

I Mina'Trentai Dos 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 |
|---------------------|---------------------------|---|-----------------------|---------------|---|---------------------|-----------------------------|--|
| 398-32 (COR) | Aline A. Yamashita, Ph.D. | AN ACT TO SUPPORT GUAM'S MUSICIANS AND ENTERTAINERS BY AMENDING §3414 OF ARTICLE 4, CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ON-SALE LICENSEES TO SELL AND SERVE ALCOHOLIC BEVERAGES DURING EXTENDED HOURS. | 9/17/14 11:48 a.m. | 09/17/14 | Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations | | | Fiscal Note Request 9/23/14 Fiscal Note Recd 10/15/14 |



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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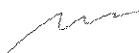
Senator
V. Anthony Ada
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MINORITY LEADER

Senator
Aline Yamashita
Member

October 15, 2014

Memorandum

To: Rennae Meno
Clerk of the Legislature

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

Subject: Fiscal Note and Waiver

Hafa Adai!

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

FISCAL NOTE:
Bill No. 398-32 (COR)

WAIVER:
Bill No. 399-32 (COR)

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

Si Yu'os ma'åse'!

2014 OCT 15 PM 1:24

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORANTHONY C. BLAZ
DIRECTORRAY TENORIO
LIEUTENANT GOVERNORJOSE S. CALVO
ACTING DEPUTY DIRECTOR

OCT 13 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **398-32(COR)** and Fiscal Note Waiver on the following Bill No.: **399-32(COR)**.

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "Anthony C. Blaz".

ANTHONY C. BLAZ
Director

Enclosures

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 398-32 (COR)**

AN ACT TO SUPPORT GUAM'S MUSICIANS AND ENTERTAINERS BY AMENDING §3414 OF ARTICLE 4, CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ONSALE LICENSEES TO SELL AND SERVE ALCOHOLIC BEVERAGES DURING EXTENDED HOURS.

| 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 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| (Specify Special Fund) | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

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

Analyst: _____ Date: 10/8/14 Director:  Date: _____
Anthony C. Blaz, Director

Footnotes: For illustrative purposes, the average bar in the U.S. generates approximately \$200K annually in sales. Most operate 7 days a week from 2pm - 2am or 4,368 business hours annually. Bill 398-32 would extend the sale of alcoholic beverages until 4am increasing annual operating time by an additional 728 hours or an increase of \$33.3K in sales annually per establishment. The government's tax base may increase slightly by approximately \$87K annually (reference attachment).

Bureau of Budget & Management Research
Attachment to Fiscal Note No. ~~48~~ 32 (COR)

398

| <u><i>12-hr operating cycle</i></u> | |
|--|-------------------------|
| # hrs per week (2pm-2am): | 84 |
| Total Business Hrs (Annually): | 4,368 |
| Revenue generation (hourly): | \$ 45.79 |
| Annual Sales: | <u>\$ 200,000</u> |
| <u><i>14-hr operating cycle</i></u> | |
| # hrs per week (2pm-4am): | 98 |
| Total Business Hrs (Annually): | 5,096 |
| Revenue generation (hourly): | \$ 45.79 |
| Annual Sales: | <u>\$ 233,333</u> |
| Variance: | \$ 33,333 |
| Projected # of bars on Guam: | 65 |
| Business Privilege Tax Increase (4% GRT): | <u>\$ 86,667</u> |



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September 23, 2014

VIA E-MAIL
joey.calvo@bbmr.guam.gov

Jose S. Calvo
Acting Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill No. 397-32 (COR) through 401-32(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal note for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

| Bill Nos. | Sponsors | Title |
|--------------|--|---|
| 397-32 (COR) | R. J. Respicio, J.T. Won Pat, Ed.D., T. C. Ada | AN ACT TO APPROPRIATE \$600,000 FOR A GYMNASIUM AND SPORTS CLASSROOMS IN NORTHERN GUAM. |
| 398-32 (COR) | Aline A. Yamashita, Ph.D. | AN ACT TO SUPPORT GUAM'S MUSICIANS AND ENTERTAINERS BY AMENDING §3414 OF ARTICLE 4, CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ON-SALE LICENSEES TO SELL AND SERVE ALCOHOLIC BEVERAGES DURING EXTENDED HOURS. |
| 399-32 (COR) | R. J. Respicio | AN ACT TO AMEND § 3218, CHAPTER 3, ARTICLE 2, TITLE 16 OF THE GUAM CODE ANNOTATED TO UPDATE THE CURRENT STANDARDS ON THE SALE OF OLD TIRES. |
| 400-32 (COR) | R. J. Respicio | AN ACT TO ADOPT THE UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT ("UEFJA") AND THE UNIFORM FOREIGN MONEY JUDGMENTS RECOGNITION ACT ("UFMJRA"). |
| 401-32 (COR) | Dennis G. Rodriguez, Jr., R. J. Respicio | AN ACT TO AMEND CHAPTER V (o)(3) OF PUBLIC LAW 32-181 RELATIVE TO THE PROTECTION OF GUAM'S NATURAL RESOURCES. |



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September 17, 2014

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 398-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 398-32(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 Dos 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 DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 398-32 (COR.)

Introduced by:

A.A. Yamashita, Ph.D. 

2014 SEP 17 AM 11:48 

AN ACT TO SUPPORT GUAM'S MUSICIANS AND ENTERTAINERS BY AMENDING §3414 OF ARTICLE 4, CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ON-SALE LICENSEES TO SELL AND SERVE ALCOHOLIC BEVERAGES DURING EXTENDED HOURS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent.

3 *I Liheslaturan Guåhan* finds that since the establishment of P.L. 30-154
4 on July 8, 2010 reducing the hours of sale of alcoholic beverages, local
5 musicians and entertainers have experienced a decline in hiring
6 opportunities due to a lack of venues necessitating their services. *I*
7 *Liheslaturan Guåhan* finds that the local entertainment industry is a unique
8 and significant component of Guam's economy that depends on the
9 support of other local businesses. *I Liheslaturan Guåhan* concurrently
10 recognizes that in order to maintain public health and safety, it is necessary
11 that the hours during which on-sale licensees may sell and serve alcoholic

1 beverages be appropriately limited. Accordingly, in order to foster and
2 support local musicians and entertainers on Guam without repealing the
3 limitations of P.L. 30-154, *I Liheslaturan Guåhan* finds that it is beneficial to
4 extend the hours during which on-sale licensees may sell and serve
5 alcoholic beverages for limited hours with the requirement that live
6 entertainment be provided.

7 Furthermore, it is the intent of *I Liheslaturan Guåhan* that the
8 Department of Revenue and Taxation promulgate the necessary rules,
9 regulations, and applicable fees necessary to implement, monitor, and
10 control, under a special license classification, the sale of alcoholic beverages
11 during extended hours authorized by this Act.

12 **Section 2. Extended Hours of Sale Authorized.** §3414 of Article 4,
13 Chapter 3, Title 11, Guam Code Annotated, is hereby amended, to read:

14 **“§3414. Hours of Sale. On Sale Premises.**

15 (a) An on-sale licensee shall not sell or serve any person any alcoholic
16 beverages between the hours of 2:00 a.m. and 8:00 a.m., ~~provided, however,~~
17 ~~that all alcoholic beverages must be consumed within fifteen (15) minutes~~
18 ~~of the time permitted for the sale thereof and premise(s) shall be closed no~~
19 ~~later than 3:00 a.m. thereafter~~ except as otherwise specifically provided
20 herein.

21 (b) An on-sale licensee may sell or serve any person any alcoholic
22 beverages between the hours of 2:00 a.m. and 4:00 a.m. provided that the
23 licensee offers live entertainment within its establishment where the

1 entertainment takes place in the presence of an audience. For purposes of
2 this section, "live entertainment" shall be limited to one (1) or more of the
3 following activities: (i) performance of live music; (ii) any playing of
4 recorded music when the person playing the music selects the music to be
5 played and mixes the recorded music; (iii) performance of a play; (iv)
6 performance of dance; or (v) exhibition of a film. All on-sale licensees
7 selling and serving during the extended hours as permitted herein shall
8 employ door supervisors during said hours to verify identification and
9 ages of all entrants into the licensee's establishment.

10 (c) All alcoholic beverages must be consumed within fifteen (15)
11 minutes of the time permitted for the sale thereof and premises shall be
12 closed no later than 4:30 a.m. for on-sale licensees selling and serving
13 during extended hours as permitted herein.

14 (d) A licensee may begin selling or serving alcoholic beverages at 8:00
15 a.m., Monday through Sunday, inclusive."

16 **Section 3. Promulgation of Rules and Regulations.**

17 The Department of Revenue and Taxation (Department) shall,
18 pursuant to the Administrative Adjudication Act, promulgate the rules,
19 regulations, and applicable fees necessary to implement, monitor, and
20 control the sale of alcoholic beverages, under a special license classification,
21 during extended hours pursuant to the provisions of Section 2 of this Act.
22 The Department shall ensure that no less than fifty percent (50%) of
23 revenues generated from licenses issued pursuant to this Act shall be

1 designated for programs that support alcohol education, as well the
2 partnerships that may be established between business establishments and
3 transportation service providers. The rules, regulations, and applicable
4 fees required herein shall be promulgated no later than six (6) months
5 following the enactment of this Act.

6 **Section 4. Effective Date.**

7 The provisions of this Act shall become effective immediately, except
8 that Section 2 shall not become effective until the rules, regulations, and
9 applicable fees have been duly promulgated in accordance with the
10 Administrative Adjudication Act as required herein.