Rules and
6 Regulations - BUSINESS REGULATIONS, is hereby *AMENDED*, as provided in
7 Exhibit “A”, which is appended to this Act.

8 **Section 3. Adoption of Rules.** Notwithstanding any other provision of
9 law, rule, regulation and Executive Order, the Rules and Regulations of Chapter 2
10 - Alcoholic Beverage Control Board, of Title 3 - BUSINESS REGULATIONS,
11 Guam Administrative Rules and Regulation, and attached hereto as Exhibit “A”,
12 are hereby *ADOPTED* by *I Mina’ Trentai Tres Na Liheslaturan Guåhan*.

13 **Section 4. Amendment of Rules.** The Alcoholic Beverage Control Board
14 *shall*, in keeping with the provisions of Article 2, and § 3511 of Article 5, both of
15 Chapter 3, Title 11, and pursuant to Article 3- Rule Making Procedures, of Chapter
16 9, Title 5, Guam Code Annotated, review and amend, as may be necessary, the
17 Rules and Regulations adopted pursuant to Section 3 of this Act.

18 **Section 5.** Section 11 of P.L. 32-51, is hereby *REPEALED* and
19 *REENACTED*, to read:

20 **“Section 11. Phased Implementation for Enforcement.**

21 (a) The Board shall promulgate the requisite rules and regulations mandated
22 pursuant to §3124 of Title 11, Guam Code Annotated, within one hundred fifty
23 calendar days of the effective date of this Act.

1 (b) With the approval by the Administrator of a classroom alcohol
2 server/seller training program, and the actual commencement of program
3 availability, then the compliance, enforcement and penalty provisions of this Act
4 *shall* become effective within twelve (12) months of the effective date of this
5 Act.”

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

11 **Section 7. Effective Date.** This Act shall become immediately effective
12 upon enactment.

EXHIBIT "A"

TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS BUSINESS REGULATIONS

Chapter 2 - Alcoholic Beverage Control Board

[NOTE: Rule-making authority cited for Alcoholic Beverage Control Board; § 3511 of Chapter 3, Title 11 Guam Code Annotated.]

§ 2100. Introduction.

§ 2100.1. Definitions.

§ 2101. Applications.

§ 2102. Qualifications of Prospective Licenses.

§ 2103. Premises Qualifications.

§ 2104. Transfer of Licenses.

§ 2105. Responsibilities of the Licensee.

§ 2106. Employee's Responsibilities.

§ 2107. Administrator's Responsibilities.

§ 2108. Responsibilities in the Employment of Minors as Entertainers.

§ 2109. Miscellaneous Provisions.

~~§ 2110. Cancellation of Rules and Regulations.~~

§ 2110. Responsibilities of Alcohol Server/Seller Training Programs.

§ 2111. Exemptions.

§ 2112~~+~~. Cancellation of Rules and Regulations.

1 **§ 2100. Introduction.** The following regulations consolidate and add to
2 those previously promulgated by the Alcoholic Beverage Control Board under the
3 provisions of 11 GCA §3511. They provide necessary controls in the licensing,
4 operation and conduct of businesses that are selling or serving alcoholic beverages.
5 The penalties for violations of these regulations are indicated under 11 GCA §3611
6 and/or §3617.

7 **§ 2100.1. Definitions.** For the purposes of this Chapter, except as
8 otherwise specifically provided, the following shall have the meaning prescribed in
9 this section:

10 (a) Board means the Alcoholic Beverage Control Board, as provided
11 pursuant to § 3106 of Chapter 3 of Title 3, Guam Code Annotated.

12 (b) Administrator means the Alcoholic Beverage Control Administrator, as
13 provided pursuant to §§ 3102 and 3506 of Chapter 3, Title 11, Guam Code
14 Annotated.

15 **§ 2101. Applications.** (a) Applications for any Alcoholic Beverage
16 Control license or transfer or any license authorized under 11 GCA Chapter 3, shall
17 be submitted upon proper forms approved by the Board and furnished by the
18 Alcoholic Beverage Control Administrator;

19 (b) Each applications must be properly and completely filled out and
20 accompanied by any and all require data supplementing the application forms. If
21 the Board feels that additional information is necessary, consideration of the
22 application may be postponed and a reasonable period of time may be afforded the
23 applicant to comply with this requirement.

24 (c) Applications or other documents to be formally presented to the

1 Board must first be filed with the Alcoholic Beverage Control Administrator.
2 These documents shall be marked or stamped to indicate time and date of receipt.
3 The Administrator shall review all applications or other documents and if not
4 complete according to instructions on the form or according to instructions on the
5 form or according to regulations, shall mark them "rejected as incomplete" and
6 return them to applicant to completion and resubmission;

7 (d) The required fee must have been paid into the treasury of Guam
8 before the Board will consider the application of any person for an alcoholic
9 beverage control license. The acceptance of the fee by the Treasury of Guam does
10 not constitute Board approval or extension of license required under provisions of
11 11 GCA §3309.

12 **§ 2102. Qualifications of Prospective Licensees.** (a) Prior to the Board
13 considering an application for an alcoholic beverage control license, a thorough
14 investigation into the applicant's background will be conducted by the Alcoholic
15 Beverage Control Administrator. The Board will carefully consider the results of
16 this investigation and may make a determination as to approval or disapproval of
17 the application upon such action.

18 (b) Where the applicant for a license is a corporation, all individuals who
19 own stock in such corporations or are otherwise involved in any way as
20 proprietors, managers, employees or agents of the business being licensed shall be
21 listed by legal name in the current application on file with the Administrator. No
22 license shall be issued or renewed unless these listings are complete and legally
23 accurate and reveal compliance with the intent of 11 GCA §§3300 and 3301, as
24 each may be applicable.

1 **§ 2103. Premises Qualifications.** (a) Prior to the Board considering
2 an application for an alcoholic beverage control license, the Alcoholic Beverage
3 Control Board will require the Administrator to conduct an inspection of the
4 premises to determine that they meet the requirements of the law. Results of this
5 inspection will be included with the application and made available to the Board
6 upon its consideration thereof.

7 (b) Licensees shall provide, at the time of application or renewal of any
8 Class 4, General On-Sale license, and maintain in a sanitary and functioning
9 manner adequate separate toilet and/or lavatory facilities with hot and cold running
10 water for men and women. Such facilities shall provide for reasonable security
11 and privacy.

12 **§ 2104. Transfer of Licenses.** (a) Where a license has been issued to or
13 in the name of a partnership, no substitution, addition, removal of other change to
14 the licensed partnership shall be made until the proposed change has first been
15 considered by the Board upon application for a transfer by the licensee in the same
16 manner and procedure as application for a transfer between two distinct business
17 entities;

18 (b) No application for transfer of a license will be considered by the
19 Board unless the applicant has met the same personal qualifications as that
20 required of an applicant for an original license nor will an application for transfer
21 be considered by the Board if the proposed premises do not meet the qualifications
22 as that required for premises in an application for an original license. This
23 procedure does not apply to transfers as defined in 11 GCA §3310(1).

24 **§ 2105. Responsibilities of the Licensee.** (a) It shall be the

1 responsibility of a licensee to notify the Administrator in writing of any and all
2 changes in licensed business ownership, management, agents or any other changes
3 which materially affect or modify the data on file and recorded as the basis for
4 granting or renewal of such license, prior to the time such change occurs. Failure
5 to do so within twenty-four (24) hours of such change shall require immediate
6 temporary suspension of the license pending investigation and review by the
7 Board. This suspension shall remain in effect until removed, modified, or other
8 action as may be deemed necessary and appropriate has been taken by the Board.

9 (b) All Class 4, On-Sale establishments shall have a duly registered
10 manager or assistant manager on the premises, in the absence of the licensee, and
11 during the hours from 7:00 p.m. daily until closing. The manager or assistant
12 manager shall be capable and competent in maintenance of order and
13 responsible for compliance with pertinent laws and regulations as pertains to the
14 licensed premises.

15 (c) A licensee proposing to transfer or in the process of transferring his
16 license to another party shall remain responsible for the conduct of the licensed
17 business and liable for compliance with all terms of the license and all laws
18 and regulations pertaining thereto until such time as the Board has approved the
19 transfer and the transferred license has been re-issued by the Administrator in the
20 new licensee's name.

21 (d) A licensee who proposes to be absent or who may be absent from
22 the Island of Guam for a period of forty-eight (48) hours or more shall, prior
23 to departure, notify the Board in writing of the name of the person or persons
24 who are designated responsible for the licensed premises during such absence.

1 The person so designated must meet all qualifications for owner or manager as
2 specified by law and/or regulations and must agree in writing that he is so
3 qualified and accepts this responsibility prior to the licensee's departure. The
4 Board may refuse to accept or approve such designation if, in the Board's
5 consideration, they decide such would not be in conformance with the law,
6 these regulations, or otherwise not in the best interest of the public.

7 (e) A licensee shall post a list of employees and their specified duty
8 hours on the premises where such list shall be at all times available for
9 inspection by duly authorized representatives of the government of Guam. These
10 specified work periods shall clearly indicate the hours when each employee is
11 considered to be on duty. The list shall be posted in advance and shall not be
12 changed except for a bona fide reason. When such changes are made to a
13 posted list, the change shall be initialed by the person making the change, the
14 date and time of such change entered thereon.

15 (f) Licensees of General On-Sale establishments shall be required to
16 register or cause to be registered with the Alcoholic Beverage Control
17 Administrator all persons employed by his establishment and engaged in the
18 mixing and/or the serving of alcoholic beverages, within seventy-two (72) hours
19 after their employment.

20 (g) Licensees shall not engage in business practices which are inimical or
21 discriminatory to public interest or that which may tend to create a monopoly.
22 Credit extended by or to any whole sale or retail licensee beyond forty-five (45)
23 days from date of sale or delivery of the alcoholic beverages shall constitute a
24 violation of provisions of 11 GCA §3429.

1 (h) Class 4, 5, 6, 7, 9, 10, 11 and 12 ABC licensees shall not hire or
2 employ any employee that does not have a valid alcohol employee license from an
3 approved alcohol server/seller training program twelve months from the effective
4 date of this act, provided, however:

5 (1) that a current ABC license shall continue to be valid until
6 expiration, but the licensee shall be required to have taken the alcohol
7 server/seller training program prior to license renewal. Further, the
8 unexpired license shall not be portable, as provided pursuant to §3212.1(b)
9 which only applies to a licensee who has passed an alcohol server/seller
10 training program.

11 **§ 2106. Employee's Responsibilities.** (a) Employees of an On-Sale
12 licensee, engaged in the mixing and/or the serving of alcoholic beverages, shall not
13 engage in dancing while on duty or scheduled for duty as per posted schedule with
14 the premises.

15 (b) Individuals of questionable reputations shall not be employed in a
16 General On-Sale establishment. The Alcoholic Beverage Control Board shall be
17 advised immediately by the Administrator when violations of this regulation
18 become evident during an inspection. The licensee shall be notified in writing
19 by the Board to remedy the situation within a specified time. If subsequent
20 investigation, after the specified time, determines the discrepancy continues to
21 exist, the Board may order a suspension of the license and require the licensee
22 to show cause as to why his license should not be revoked.

23 **§ 2107. Administrator's Responsibilities.** (a) It shall be the
24 responsibility of the Alcoholic Beverage Control Administrator to enforce the

1 provisions of these regulations and make timely reports of violations to the
2 Board.

3 (b) If it is discovered by the Administrator that an establishment has
4 acquired an unsavory reputation, this fact shall be reported to the Board
5 immediately for any action they may deem appropriate and necessary.

6 (c) The Administrator, with the concurrence of the Board, shall approve
7 classroom alcohol server/seller training programs that meet the regulations duly
8 promulgated by the Board pursuant to 11 Guam code annotated §3124.

9 **§ 2108. Responsibilities in the Employment of Minors as Entertainers.**

10 (a) Minor entertainers or minor members of a group must be
11 represented by an adult and a responsible adult shall accompany all minors after
12 the legal curfew hours.

13 (b) The individual or group must be properly licensed.

14 (c) It shall be the responsibility of the licensee to cause the minor
15 entertainers to be registered prior to employment, and it is likewise the
16 licensee's responsibility to determine that all entertainers have reached their
17 sixteenth (16th) birthday.

18 (d) The designated adult representative may be permitted to register the
19 entertainers and it shall be his responsibility to notify the Administrator of any
20 change in the position or membership of a group. Adequate proof of birth shall
21 be presented at the time of registering entertainers.

22 (e) Termination of the hours of duty of minors must coincide with the

1 sale of alcoholic beverages.

2 (f) It shall be the responsibility of the licensee to adhere to all
3 provisions of the Alcoholic Beverage Control Act and these regulations as
4 concerns minors. Further, he is to be held strictly liable for the general behavior
5 of the minors during the hours of their duty.

6 (g) All minors employed as entertainers must remain within certain
7 specified enclosures designated for entertainment. They will not be permitted to
8 visit the bar or tables where alcoholic beverages are being sold or served or
9 consumed.

10 **§ 2109. Miscellaneous Provisions.** (a) All General On-Sale
11 Licensee's shall register or cause to be registered with the Alcoholic Beverage
12 Control Administrator anyone employed as a manager or assistant manager,
13 within seventy-two (72) hours after employment and the proper Alcoholic
14 Beverage Control forms must be accomplished at the time of registering. No
15 person who is not eligible as a licensee will be employed as a manger or
16 assistant manager.

17 (b) All persons having Class 3, Wholesale Dealer's licenses shall
18 keep a copy of invoices or alcoholic beverage sales filed in the order in which
19 made so as to be readily available for examination by the Alcoholic Beverage
20 Control Administrator or members of the Alcoholic Beverage Control Board.
21 These invoices must be kept separate from invoices of sales of other
22 commodities, must show date of sale, delivery, quantity, brand and price
23 received. Wholesalers shall comply with provisions of 11 GCA §3429(k) in
24 preparing invoices for sale of alcoholic beverages.

1 (c) The business entrance doorway of any premises licensed to sell or
2 serve alcoholic beverage for consumption thereon must be kept unlocked while
3 the premises are open for business. No licensed business establishment shall be
4 used for private parties when the door is locked after expiration of authorized
5 hours for the sale of alcoholic beverages unless means are established whereby
6 it can be determined that no alcoholic beverages are being sold therein.

7 (d) Requests for changing the "trade name" of the premises, licensed
8 to sell or serve alcoholic beverages, must be filed with the Board through the
9 Alcoholic Beverage Control Administrator. The reason for the change must be
10 included. If the Board approves the change, the license and allied records
11 retained by the Administrator will be amended to include the new name. The
12 application for a name change will be coordinated with the License

13 (e) If the portion of the licensed premises, open to the customers, is
14 equipped with a bar, the preparation of all drinks shall be made on the top
15 surface of the bar in such a manner as to permit any interested customer to
16 have a clear and unobstructed view of the bartender's operation.

17 (f) Whenever a suspension is effected by the Administrator or the
18 Board, the Administrator shall cause a "Notice of Suspension" to be posted in a
19 conspicuous place on the exterior of the licensed premises. The notice will
20 contain the following wording: "Government of Guam, Notice of Suspension,
21 Alcoholic Beverage Control Licenses Issued for these Premises have been
22 Suspended. By Order of: The Alcoholic Beverage Control Administrator or the
23 Alcoholic Beverage Control Board under 11 GCA §3614. This poster shall not
24 be removed except by authorized persons."

1 ~~§ 2110. Cancellation of Rules and Regulations.~~ These regulations cancel any
2 rules and/or regulations previously promulgated by any previous Alcoholic
3 Beverage Control Board.

4 **§ 2110. RESPONSIBILITIES OF ALCOHOL SERVER/SELLER**
5 **TRAINING PROGRAMS.**

6 (a) No alcohol server/seller training program shall offer or conduct
7 alcohol server/seller training classes until they have received written approval from
8 the Administrator.

9 (b) All alcohol server/seller training programs shall apply for approval
10 from the Administrator by submitting their complete program, including instructor
11 manuals, student manuals, videos and any other materials that are used for the
12 program.

13 (c) The curriculum of an alcohol server/seller training program shall
14 include, at a minimum, all of the following topics:

- 15 (1) The ethics and responsibilities of serving alcoholic beverages;
- 16 (2) Basic alcohol content among different types of drinks containing
17 alcohol;
- 18 (3) The clinical effects of alcohol, including the identification of
19 progressive stages of intoxication and the visible signs associated with
20 each stage;
- 21 (4) Variables associated with visible intoxication, including the rate of
22 drinking, tolerance, weight, food consumption, gender, and use of other
23 drugs;
- 24 (5) Procedures for monitoring consumption, personal skills to prevent
25 intoxication and intervention procedures;

1 (6) Acceptable forms of personal identification, techniques for
2 determining the validity of identification, and procedures for dealing with
3 fraudulent identification;

4 (7) Personal skills to assess the need to ask for identification based on
5 appearance and company policy;

6 (8) The identification of potential third-party sales and furnishing of
7 alcoholic beverages to minors by persons 21 years of age or over;

8 (9) The understanding of possible legal, civil, and administrative
9 consequences of violations of this Act, the rules of the Board, and other
10 pertinent laws;

11 (10) How to identify at place of employment spirits and other alcoholic
12 beverage products not intended for resale or commercial distribution
13 outside of military bases, and procedures for reporting these violations to
14 the Board;

15 (11) The understanding of Guam laws pertaining to minors attempting to
16 purchase, minors in possession, and third-party sales or furnishing of
17 alcoholic beverages by adults to minors;

18 (12) Knowledge of the legal hours of alcohol service and occupancy;

19 (13) Identification of signs of prohibited activities, such as gambling,
20 solicitation for prostitution, and drug sales; and

21 (14) Any other pertinent laws as determined by the Board or
22 Administrator to be appropriate and in keeping with applicable law and
23 these regulations.

24 (d) The alcohol server/seller training program shall administer a
25 comprehensive examination to participants of the program, including individuals

1 seeking certification as instructors within the program. The examination shall
2 thoroughly test the individual's knowledge and competency in the curriculum
3 topics required by the Board. The minimum passing grade for the examination
4 participants of the program shall be not less than 75%. For instructor
5 certification, the passing grade shall be not less than ~~85~~90%. All tests shall be
6 approved by the Administrator.

7 (e) The ~~alcohol server/seller training program~~ Department of Revenue
8 and Taxation shall issue an alcohol employee license to the student who
9 successfully completes the program. Certification shall be valid for a term of
10 three years.

11 (f) The ~~alcohol server/seller training program~~ Department of Revenue
12 and Taxation shall issue an instructor certification card to all instructors that
13 have been certified by the program that shall be valid for a term of three years,
14 and shall notify the Board or Administrator. The alcohol server/seller training
15 program shall immediately notify the Board or Administrator when an instructor
16 is no longer certified by the program.

17 (g) The alcohol server/seller training program shall make available all
18 records of students, instructors and certifications to the Board and the
19 Administrator.

20 (h) The Administrator shall rescind approval of any alcohol
21 server/seller training program that fails to continue to meet these requirements
22 or fails to pay the yearly fee set by the Board.

23 (i) The Administrator shall not approve online-only alcohol server/seller

1 training programs.

2 **§ 2111. Exemptions.** Trainers who have served for at least three (3) years
3 shall be exempted from the training and education requirements of § 2110 of this
4 Chapter.

5 **§ 21124. Cancellation of Rules and Regulations.** These regulations cancel
6 any rules and/or regulations previously promulgated by any previous Alcoholic
7 Beverage Control Board.”



I Mina'Trentai Tres na Liheslaturan Guåhan
SENATOR MICHAEL F.Q. SAN NICOLAS

Committee on Finance & Taxation,
 General Government Operations, and Youth Development

March 12, 2015

~~February 26, 2015~~

Bill No. 9-33 (COR), introduced by D.G. Rodriguez, Jr.: AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY *AMENDING* CHAPTER 2- ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS – BUSINESS REGULATIONS.

NAME (Please print)	AGENCY/ ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Audrey Topasna	GBHWC	477-2304	✓	✓	✓	
* Sara Harrell	GBHWC	477-2301	✓		✓	
MARY RHODES	GHRA		✓	✓	✓ with changes	
exceptional testimony. Rate driven, concise, well delivered.						
Bartley Jackson	GLRA		/			



Prevention and Early Intervention Advisory Community Empowerment
Ph: (671) 477-9079 thru 83, Fax: (671) 477-9076

March 12, 2015

Senator Michael F.Q. San Nicolas
Chairman, Committee on Finance &
Taxation, General Government
Operations and Youth Development
Guam 33rd Legislature
324 West Soledad Avenue
Hagatna, Guam 96932

Subject: Support of Bill 9-33

Dear Senator San Nicolas,

As the Underage Drinking Prevention Coordinator for Guam's PEACE Project for the Strategic Prevention Framework – State Incentive Grant, I am writing in support of Bill 9-33: The Act to Adopt the Rules and Regulations relative to the Responsible Alcohol Server/Seller Training Programs.


To reduce alcohol abuse and prevent underage drinking requires a multi-strategic approach, such as implementing individual- and environmental level interventions.

- Individual-level interventions include: School-based and family-based programs.
- Environmental-level interventions include: Raising the Price of Alcohol, Enacting Zero-Tolerance Laws, Stepping Up Enforcement of laws, Increasing the Minimum Legal Drinking Age and Alcohol Server/Seller Intervention Skills Training.

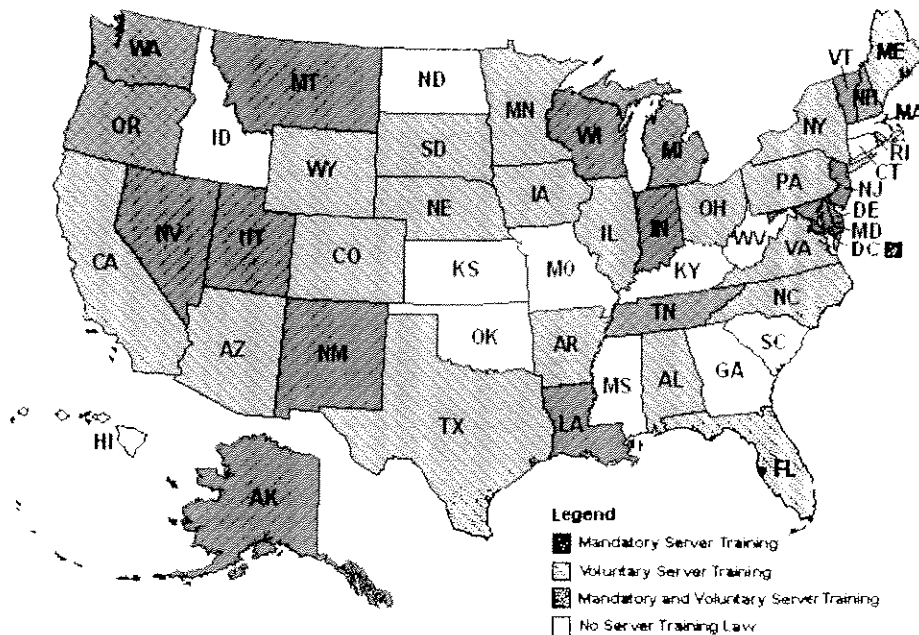
Our island has dealt with far too many alcohol related- motor vehicle crashes, family violence, cancer and suicides. We must continue to improve on Guam's environmental interventions. The passing of Bill 9 will move the process forward in implementing the alcohol server/seller training as required by PL 32-51.

I thank you, Senator Rodriguez and other committee members for taking the necessary steps needed to improve our community's health and safety issues.

Thank you!


Audrey J.A. Topasna
Underage Drinking Prevention Coordinator

Beverage Service Training and Related Practices as of January 1, 2014 in the United States



Mandatory Server Training: 19

Voluntary Server Training: 25

No Server Training Law: 13

Total no. of states implementing Alcohol Server/Seller Training: 84% (44)

Alcohol Server/Seller training is nothing new in the US. Overall, 84% of states in the US are implementing these trainings, an increase since 2012.

*Source: Alcohol Policy Information System, a project of the National Institute on Alcohol Abuse and Alcoholism

Responsible Beverage Service Training Participant Evaluation Feedback

The materials presented will be useful to me in dealing with situations at work

- 64% strongly agreed
- 36% agree

I would recommend this training to others

- 92% strongly agreed
- 8% agree

How useful was the information received?

- 83% Very useful
- 17% useful

How satisfied are you with the overall quality of this training?

- 81% Very satisfied
- 19% Satisfied

The feedback received from the participants clearly indicates a want and need for the alcohol server/seller training.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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2015 FEB 13 PM 2:09 *SR*

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 13, 2015

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Speaker
Judith T.P. Won Pat, Ed.D.
Member

To: **Rennae Meno**
Clerk of the Legislature

Vice-Speaker
Benjamin J.F. Cruz
Member

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Legislative Secretary
Tina Rose Muna Barnes
Member

Subject: **Fiscal Note and Fiscal Note Waiver**

Senator
Dennis G. Rodriguez, Jr.
Member

Hafa Adai!

Attached please find the fiscal note and fiscal note waiver for the bill numbers listed below. Please note that the fiscal note and fiscal note waiver are issued on the bills as introduced.

Senator
Frank Blas Aguon, Jr.
Member

FISCAL NOTE:
Bill No. 9-33(COR)

Senator
Michael F.Q. San Nicolas
Member

WAIVER:
Bill No. 26-33(COR)

Senator
Nerissa Bretania Underwood
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

V. Anthony Ada
MINORITY LEADER

Si Yu'os ma'åse'!

Mary C. Torres
MINORITY MEMBER

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 9-33 (COR)**

AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY AMENDING CHAPTER 2 -ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS - BUSINESS REGULATIONS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Revenue and Taxation	Dept./Agency Head: John P. Camacho
Department's General Fund (GF) appropriation(s) to date:	9,052,847
Department's Other Fund (Specify) appropriation(s) to date: Tax Collection Enhancement Fund (\$864,487) / Better Public Service Fund (\$1,829,515)	2,694,002
Total Department/Agency Appropriation(s) to date:	\$11,746,849

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2014 Unreserved Fund Balance		\$0	\$0
FY 2015 Adopted Revenues	\$0	\$0	\$0
FY 2015 Appro. (P.L. 32-181)	\$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 2015 (if applicable)	FY 2016	FY 2017	FY 2018	FY 2019
General Fund	1/	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

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

Analyst: <u>Michael M. Allagut, B&M Analyst IV</u>	Date: <u>2/12/15</u>	Director: <u>Jose S. Calvo, Acting Director</u>	Date: <u>FEB 13 2015</u>
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Footnote: 1/ Bill 9-33 requires the Department of Revenue and Taxation (DRT) to adopt rules/regulations to facilitate a responsible alcohol server/seller training program. Any cost associated with this intent should be absorbed within the department's annual operating budget.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

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Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

PENDING
MINORITY LEADER

PENDING
ASSISTANT MINORITY LEADER

January 6, 2015

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Referral of Bill No. 9-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 9-33(COR)**.

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

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

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
9-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY AMENDING CHAPTER 2 - ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS - BUSINESS REGULATIONS.	01/05/15 2:26 p.m.	01/06/15	Committee on Finance & Taxation, General Government Operations and Youth Development			



Senator Michael San Nicolas <senatorsannicolas@gmail.com>

First Public Notice - March 12, 2015 Legislative Hearings

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Thu, Mar 5, 2015 at 1:53 PM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Bcc: mvariety <mvariety@pticom.com>, Sabrina Salas Matanane <hottips@kuam.com>, Sorensen <news@spbgum.com>, aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Frank Whitman <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, Jason Salas <jason@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Masako Watanabe <mwatanabe@guampdn.com>, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, Bruce Hill <hill.bruce@abc.net.au>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbgum.com, Clynt Ridgell <clynt@spbgum.com>, mcpherson.kathryn@abc.net.au, communications@guam.gov, phnotice@guamlegislature.org, jalerta1 <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, Delisa Kloppenburg <delisakloppenburg@gmail.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjcruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <rorryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Tom Ada <office@senatorada.org>, Senator Tony Ada <tony@tonyada.com>, Brant McCreadie <brantforguam@gmail.com>, Senator Brant McCreadie <senatorbrantmccreadie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, bmovmayor@teleguam.net, Jessie Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayoremestc@yahoo.com, mtm_mayors_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, koner.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, Dale Alvarez <dalealvarez@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, Regine Biscoe Lee <regineb.lee@gmail.com>, Chuck Ada <chuck.ada@guamairport.net>, peteroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridr@yahoo.com, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, Eric Palacios <eric.palacios@epa.guam.gov>, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, david.camacho@dlim.guam.gov, Michael Duenas <mjduenas@ghura.org>, martin.benavente@ghc.guam.gov, alfredo.antonin@dol.guam.gov, joseph.cameron@hrra.guam.gov, adonis.mendiola@dya.guam.gov, jose.sahagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, Leo Casil <leo.casil@dphss.guam.gov>, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, "John P. Camacho" <john.camacho@revtax.guam.gov>, "Marie M. Benito" <marie.benito@revtax.guam.gov>, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, Mary Okada <mary.okada@guamcc.edu>, raundenwood@uguam.uog.edu, AG Law <law@guamag.org>, rey.vega@mail.dmhsa.guam.gov, Julian Janssen <julian.c.janssen@gmail.com>, Gerry Partido <gerrypartido@gmail.com>, eddiecalvo@yahoo.com, Ray Tenorio <ray.tenorio@guam.gov>, mstajeron <mstajeron@investguam.com>, tsantos <tsantos@investguam.com>, frank <frank@mvguam.com>, T'Nelta Mori <tmori2222@gmail.com>, Joshua Tenorio <jtenorio@guamcourts.org>, Valerie Cruz <vcruz@guamcourts.org>, josh.tyquiengco@visitguam.org, Barrigada MayorsOffice <bmoadmin@teleguam.net>, Cheryl Chargualaf <cherylchargualaf1993@gmail.com>, Rikki Orsini <orsini.rikki@gmail.com>, ambrosio.constantino@ghs.guam.gov, Diana Sojo <yigomayorsoffice@gmail.com>, editor@saipantribune.com, jpsablan@guampdn.com, "Sablan, Jerick P" <jpsablan@guam.gannett.com>, isa <isa@kuam.com>, "Raymundo, Shawn" <sraymundo@guam.gannett.com>, Senator Mary Camacho Torres <marycamachotorres@gmail.com>, Senator Jim Espaldon <jespaldonesq@gmail.com>, "Senator Frank Blas, Jr." <frank.blasjr@gmail.com>, Senator Nerissa Bretania Underwood <senatorunderwood@guamlegislature.org>, Vejohn

Torres <vejohntorres@gmail.com>, Oyaol Ngirairikl <oya@guam.gov>, Julius Santos <julius.santos@guam.gov>, franklin.arriola@guam.gov, sixtoquintanilla <sixtoquintanilla@gmail.com>

FIRST PUBLIC NOTICE

FOR IMMEDIATE RELEASE

March 5, 2015

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that Senator Michael F.Q. San Nicolas, Chairman of the Committee on Finance & Taxation, General Government Operations, and Youth Development, will be convening legislative hearings on **Thursday, March 12, 2015**, in *I Liheslaturan Guåhan's* Public Hearing Room at the following times and on the following items:

10:00 a.m.

Bill No. 3-33 (LS), introduced by T.A. Morrison, R.J. Respicio, and B.T. McCreddie, as corrected by the Primary Sponsor: AN ACT TO AMEND §5204(D) OF ARTICLE 2 OF CHAPTER 5, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PROCUREMENT OF SPORTS EQUIPMENT AND SUPPLIES FOR YOUTH AND COMMUNITY SPORTS PROGRAMS.

Bill No. 9-33 (COR), introduced by D.G. Rodriguez, Jr.: AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY AMENDING CHAPTER 2- ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS – BUSINESS REGULATIONS.

Bill No. 31-33 (COR), introduced by B.J.F. Cruz: AN ACT TO AMEND § 26120 OF CHAPTER 26 OF TITLE 11 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE INSPECTION OF TAX RETURNS AND OTHER INFORMATION REQUIRED TO BE FILED OF FURNISHED BY THE TAXPAYER.

Bill No. 38-33 (LS), introduced by M.F.Q. San Nicolas: AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY ADDING A NEW CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.

2:00 p.m.

Bill No. 7-33 (COR) , introduced by D.G. Rodriguez, Jr.: AN ACT TO PROVIDE FOR A HAZARDOUS PAY DIFFERENTIAL FOR EMPLOYEES OF THE GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER IN UNSAFE OR DANGEROUS HAZARDOUS DUTY WORKING CONDITIONS, BY ADDING A NEW §86112 TO CHAPTER 86, TITLE 10, GUAM CODE ANNOTATED.

Bill No. 11-33 (COR), introduced by D.G. Rodriguez, Jr.: AN ACT TO PROVIDE FOR HEALTHCARE PROFESSIONAL PAY PLAN CATEGORY IN THE GOVERNMENT OF GUAM COMPETITIVE WAGE ACT OF 2014, AND REINSTATE THE PRIOR PAY PLAN RATE FOR THESE POSITIONS, AND MANDATE A REASSESSMENT OF HEALTHCARE PROFESSIONALS SALARY RANGES SO AS TO BE COMPETITIVE BASED UPON NATIONAL STANDARDS.

Bill No. 27-33 (COR), introduced by F.B. Aguon, Jr.: AN ACT RELATIVE TO RECOGNIZING THAT PUBLIC EMPLOYEES WITH SUPERIOR RATINGS IN FISCAL YEAR 2002 WERE NOT COMPENSATED FOR MERITORIOUS PERFORMANCE IN ACCORDANCE WITH PROVISIONS CONTAINED IN §6203, TITLE 4, GUAM CODE ANNOTATED; AUTHORIZING THE APPLICATION OF THE MERIT BONUS PROGRAM FOR FISCAL YEAR 2002; AND PROVIDING FOR SUCH PAYMENTS.

Bill No. 46-33 (COR), introduced by D.G. Rodriguez, Jr.: AN ACT TO ADD A NEW § 6235 TO ARTICLE 2 OF CHAPTER 6, 4 GCA, RELATIVE TO PROVIDING A PAY INCENTIVE TO GOVERNMENT OF GUAM LINE AGENCY'S, THE OFFICE OF THE PUBLIC ACCOUNTABILITY, AND THE GUAM DEPARTMENT OF EDUCATION EMPLOYEES WHO HAVE OBTAINED CERTIFIED PUBLIC ACCOUNTANT, CERTIFIED GOVERNMENT FINANCIAL MANAGEMENT, CERTIFIED FRAUD EXAMINER, AND CERTIFIED INTERNAL AUDITOR CERTIFICATIONS PURSUANT TO RECOGNIZED NATIONAL STANDARDS TO PRESERVE THE GOVERNMENT OF GUAM'S ABILITY TO RECRUIT AND RETAIN SUCH PROFESSIONALS.

Nomination of ANTHONY C. BLAZ

Position: Director, Department of Administration

Nomination of BEN ANTHONY B. REYES

Position: Member, Cockpit License Board

Nomination of KATHRINE B. KAKIGI

Position: Classified Government of Guam Employee Member, Banking and Insurance Board


If written testimonies are to be presented for the items listed above, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office at the DNA Building, Suite 407, 238 Archbishop Flores Street, Hagatna, Guam; at the mail room at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to senatorsannicolas@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at (671) 472-6453 or by sending an email to senatorsannicolas@gmail.com.


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Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Second Public Notice - March 12, 2015 Legislative Hearings

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Mon, Mar 9, 2015 at 3:32 PM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>
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SECOND PUBLIC NOTICE

FOR IMMEDIATE RELEASE

March 9, 2015

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that Senator Michael F.Q. San Nicolas, Chairman of the Committee on Finance & Taxation, General Government Operations, and Youth Development, will be convening legislative hearings on **Thursday, March 12, 2015**, in *Liheslaturan Guáhan's* Public Hearing Room at the following times and on the following items:

10:00 a.m.

Bill No. 3-33 (LS), introduced by T.A. Morrison, R.J. Respicio, and B.T. McCreadie, as corrected by the Primary Sponsor: AN ACT TO AMEND §5204(D) OF ARTICLE 2 OF CHAPTER 5, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PROCUREMENT OF SPORTS EQUIPMENT AND SUPPLIES FOR YOUTH AND COMMUNITY SPORTS PROGRAMS.

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Nomination of ANTHONY C. BLAZ

Position: Director, Department of Administration

Nomination of BEN ANTHONY B. REYES

Position: Member, Cockpit License Board

Nomination of KATHRINE B. KAKIGI

Position: Classified Government of Guam Employee Member, Banking and Insurance Board

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11 attachments

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Updated as of February 27, 2015

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Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,
General Government Operations, and Youth Development
I Mina'trentai Tres Na Liheslaturan Guåhan | 33rd Guam Legislature



Legislative Hearing

Thursday, March 12, 2015

10:00 a.m.

Public Hearing Room
I Liheslaturan Guåhan

AGENDA

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Public Consideration

Bill No. 3-33 (LS), introduced by T.A. Morrison, R.J. Respicio, and B.T. McCreadie, as corrected by the Primary Sponsor: AN ACT TO AMEND §5204(D) OF ARTICLE 2 OF CHAPTER 5, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PROCUREMENT OF SPORTS EQUIPMENT AND SUPPLIES FOR YOUTH AND COMMUNITY SPORTS PROGRAMS.

Bill No. 9-33 (COR), introduced by D.G. Rodriguez, Jr.: AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY *AMENDING* CHAPTER 2- ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS - BUSINESS REGULATIONS.

Bill No. 31-33 (COR), introduced by B.J.F. Cruz: AN ACT TO AMEND § 26120 OF CHAPTER 26 OF TITLE 11 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE INSPECTION OF TAX RETURNS AND OTHER INFORMATION REQUIRED TO BE FILED OF FURNISHED BY THE TAXPAYER.

Bill No. 38-33 (LS), introduced by M.F.Q. San Nicolas: AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY *ADDING A NEW* CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.

- IV. Closing Remarks
- V. Adjournment