

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
226-35 (COR)	Telena Cruz Nelson	AN ACT TO REPEAL PUBLIC LAW 35-10 AND TO AMEND § 5205 OF CHAPTER 5 AND § 22202 OF CHAPTER 22, BOTH OF TITLE 11, AND § 64.62 AND 64.62.1 OF CHAPTER 64, TITLE 9, ALL OF GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING GAMING ACTIVITIES NOT AUTHORIZED BY § 5205 (a) and (b), OF GUAM CODE ANNOTATED.	10/28/19 9:08 a.m.						

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

Bill No. 226-35 (L/S) ^{COR}

Introduced by:

Telena Cruz Nelson 

AN ACT TO *REPEAL* PUBLIC LAW 35-10 AND TO *AMEND* § 5205 OF CHAPTER 5 AND § 22202 OF CHAPTER 22, BOTH OF TITLE 11, AND § 64.62 AND 64.62.1 OF CHAPTER 64, TITLE 9, ALL OF GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING GAMING ACTIVITIES NOT AUTHORIZED BY § 5205 (a) and (b), OF GUAM CODE ANNOTATED.

2019 OCT 28 AM 9:08 

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

2 **Section 1. Legislative Findings.**

3 *I Liheslatura* finds that the people of Guam have, through referendum, confirmed
4 public policy against casino-style gambling. The public is concerned about the lack
5 of transparency of the process of authorizing and regulating the activities and the
6 extent of gross proceeds extracted from patrons. It is the intent of *I Liheslatura* to
7 remove the authority to exempt casino gambling devices and activities during the
8 Liberation Day Carnival or any other fair or carnival activities in Guam in
9 accordance with established public policy.

10 **“Section 2. Public Law 35-10, is hereby *repealed*:**

1 ~~“AN ACT TO ADOPT THE RULES AND REGULATIONS~~
2 ~~FOR GAMES OF CHANCE PURSUANT TO PUBLIC~~
3 ~~LAW 35-4.~~

4
5 ~~BE IT ENACTED BY THE PEOPLE OF GUAM:~~

6 ~~Section 1. Adoption. I Liheslaturan Guåhan hereby adopts the Rules and~~
7 ~~Regulations, as amended and attached as “Exhibit A,” entitled: “Rules and~~
8 ~~Regulations for Games of Chance Pursuant to Public Law 35-4.”~~

9 ~~Section 2. The prohibition against gambling contained in Chapter 64 of~~
10 ~~Title 9, Guam Code Annotated, shall not apply to the games of chance for the~~
11 ~~Guam Island Fair and Liberation Day Carnival authorized by this Act.~~

12
13 ~~“Exhibit A”~~

14 ~~Rules and Regulations for Games of Chance~~
15 ~~Pursuant to Public Law 35-4~~

16 ~~1.1 DEFINITIONS~~

17 ~~1.2 GAMES OF CHANCE~~

18 ~~Games of chance are limited to the following and will be clearly defined in~~
19 ~~the bid~~

20 ~~packets provided to the vendors:~~

21 ~~a) Beto Beto~~

22 ~~b) Color Game~~

23 ~~e) Big & Small~~

24 ~~d) Poker, to include, but not be limited to, Texas Hold'em~~

25 ~~e) Pusoy~~

26 ~~f) Baccarat~~

27 ~~g) Blackjack~~

1 h) Monte

2 i) Bingo

3
4 ~~1.3 CARNIVAL GAMES~~

5 ~~A carnival game played for entertainment in which:~~

6 ~~a) the contestant actively participates;~~

7 ~~b) the outcome depends in a material degree upon the skill of the contestant;~~

8 ~~c) only merchandise prizes are awarded;~~

9 ~~d) the outcome is not in control of the operator; and~~

10 ~~e) the wagers are placed, the winners are determined, and a distribution of~~
11 ~~prizes or property is made in the presence of all persons placing wagers~~
12 ~~at such game.~~

13
14 ~~1.4 HOUSE OF CARDS~~

15 ~~A restricted, enclosed area where operation of the following games is limited:~~

16 ~~Poker, including, but not limited to, Texas Hold'em, Pusoy, Baccarat,~~
17 ~~Blackjack, and Monte.~~

18 ~~2.0 PROTOCOL FOR AUTHORIZATION, PROCUREMENT OF~~
19 ~~VENDORS, PROJECTED~~

20 ~~REVENUES, SECURITY PROTOCOL, AND MAINTENANCE PLAN.~~

21 ~~Authorization for games of chance shall be pursuant to these rules and~~
22 ~~regulations and upon the issuance of a proclamation by I Maga'hågan Guåhan.~~

23
24 ~~2.1 PROCUREMENT OF VENDORS~~

25 ~~Bids for games of chance shall be opened publicly and read out loud at an~~
26 ~~announced date and time. Vendors shall be selected through a sealed bid process~~
27 ~~with the successful bidders being both in good standing with the Department of~~

1 Revenue and Taxation (DRT) and the highest bidders for each activity. For activities
2 that allow for more than one (1) vendor, the successful bidders shall also be in good
3 standing with DRT and will be ranked in descending order and will be awarded in
4 that order. No vendor may submit a bid whom does not participate in a pre-bid
5 conference. All prospective bidders must include a police and court clearance.

6 Bidders not in good standing with DRT at the time of the bid or during the
7 Guam Island Fair and Liberation Day Carnival, will not be qualified to bid or
8 participate as a vendor at the Guam Island Fair and Liberation Day Carnival. The
9 pre-bid conference will be publicly noticed and all successful bidders will be
10 publicly announced.

11

12 ~~2.2 NUMBER OF VENDORS; LIMITED~~

13 The number of allowable vendors for each type of game of chance and
14 carnival games are listed below:

15 House of Cards two (2)

16 Beto Beto two (2)

17 Color Game four (4)

18 Big & Small two (2)

19 Carnival Games fifty (50)

20 ~~2.3 VENDOR; MINIMUM BID~~

21 House of Cards Minimum Bid Two Hundred Fifty Thousand Dollars
22 (\$250,000) each

23 Beto Beto Minimum Bid Five Thousand Dollars (\$5,000) each

24 Color Game Minimum Bid Seven Thousand Five Hundred Dollars
25 (\$7,500) each

26 Big & Small Minimum Bid Twenty thousand Dollars (\$20,000) each

27 Carnival Games Minimum Bid One Hundred Fifty Dollars through One

1 ~~Thousand Dollars (\$150—\$1,000) each depending on the type of game~~
2 ~~proposed, as will be further specified in the bid packet.~~

3 ~~If minimum bid is not met, highest bidder will be considered. If minimum~~
4 ~~bid is not met, the Carnival Committee may consider a lower minimum bid~~
5 ~~and do a rebid process.~~

6 7 ~~2.4 PROJECTED REVENUE~~

8 ~~The projected revenue is dependent upon the number of vendors that actually~~
9 ~~participate. A preliminary forecast assumes that each of the available number of slots~~
10 ~~is awarded at the minimum bid level for the games of chance only which would yield~~
11 ~~Five Hundred Eighty Thousand Dollars (\$580,000). It is further assumed that all~~
12 ~~fifty (50) slots for Carnival Games will be awarded at a minimum bid level of One~~
13 ~~Hundred Fifty Dollars (\$150) that will yield an additional Seven Thousand Five~~
14 ~~Hundred Dollars (\$7,500). The total projected revenue based on these assumptions~~
15 ~~would be Five Hundred Eighty-seven Thousand Five Hundred Dollars (\$587,500).~~

16 17 ~~2.5 SECURITY PROTOCOL~~

18 ~~In order to ensure that no person under the age of twenty one (21) will be~~
19 ~~allowed to partake in the games of chance inside the House of Cards, and to~~
20 ~~minimize the exposure of persons under the age of twenty one (21) to these games,~~
21 ~~each vendor will be required to verify the age of each participant. No one under the~~
22 ~~age of twenty one (21) shall be employed by or present in any manner within the~~
23 ~~House of Cards. Any government issued identification (foreign or domestic) shall~~
24 ~~besufficient for age verification. Further, the House of Cards will be a completely~~
25 ~~enclosed area and access will be limited as further described in Section 5.8.1 below.~~
26 ~~Additionally, plain clothed security personnel may be present in any House of~~
27 ~~Cards. If a person under the age of twenty one (21) is found within a House of Cards~~

1 ~~at any time, the House of Cards vendor shall, in the first such instance, be issued a~~
2 ~~One Thousand Dollars (\$1,000) penalty payable to the Treasurer of Guam within~~
3 ~~five (5) business days of the occurrence; in the second instance, the House of Cards~~
4 ~~vendor shall be issued a Five Thousand Dollars (\$5,000) penalty payable to the~~
5 ~~Treasurer of Guam within five (5) business days; in the third instance, the House of~~
6 ~~Cards vendor shall be shut down and no longer able to operate during the Guam~~
7 ~~Island Fair and Liberation Day Carnival; and shall be prohibited from participating~~
8 ~~in future bids for the next five (5) years. Any and all revenues derived from such~~
9 ~~penalties shall be appropriated to Guam Behavioral Health and Wellness Center.~~

11 ~~2.6 MAINTENANCE PLAN~~

12 ~~The Guam Island Fair and Liberation Day Carnival will implement a zero~~
13 ~~waste policy. Sorting stations will be placed throughout the grounds so that items~~
14 ~~can be separated for recycling and proper disposal. Food waste will be provided to~~
15 ~~local pig farmers for their use. All trash will be disposed of daily. All vendors are~~
16 ~~required to pay cleaning deposits of Two Hundred Dollars (\$200) to ensure~~
17 ~~proper clean up and removal of booths and associated structures within fifteen (15)~~
18 ~~days of the last day of operations. The refundable cleaning deposit fees are: Five~~
19 ~~Thousand Dollars (\$5,000) for House of Cards; Two Thousand Five Hundred~~
20 ~~Dollars (\$2,500) for Big & Small, Color Game, Beto Beto; Five Hundred~~
21 ~~Dollars (\$500) for Food, Confectionaries, Drinks, Amusement Rides, Live Animal~~
22 ~~Displays; Two Hundred Dollars (\$200) for Carnival Games; and One Hundred~~
23 ~~Dollars (\$100) for Miscellaneous. Fees will only be refunded after an inspection is~~
24 ~~done by the Carnival Committee and accepts the area as being returned to its pre-~~
25 ~~carnival condition. Any expenses that must be incurred by the Carnival Committee~~
26 ~~to return the vendor's assigned area to pre-carnival condition will be deducted from~~
27 ~~the refundable clean up fee. If costs are incurred to return the area to pre-carnival~~

1 ~~condition, then no refund will be made and vendor will be billed and obligated to~~
2 ~~pay additional costs. The following services may be contracted out: portable~~
3 ~~restroom rental with daily cleaning services, grass cutting, ground~~
4 ~~maintenance, and solid waste removal.~~

6 3.0 LICENSING

8 3.1 GENERAL PROVISIONS

9 a) ~~Every qualified individual or organization that has been awarded an~~
10 ~~opportunity to operate games of chance or carnival games at the Guam~~
11 ~~Island Fair and Liberation Day Carnival must obtain a business license for~~
12 ~~operation from the Department of Revenue and Taxation.~~

13 b) ~~A business license issued by the Department of Revenue and Taxation shall~~
14 ~~only be valid during the period of operation for the Guam Island Fair and~~
15 ~~Liberation Day Carnival.~~

16 c) ~~Licensees are only authorized to operate upon the official Guam Island Fair~~
17 ~~and Liberation Day Carnival grounds.~~

19 3.2 REGISTRATION FORM

20 ~~Registration for a business license shall be upon a form supplied by the~~
21 ~~Department of Revenue and Taxation.~~

23 4.0 APPLICATIONS

25 4.1 APPLICATION FOR BUSINESS LICENSE; FEES

26 a) ~~Each individual or organization requesting a business license to operate at~~
27 ~~the Guam Island Fair and Liberation Day Carnival shall complete an~~

1 application provided by the Department of Revenue and Taxation and
2 provide proof of eligibility for issuance of said license, and pay any fees
3 associated with such license. Such proof shall include the following:

- 4 1. the by laws and constitution or any other written authority under with
5 the applicant organization operates;
- 6 2. the names and addresses of a minimum of five (5) individuals over the
7 age of eighteen (18) who are to be primarily responsible for the
8 conduct of the games of chance on each occasion; and
- 9 3. if incorporated, a copy of the applicant organization's articles of
10 incorporation

11
12 b) The Department of Revenue and Taxation, when provided all the
13 information required by this Section and upon its considered review of such
14 qualifying information, and being satisfied that the applicant is qualified,
15 shall issue a business license.

16 17 4.2 APPROVAL

18 No business license shall entitle any organization to hold, operate or conduct,
19 or assist in holding, operating or conducting of, any game or games of chance outside
20 of the official times and locations of operation for the Guam Island Fair and
21 Liberation Day Carnival.

22 23 5.0 GENERAL CONDUCT OF GAMES OF CHANCE

24 25 5.1 PARTICIPANT, EMPLOYEE; RESTRICTION MINIMUM AGE

26 No licensee shall permit any person under the age of eighteen (18) years to

1 ~~participate in any games of chance located outside of the House of Cards. In~~
2 ~~order to enter the House of Cards, licensees shall ensure that all patrons are at least~~
3 ~~twenty one (21) years of age or older. Further, no person under the age of~~
4 ~~twenty one (21) shall be employed by the House of Cards vendor or present in any~~
5 ~~manner within the House of Cards.~~

6 ~~5.2 MEMBER IN CHARGE OF CONDUCT OF GAMES~~

7 ~~a) The officers of a licensee shall designate a bona fide, active member to be~~
8 ~~in charge of, and primarily responsible for, the conduct of the game of chance~~
9 ~~on each occasion.~~

10 ~~b) The member in charge shall supervise all activities on the occasions for~~
11 ~~which he or she is in charge, and shall be responsible for making the~~
12 ~~required report of operations thereof.~~

13 ~~c) The member in charge shall be familiar with the provisions of all relevant~~
14 ~~laws and rules and regulations.~~

15 ~~d) All members designated in charge of conduct of games shall submit a police~~
16 ~~and court clearance.~~

17 ~~5.3 OPERATION; RULES~~

18 ~~All games of chance shall be fully defined and described in bid packets.~~

19 ~~5.4 OPERATION; TIMES~~

20
21
22 ~~a) Games of chance shall operate on Monday to Thursday from 4:00 p.m. --~~
23 ~~12:00 a.m., on Friday from 4:00 p.m. -- 2:00 a.m., on Saturdays from 12:00~~
24 ~~p.m. -- 2:00 am, and on Sundays from 12:00 p.m. -- 12:00 a.m. Saturday hours~~
25 ~~shall be in effect for any night prior to, or on an official federal or Guam~~
26 ~~holiday during the time period authorized.~~

27 ~~b) Games of chance shall begin no earlier than the opening day of the Guam~~

1 ~~Island Fair and Liberation Day Carnival, and shall cease operations no later~~
2 ~~than sixty (60) calendar days from the date of the opening day.~~

3
4 ~~5.5 OPERATION; LOCATION~~

5 ~~Any games of chance shall only operate on the official grounds of the Guam~~
6 ~~Island Fair and Liberation Day Carnival, as specified by the official proclamation of~~
7 ~~the Governor of Guam authorizing the games of chance at the Guam Island Fair and~~
8 ~~Liberation Day Carnival.~~

9
10 ~~COMPLIANCE~~

11 ~~5.6.1 Compliance Officers; Access to Games of Chance~~

12 ~~The Department of Revenue and Taxation shall have two (2) Compliance~~
13 ~~Officers present on the grounds at all times of operation. Compliance Officers shall~~
14 ~~have unfettered access to all areas of operations of the games of chance.~~

15 ~~5.6.2 Cash Control Sheets and Reporting Forms~~

16
17 ~~Each individual Game of Chance Booth shall utilize the Cash Control Report~~
18 ~~Sheets in the form depicted in Attachments "A" and "B" to these Rules that are fully~~
19 ~~incorporated herein by this reference as if fully set forth here. The~~
20 ~~Department of Revenue and Taxation shall verify "start cash" before opening and~~
21 ~~"end cash" daily.~~

22
23 ~~CONDUCT OF TRADITIONAL BINGO~~

24 ~~5.7.1 Bingo; Prohibition of Electronic Minding Devices and Card Minding~~
25 ~~Devices~~

26 ~~No licensee shall permit the use of electronic minding devices or card minding~~
27 ~~devices while operating bingo.~~

1 ~~5.7.2 Operation;~~

2 ~~a) All bingo games shall be played on non-reusable cards that are to be~~
3 ~~indelibly marked when played.~~

4 ~~b) The equipment used in the playing of bingo and the method of play shall~~
5 ~~be such that each card shall have an equal opportunity to be a winner.~~

6 ~~5.7.3 Electronic Devices Not Permitted~~

7 ~~No other electronic games or devices unauthorized in Guam law are~~
8 ~~authorized for use in any games of chance.~~

9
10 ~~CONDUCT OF HOUSE OF CARDS~~

11 ~~5.8.1 Participant, Employee; Restriction Minimum Age~~

12 ~~No licensee shall permit any person under the age of twenty-one (21) years to~~
13 ~~enter or participate in any games of chance within the House of Cards. This shall~~
14 ~~include that no one under the age of twenty-one (21) shall be employed by the House~~
15 ~~of Cards vendor or present in any manner within the House of Cards.~~

16 ~~5.8.2 Prohibition of Currency Other Than Official Chips~~

17 ~~No licensee shall permit the use of any currency to be used during the conduct~~
18 ~~of games other than official chips. Official chips shall be purchased within the House~~
19 ~~of Cards for use during game play. Official chips may only be purchased and~~
20 ~~redeemed at a centralized location within the House of Cards.~~

21 ~~6.0 MANAGEMENT OF GAMES OF CHANCE BY MAYORS' COUNCIL~~
22 ~~OF GUAM,~~

23 ~~TIMELINES~~

24 ~~The Mayors' Council of Guam will have representation present at all times~~
25 ~~that the Guam Island Fair and Liberation Day Carnival is in operation. Said~~
26 ~~representative will monitor the conduct of all games of chance wherever located on~~
27 ~~the carnival grounds either in stand-alone booths or within a House of Cards.~~

1 ~~Representatives will ensure that all vendors are appropriately licensed and are~~
2 ~~providing the required reports to the Department of Revenue and Taxation~~
3 ~~Compliance Officers on a daily basis.~~

4 ~~7.0 REPORT OF OPERATIONS~~

5 ~~7.1 FORM; TIME~~

6 ~~a) The report of operation shall be on the form provided by the Department of~~
7 ~~Revenue and Taxation. The report shall contain the following information:~~

8 ~~a. gross receipts derived from each day of operation; and~~

9 ~~b. a list of prizes offered or given and their respective values, if~~
10 ~~applicable.~~

11 ~~b) The licensee shall file one (1) copy of the report with the Compliance~~
12 ~~Officer at the close of each day of operation.~~

13 ~~7.2 SUPPLY OF FORMS~~

14 ~~Forms for the Report of Operations shall be supplied by the Department of~~
15 ~~Revenue and Taxation or the Compliance Officer upon request by a licensee.~~

16 ~~7.3 REPORT; NO GAME HELD~~

17 ~~When a game is not held on any date when a license authorizes it to be held,~~
18 ~~a report to that effect shall nonetheless be filed with the Compliance Officer with the~~
19 ~~report for the next day of operation.~~

20 ~~7.4 DEFAULT~~

21 ~~If a licensee fails to file a report within the time required, or if a report is not~~
22 ~~properly verified, or not fully, accurately and truthfully completed, licensed~~
23 ~~operations shall be suspended until such time as the default has been corrected. If~~
24 ~~there is a subsequent suspension, the license shall be revoked for the remainder of~~
25 ~~the Guam Island Fair and Liberation Day Carnival; and, no fees shall be reimbursed.~~
26 ~~Additionally, the vendor shall be prohibited from participating in future bids for the~~
27 ~~next five (5) years.~~

1 7.5 FINAL REPORTS

2 7.5.1 Report by Department of Revenue and Taxation

3 ~~Within sixty (60) days of the conclusion of the Guam Island Fair and~~
4 ~~Liberation Day Carnival activities, the Department of Revenue and Taxation shall~~
5 ~~submit to the Governor and the Office of Public Accountability a report containing~~
6 ~~the following information as to the operation of all games of chance occurring at the~~
7 ~~Guam Island Fair and Liberation Day Carnival:~~

8 ~~a) the number of licenses issued;~~

9 ~~b) the names and addresses of each licensee;~~

10 ~~e) the aggregate amount of license fees collected;~~

11 ~~d) the name and address of all persons detected in violation of the laws or~~
12 ~~regulations; and~~

13 ~~e) the total amount of business privilege taxes and other taxes collected.~~

14 7.5.2 Audit of the Mayors' Council of Guam

15 ~~The Mayors' Council of Guam shall be subject to an audit by the Office of~~
16 ~~Public Accountability (OPA) within thirty (30) days of completion of the Guam~~
17 ~~Island Fair and Liberation Day Carnival. All financial documents that are required~~
18 ~~for this audit shall be submitted by the Mayors' Council of Guam to the OPA. The~~
19 ~~OPA shall publish the audit and submit its report to the Speaker of I Liheslaturan~~
20 ~~Guåhan.~~

21 8.0 DETERMINATION OF PROCEEDS

22 ~~The proceeds from the games of chance are used to fund the events related to~~
23 ~~Liberation Day, including, but not limited to, memorial events hosted throughout the~~
24 ~~months of July and August, the Liberation Parade, fireworks displays, and other~~
25 ~~events traditionally associated with the Guam Island Fair and Liberation Day~~
26 ~~Carnival, as well as attendant operational costs, and the costs incurred by the~~

1 ~~Department of Revenue and Taxation in fulfilling the compliance mandates set forth~~
2 ~~by Public Law 35-4, to include, but not limited to, staffing, equipment, and overtime.~~

3 ~~The net proceeds of the games of chance will be distributed in accordance~~
4 ~~with 1 GCA § 1013; specifically, the proceeds will be split equally between the~~
5 ~~Mayors' Council of Guam and a charity or worthy public cause chosen by the First~~
6 ~~Gentleman. The fifty percent (50%) of the proceeds allocated to the Mayors Council~~
7 ~~of Guam shall be deposited in the Mayors Council of Guam Revolving Fund to be~~
8 ~~used on projects that are voted on by the Mayors as a whole. This Fund is subject to~~
9 ~~audit by the OPA. The remaining fifty percent (50%) of the proceeds shall be~~
10 ~~allocated to the First Gentleman's choice of a worthy public cause.~~

11 **Section 3.** § 64.62, 6.62.1 and, 64.2 of Chapter 64, Title 9, Guam Code
12 Annotated, is hereby *repealed*:

13 ~~§ 64.62. Rules and Regulations to Permit Games of Chance at~~
14 ~~the Guam Island Fair and Liberation Day Carnival.~~

15 ~~(a) Notwithstanding any other provision of law, rule, or~~
16 ~~regulation to the contrary, the Mayors Council of Guam, with the~~
17 ~~Attorney General of Guam and the Director of the Department of~~
18 ~~Revenue and Taxation, is hereby authorized to draft and submit~~
19 ~~to the Speaker of I Liheslaturan Guåhan, no later than sixty (60)~~
20 ~~days from the enactment of this Act, rules and regulations to~~
21 ~~permit Games of Chance at the Guam Island Fair and Liberation~~
22 ~~Day Carnival upon a proclamation by I Maga'hågan Guåhan.~~

23 ~~For the purpose of the rules and regulations authorized by this~~
24 ~~Section, "Games of Chance" shall be limited to:~~

25 ~~(1) Carnival Games which for the purpose of this~~
26 ~~Section shall mean a game played for entertainment in~~
27 ~~which:~~

1 ~~(A) the contestant actively participates;~~
2 ~~(B) the outcome depends in a material degree~~
3 ~~upon the skill of the contestant;~~
4 ~~(C) only merchandise prizes are awarded;~~
5 ~~(D) the outcome is not in the control of the~~
6 ~~operator; and~~
7 ~~(E) the wagers are placed, the winners are~~
8 ~~determined, and a distribution of prizes or property is~~
9 ~~made in the presence of all persons placing wagers at~~
10 ~~such game;~~
11 ~~(2) Poker, to include, but not be limited to, Texas~~
12 ~~Hold'em;~~
13 ~~(3) Pusoy;~~
14 ~~(4) Baccarat;~~
15 ~~(5) Blackjack;~~
16 ~~(6) Monte;~~
17 ~~(7) Color Game;~~
18 ~~(8) Big & Small;~~
19 ~~(9) Beto Beto; and~~
20 ~~(10) Bingo.~~
21 ~~(b) I Liheslaturan Guåhan may, by the passage of a bill~~
22 ~~into law, approve, disapprove, or amend the rules and regulations~~
23 ~~permitted by this Section within thirty (30) calendar days from~~
24 ~~the date of filing with the Speaker of I Liheslaturan Guåhan;~~
25 ~~except, that any pending rules shall be deemed disapproved upon~~
26 ~~adjournment sine die of I Liheslaturan Guåhan.~~
27 ~~(c) The rules and regulations shall consist of, among other~~

1 items, the following:

2 (1) protocol for authorization;

3 (2) a determination of how municipalities manage the
4 games of chance, including timelines;

5 (3) a determination of how proceeds are split among
6 municipalities;

7 (4) a determination of how the funds will be
8 expended;

9 (5) a determination of how the games of chance and
10 other vendors will be procured;

11 (6) an identification of security protocol, including
12 how minors will not be impacted;

13 (7) an identification of projected revenues; and

14 (8) an identification of maintenance plans.

15 SOURCE: Added by P.L. 16-120:27 (Dec. 17, 1982), amended by P.L.
16 18-040:64 (Nov. 6, 1986), and repealed by P.L. 34-015:2 (June 8, 2017).

17 Repealed and reenacted by P.L. 35-004:1 (April 3, 2019).

18 2019 NOTE: Subsection designations altered pursuant to authority
19 granted by 1 GCA § 1606.

20 § 64.62.1. Mandatory Conditions.

21 Rules and regulations permitted under § 64.62 must comply
22 with the following:

23 (a) The Director of the Department of Revenue and
24 Taxation shall designate and require the physical presence
25 of a compliance agent during the operation of any Games of
26 Chance permitted by § 64.62 of this Article.

27 (b) Any Games of Chance authorized under § 64.62

1 ~~of this Article shall maintain the same hours of operation as~~
2 ~~the Guam Island Fair and Liberation Day Carnival; except,~~
3 ~~that Games of Chance under § 64.62 may operate until 2:00~~
4 ~~a.m. on Fridays and Saturdays, and any night prior to an~~
5 ~~official federal or Guam holiday during the time period~~
6 ~~authorized by Subsection (c) of this Section.~~

7 ~~(c) Games of Chance permitted under § 64.62 of this~~
8 ~~Article shall begin no earlier than the opening day of the~~
9 ~~Guam Island Fair and Liberation Day Carnival, and shall~~
10 ~~cease operations no later than sixty (60) days from the date~~
11 ~~of the opening day.~~

12 ~~SOURCE: Added by P.L. 35-004:2 (April 3, 2019).~~

13 ~~§ 64.62.2. Financial Reports Required.~~

14 ~~The Mayors Council of Guam shall be subject to an audit by~~
15 ~~the Office of Public Accountability (OPA) within thirty (30)~~
16 ~~days of completion of the Guam Island Fair and Liberation Day~~
17 ~~Carnival. All financial documents that are required for this audit~~
18 ~~shall be submitted by the Mayors Council of Guam to the OPA,~~
19 ~~or the activities permitted under § 64.62 shall be suspended. The~~
20 ~~OPA shall publish the audit and submit its report to the Speaker~~
21 ~~of I Liheslaturan Guåhan.”~~

22 **Section 4.** § 5205 Chapter 5, Title 11, Guam Code Annotated is hereby
23 *amended* to read:

24 **“§ 5205. Limited Gaming Activities – Authorized and Unauthorized.**

25 (a) The following are the only limited gaming activities authorized in Guam
26 under this Article:

1 (1) bingo or lottery that is conducted by a tax exempt non-profit
2 organization as authorized in 9 GCA § 64.70(b);

3 (2) cockfighting that is conducted at a licensed cockpit, and that all
4 wagers are present at the cockpit, as authorized in 9 GCA § 64.40; and,

5 ~~(3) all other limited gaming activities as authorized pursuant to statute.~~

6 (b) Each non-profit organization choosing to operate a gaming activity shall
7 be open to an auditing of funds by the Office of Public Accountability to ensure that
8 funding is being spent in the spirit of the non-profit's charter and the public benefit.

9 **Section 5.** § 22202 of Chapter 22, Title 11, Guam Code Annotated, is hereby
10 *amended* to read:

11 **“§ 22202. Imposition.**

12 A license fee is imposed on each of the following amusement devices which
13 are operating to produce revenue in Guam on the effective date of this Chapter
14 (apportioned in accordance with §22207 of this Chapter), or thereafter manufactured
15 or constructed in, imported into Guam, maintained or permitted in Guam, and
16 operated to produce revenue in Guam, and annually thereafter on July 1, at the rate
17 stated:

18 (a) on each pinball machine, ~~including pachinko or similar machines,~~
19 One Hundred Dollars (\$100.00);

20 (b) on each multiple coin pinball machine, Five Hundred Dollars
21 (\$500.00);

22 (c) on each coin-activated phonograph or other coin-activated music
23 producing machine, Forty Dollars (\$40.00) plus Fifteen Dollars (\$15.00) for
24 each coin slot in excess of one (1);

25 (d) on each coin-activated kiddie ride, designed for the use of children,
26 Fifty Dollars (\$50.00);

1 ~~(e) on each video horse or greyhound race machine, One Thousand Two~~
2 ~~Hundred Fifty Dollars (\$1,250.00);~~

3 ~~(f) (e)~~ on each video type symbolic amusement machine or any other
4 amusement device that is not listed in this Section, Five Hundred Dollars
5 (\$500.00); and

6 ~~(g) on any amusement device that allows for more than one (1) person~~
7 ~~to participate, either by use of an additional coin slot, table, box, video screen,~~
8 ~~chair with screen monitor or other means allowing multiple concurrent~~
9 ~~participation, an additional license fee of Twenty five Dollars (\$25.00) shall~~
10 ~~be imposed for each coin slot in excess of one (1); and~~

11 ~~(h) (f)~~ on each coin-activated video amusement device designed for the
12 use of children, Fifty Dollars (\$50.00). No slot machine or amusement device
13 set to make progressive or automatic payouts shall be licensed under this
14 Section. No gambling device as defined in 9 GCA §64.20(b) shall be licensed
15 under this Section.”

16 **Section 6.** § 64.20(b)(2) Of Chapter 64, Title 9, Guam Code Annotated is
17 *amended* to read:

18 “**§ 64.20. Importation of Gambling Devices to Guam Illegal: Defined and**
19 **Punished.**

20 (b) As used in this Section, gambling device means any coin operated device
21 which, when operated, may return winnings (other than free games not redeemable
22 for cash) of value to the user based partially or completely upon chance, by the
23 operation of which a person may become entitled to receive winnings of value.

24 (1) It does not include pinball and other amusement machines or
25 devices which are predominantly games of skill, whether affording the
26 opportunity of additional chances or free plays or not.

1 (2) It does include any slot machines, video poker machines, video
2 horse or greyhound race machine, pachinko, and other similar machines or
3 devices which afford the opportunity of winnings, payouts, malfunction
4 refunds to the player, or giving the player or user anything of value under any
5 guise or form based partially or completely upon chance.”

6 **Section 7. 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 invalidity
8 *shall not* affect other provisions or applications of this Act that can be given effect
9 without the invalid provision or application, and to this end the provisions of this
10 Act are severable.

11 **Section 8.** Sections 4, 5, and 6 of this Bill shall be effective 120 days upon
12 enactment. All other sections shall be effective immediately upon enactment.