


TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 209, "An Act to amend Section 25210.1 of the Government Code of Guam which limits general licenses issued under the Alcoholic Beverage Control Act to one per thousand inhabitants of the municipality in which the licensed premises are situated", was on the 18th day of December, 1973, duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 7th day
of January, 1974 at 3:15 o'clock P.M.

7s/ KEITH L. ANDREWS

KEITH L. ANDREWS
Attorney General of Guam

APPROVED:



CARLOS G. CAMACHO
Governor of Guam

DATED: 1/15/74

Public Law
12-72



APR 21 1986

Bill No. 209
Substituted by the
Committee on Judiciary

Introduced by F. R. Santos

AN ACT TO AMEND SECTION 25210.1 OF THE
GOVERNMENT CODE OF GUAM WHICH LIMITS
GENERAL LICENSES ISSUED UNDER THE
ALCOHOLIC BEVERAGE CONTROL ACT TO ONE
PER THOUSAND INHABITANTS OF THE MUNICI-
PALITY IN WHICH THE LICENSED PREMISES
ARE SITUATED.

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

2 Section 1. Section 25210.1 of the Government Code of Guam
3 is hereby amended to read as follows:

4 "Section 25210.1. Same: same: number, cancellation, or
5 issuance of licenses in excess of authorized ratio: appli-
6 cation: hearing. The number of premises for which an on-sale
7 general license or an off-sale general license is issued
8 shall be limited to one (1) for each two hundred (200)
9 or fraction thereof, inhabitants of the municipality
10 in which the premises are situated, provided, however,
11 that without regard to such population limitation, a
12 nontransferable, on-sale, general license may be issued
13 for any hotel of not less than twenty (20) rooms, or for
14 any premises designed to provide restaurant facilities
15 for the public in which the investment in buildings is
16 not less than fifty thousand dollars (\$50,000.00). No
17 on-sale general license shall be issued in lieu of or
18 upon the cancellation or surrender of an on-sale beer and
19 wine license, except in case of an increase in population
20 as provided hereafter.

21 For purposes of this Title, 'municipality' shall mean
22 the geographical area over which a commissioner as defined

1 in Title XVI of the Government Code exercises jurisdiction
2 while inhabitants shall exclude those residing on military
3 contractors' reservations.

4 Nothing in this section shall authorize the cancel-
5 lation of any license which may be outstanding in any
6 municipality in excess of the number authorized by the
7 ratio established in this section nor shall anything in
8 this article require the issuance of any license in any
9 municipality because the number of the licenses does not
10 equal the authorized ration.

11 Whenever it is made to appear to the Board by satis-
12 factory evidence that the population in any municipality
13 has increased by more than two hundred (200) or multiples
14 of two hundred (200) inhabitants since the latest census
15 recognized by the government of Guam, and it appears to
16 the Board that by reason thereof the inhabitants of the
17 municipality are unjustly and unfairly discriminated
18 against, and if the total number of licenses in such munici-
19 pality does not exceed the maximum specified, the Board
20 may issue not to exceed one on-sale general license and
21 one off-sale general license for each additional two
22 hundred (200) inhabitants in the municipality since the
23 effective date, hereof, any person applying for an off-sale
24 general license on the ground of increased population shall
25 set forth in his application and shall affirmatively show
26 all of the following:

27 (a) That he is a qualified applicant and that his
28 premises qualify under the law and rules of the Board.

29 (b) That the issuance of the license applied for
30 would serve the public convenience or necessity.

31 (c) That the issuance of the license applied for
32 would not be contrary to the public welfare and morals.

1 (d) That inequality in the ratio of licenses exists
2 between the municipality in which the applicant's pre-
3 mises are located, and other municipalities in the
4 territory.

5 (e) That the population in the municipality for which
6 the license is applied has increased to the extent and
7 under the conditions mentioned in this section.

8 When an application is filed with the Board pursuant
9 to the provision of the section regarding the increase in
10 population, it shall be referred to the Administrator who
11 shall cause a full investigation to be made of all matters
12 stated in and relating to the application and report his
13 findings to the Board with the recommendations. If a
14 protest against the issuance of the license is filed with
15 the Board, the hearing thereon shall be had and conducted
16 accordingly, as provided in this Title."