I Mina'trentai Singko Na Liheslaturan Guåhan THE THIRTY-FIFTH GUAM LEGISLATURE Bill HISTORY 5/2/2019 5:05 PM

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
101-35 (LS) As amended by the Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and	,	AN ACT TO ADOPT RULES AND REGULATIONS FOR GAMES OF CHANCE PURSUANT TO PUBLIC LAW 35-4.	4/22/19 1:44 p.m.	4/23/19	Committee on General Government Operations, Appropriations, and Housing Re-Referred: Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and Public Transit	4/29/19 2:30 p.m.	5/1/19 8:58 a.m. As amended by the Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and Public Transit	Fiscal Note: 5/1/19	4/23/19- Attachments to Bill No. 101-35 (LS)
Public Transit; and further amended on	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE		NOTE	S	
the Floor		AN ACT TO ADOPT THE RULES AND REGULATIONS FOR GAMES OF CHANCE PURSUANT TO PUBLIC LAW 35-4.	5/1/19	5/2/19	5/14/19				

CLERKS OFFICE Page 1



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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN Thirty-Fifth Guam Legislature

RCVD AT CENTRAL FILES MAY 2'19 PH4:48 Tina Sanchez

May 2, 2019

The Honorable Lourdes A. Leon Guerrero I Maga'hågan Guåhan Ufisinan I Maga'håga Hagåtña, Guam 96910

Dear Maga'håga Leon Guerrero:

Transmitted herewith is **Bill No. 101-35 (LS)**, which was passed by *I Mina'trentai Singko Na Liheslaturan Guåhan* on May 1, 2019.

Sincerely,

AMANDA L. SHELTON Legislative Secretary

Enclosure (1)



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

RCUD AT CENTRAL FILE MAY 2'19 PM4:48

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HAGAN GUAHAN

This is to certify that Bill No. 101-35 (LS), "AN ACT TO ADOPT THE RULES AND REGULATIONS FOR GAMES OF CHANCE PURSUANT TO PUBLIC LAW 35-4," was on the 1st day of May 2019, duly and regularly passed.

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

Bill No. 101-35 (LS)

As amended by the Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and Public Transit; and further amended on the Floor.

Introduced by:

Jose "Pedo" Terlaje
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO ADOPT THE RULES AND REGULATIONS FOR GAMES OF CHANCE PURSUANT TO PUBLIC LAW 35-4.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

- 2 Section 1. Adoption. I Liheslaturan Guåhan hereby adopts the Rules and
- 3 Regulations, as amended and attached as "Exhibit A," entitled: "Rules and
- 4 Regulations for Games of Chance Pursuant to Public Law 35-4."
- 5 Section 2. The prohibition against gambling contained in Chapter 64 of
- 6 Title 9, Guam Code Annotated, shall not apply to the games of chance for the Guam
- 7 Island Fair and Liberation Day Carnival authorized by this Act.

"Exhibit A"

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

1.0 DEFINITIONS

1

2 1.1 GAMES OF CHANCE

- 3 Games of chance are limited to the following and will be clearly defined in the bid
- 4 packets provided to the vendors:
- 5 a) Beto Beto
- 6 b) Color Game
- 7 c) Big & Small
- d) Poker, to include, but not be limited to, Texas Hold'em
- 9 e) Pusoy
- 10 f) Baccarat
- 11 g) Blackjack
- 12 h) Monte
- i) Bingo

14 1.2 CARNIVAL GAMES

- 15 A carnival game played for entertainment in which:
- a) the contestant actively participates;
- b) the outcome depends in a material degree upon the skill of the contestant;
- c) only merchandise prizes are awarded;
- d) the outcome is not in control of the operator; and
- e) the wagers are placed, the winners are determined, and a distribution of
- 21 prizes or property is made in the presence of all persons placing wagers
- 22 at such game.

1.3 HOUSE OF CARDS

- 2 A restricted, enclosed area where operation of the following games is limited:
- 3 Poker, including, but not limited to, Texas Hold'em, Pusoy, Baccarat, Blackjack,
- 4 and Monte.

1

5 2.0 PROTOCOL FOR AUTHORIZATION, PROCUREMENT OF VENDORS,

- 6 PROJECTED REVENUES, SECURITY PROTOCOL, AND MAINTENANCE PLAN.
- 7 Authorization for games of chance *shall* be pursuant to these rules and regulations
- 8 and upon the issuance of a proclamation by *I Maga'hågan Guåhan*.

9 2.1 PROCUREMENT OF VENDORS

- Bids for games of chance shall be opened publicly and read out loud at an announced date
- and time. Vendors shall be selected through a sealed-bid process with the successful
- 12 bidders being both in good standing with the Department of Revenue and Taxation
- 13 (DRT) and the highest bidders for each activity. For activities that allow for more
- than one (1) vendor, the successful bidders shall also be in good standing with DRT
- and will be ranked in descending order and will be awarded in that order. No vendor
- 16 may submit a bid whom does not participate in a pre-bid conference. All prospective
- 17 bidders must include a police and court clearance. Bidders not in good standing with
- 18 DRT at the time of the bid or during the Guam Island Fair and Liberation Day
- 19 Carnival, will not be qualified to bid or participate as a vendor at the Guam Island
- 20 Fair and Liberation Day Carnival. The pre-bid conference will be publicly noticed
- 21 and all successful bidders will be publicly announced.

22 2.2 Number of Vendors; Limited

- 23 The number of allowable vendors for each type of game of chance and carnival
- 24 games are listed below:
- 25 House of Cards two (2)

1		Beto Beto - two (2)
2		Color Game - four (4)
3		Big & Small - two (2)
4		Carnival Games - fifty (50)
5	2.3	VENDOR; MINIMUM BID
6		House of Cards Minimum Bid - Two Hundred Fifty Thousand Dollars
7	(\$250	0,000) each
8		Beto Beto Minimum Bid – Five Thousand Dollars (\$5,000) each
9		Color Game Minimum Bid – Seven Thousand Five Hundred Dollars (\$7,500)
10	each	
11		Big & Small Minimum Bid – Twenty thousand Dollars (\$20,000) each
12		Carnival Games Minimum Bid - One Hundred Fifty Dollars through One
13		Thousand Dollars (\$150 - \$1,000) each depending on the type of game
14		proposed, as will be further specified in the bid packet.
15		If minimum bid is not met, highest bidder will be considered. If minimum bid
16		is not met, the Carnival Committee may consider a lower minimum bid and
17		do a rebid process.
18	2.4	PROJECTED REVENUE
19	The j	projected revenue is dependent upon the number of vendors that actually
20	partic	sipate. A preliminary forecast assumes that each of the available number of slots
21	is awa	arded at the minimum bid level for the games of chance only which would yield
22	Five	Hundred Eighty Thousand Dollars (\$580,000). It is further assumed that all
23	fifty ((50) slots for Carnival Games will be awarded at a minimum bid level of One
24	Hund	red Fifty Dollars (\$150) that will yield an additional Seven Thousand Five
25	Hund	red Dollars (\$7,500). The total projected revenue based on these assumptions
26	would	d be Five Hundred Eighty-seven Thousand Five Hundred Dollars (\$587,500).

2.5 SECURITY PROTOCOL

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2 In order to ensure that no person under the age of twenty-one (21) will be allowed 3 to partake in the games of chance inside the House of Cards, and to minimize the 4 exposure of persons under the age of twenty-one (21) to these games, each vendor 5 will be required to verify the age of each participant. No one under the age of twenty-6 one (21) shall be employed by or present in any manner within the House of Cards. Any government issued identification (foreign or domestic) shall be sufficient for 7 age verification. Further, the House of Cards will be a completely enclosed area and 8 9 access will be limited as further described in Section 5.8.1 below. Additionally, plain-clothed security personnel may be present in any House of Cards. If a person 10 11 under the age of twenty-one (21) is found within a House of Cards at any time, the 12 House of Cards vendor shall, in the first such instance, be issued a One Thousand 13 Dollars (\$1,000) penalty payable to the Treasurer of Guam within five (5) business 14 days of the occurrence; in the second instance, the House of Cards vendor shall be 15 issued a Five Thousand Dollars (\$5,000) penalty payable to the Treasurer of Guam 16 within five (5) business days; in the third instance, the House of Cards vendor shall 17 be shut down and no longer able to operate during the Guam Island Fair and 18 Liberation Day Carnival; and shall be prohibited from participating in future bids 19 for the next five (5) years. Any and all revenues derived from such penalties shall 20 be appropriated to Guam Behavioral Health and Wellness Center.

2.6 MAINTENANCE PLAN

21

The Guam Island Fair and Liberation Day Carnival will implement a zero waste policy. Sorting stations will be placed throughout the grounds so that items can be separated for recycling and proper disposal. Food waste will be provided to local pig farmers for their use. All trash will be disposed of daily. All vendors are required to pay cleaning deposits of Two Hundred Dollars (\$200) to ensure proper clean up

- and removal of booths and associated structures within fifteen (15) days of the last
- 2 day of operations. The refundable cleaning deposit fees are: Five Thousand Dollars
- 3 (\$5,000) for House of Cards; Two Thousand Five Hundred Dollars (\$2,500) for Big
- 4 & Small, Color Game, Beto-Beto; Five Hundred Dollars (\$500) for Food,
- 5 Confectionaries, Drinks, Amusement Rides, Live Animal Displays; Two Hundred
- 6 Dollars (\$200) for Carnival Games; and One Hundred Dollars (\$100) for
- 7 Miscellaneous. Fees will only be refunded after an inspection is done by the Carnival
- 8 Committee and accepts the area as being returned to its pre-carnival condition. Any
- 9 expenses that must be incurred by the Carnival Committee to return the vendor's
- 10 assigned area to pre-carnival condition will be deducted from the refundable clean
- 11 up fee. If costs are incurred to return the area to pre-carnival condition, then no
- refund will be made and vendor will be billed and obligated to pay additional costs.
- 13 The following services may be contracted out: portable restroom rental with daily
- 14 cleaning services, grass cutting, ground maintenance, and solid waste removal.

3.0 LICENSING

15

16

3.1 GENERAL PROVISIONS

- a) Every qualified individual or organization that has been awarded an
- opportunity to operate games of chance or carnival games at the Guam Island
- Fair and Liberation Day Carnival must obtain a business license for operation
- from the Department of Revenue and Taxation.
- b) A business license issued by the Department of Revenue and Taxation shall
- only be valid during the period of operation for the Guam Island Fair and
- 23 Liberation Day Carnival.
- c) Licensees are only authorized to operate upon the official Guam Island Fair
- and Liberation Day Carnival grounds.

3.2 REGISTRATION FORM

- 2 Registration for a business license *shall* be upon a form supplied by the Department
- 3 of Revenue and Taxation.

4 4.0 APPLICATIONS

4.1 APPLICATION FOR BUSINESS LICENSE; FEES

- a) Each individual or organization requesting a business license to operate at the Guam Island Fair and Liberation Day Carnival *shall* complete an application provided by the Department of Revenue and Taxation and provide proof of eligibility for issuance of said license, and pay any fees associated with such license. Such proof *shall* include the following:
 - 1. the by-laws and constitution or any other written authority under with the applicant organization operates;
 - 2. the names and addresses of a minimum of five (5) individuals over the age of eighteen (18) who are to be primarily responsible for the conduct of the games of chance on each occasion; and
 - 3. if incorporated, a copy of the applicant organization's articles of incorporation
 - b) The Department of Revenue and Taxation, when provided all the information required by this Section and upon its considered review of such qualifying information, and being satisfied that the applicant is qualified, *shall* issue a business license.

4.2 APPROVAL

- No business license shall entitle any organization to hold, operate or conduct, or
- 24 assist in holding, operating or conducting of, any game or games of chance outside

- 1 of the official times and locations of operation for the Guam Island Fair and
- 2 Liberation Day Carnival.

3 5.0 GENERAL CONDUCT OF GAMES OF CHANCE

4 5.1 Participant, Employee; Restriction Minimum Age

- 5 No licensee shall permit any person under the age of eighteen (18) years to
- 6 participate in any games of chance located outside of the House of Cards. In order
- 7 to enter the House of Cards, licensees shall ensure that all patrons are at least twenty-
- 8 one (21) years of age or older. Further, no person under the age of twenty-one (21)
- 9 shall be employed by the House of Cards vendor or present in any manner within
- 10 the House of Cards.

11 5.2 MEMBER IN CHARGE OF CONDUCT OF GAMES

- a) The officers of a licensee shall designate a bona fide, active member to be in
- charge of, and primarily responsible for, the conduct of the game of chance
- on each occasion.
- b) The member in charge *shall* supervise all activities on the occasions for which
- he or she is in charge, and *shall* be responsible for making the required report
- of operations thereof.
- 18 c) The member in charge shall be familiar with the provisions of all relevant
- laws and rules and regulations.
- d) All members designated in charge of conduct of games shall submit a police
- and court clearance.

22 5.3 OPERATION; RULES

23 All games of chance *shall* be fully defined and described in bid packets.

5.4 OPERATION; TIMES

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- a) Games of chance *shall* operate on Monday to Thursday from 4:00 p.m. 12:00
- 3 a.m., on Friday from 4:00 p.m. 2:00 a.m., on Saturdays from 12:00 p.m. -
- 4 2:00 am, and on Sundays from 12:00 p.m. 12:00 a.m. Saturday hours shall
- 5 be in effect for any night prior to, or on an official federal or Guam holiday
- 6 during the time period authorized.
- 7 b) Games of chance shall begin no earlier than the opening day of the Guam
- 8 Island Fair and Liberation Day Carnival, and shall cease operations no later
- 9 than sixty (60) calendar days from the date of the opening day.

10 5.5 OPERATION; LOCATION

- Any games of chance shall only operate on the official grounds of the Guam Island
- 12 Fair and Liberation Day Carnival, as specified by the official proclamation of the
- 13 Governor of Guam authorizing the games of chance at the Guam Island Fair and
- 14 Liberation Day Carnival.

15 COMPLIANCE

16 5.6.1 Compliance Officers; Access to Games of Chance

- 17 The Department of Revenue and Taxation shall have two (2) Compliance Officers
- 18 present on the grounds at all times of operation. Compliance Officers shall have
- 19 unfettered access to all areas of operations of the games of chance.

20 **5.6.2 Cash Control Sheets and Reporting Forms**

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

1 CONDUCT OF TRADITIONAL BINGO

2 5.7.1 Bingo; Prohibition of Electronic Minding Devices and Card Minding

- 3 Devices
- 4 No licensee shall permit the use of electronic minding devices or card minding
- 5 devices while operating bingo.

6 **5.7.2 Operation**;

- 7 a) All bingo games *shall* be played on non-reusable cards that are to be indelibly
- 8 marked when played.
- b) The equipment used in the playing of bingo and the method of play shall be
- such that each card *shall* have an equal opportunity to be a winner.

11 5.7.3 Electronic Devices Not Permitted

- 12 No other electronic games or devices unauthorized in Guam law are authorized for
- 13 use in any games of chance.

14 CONDUCT OF HOUSE OF CARDS

15 5.8.1 Participant, Employee; Restriction Minimum Age

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

20 5.8.2 Prohibition of Currency Other Than Official Chips

- 21 No licensee shall permit the use of any currency to be used during the conduct of
- 22 games other than official chips. Official chips shall be purchased within the House
- 23 of Cards for use during game play. Official chips may only be purchased and
- 24 redeemed at a centralized location within the House of Cards.

6.0 Management of Games of Chance by Mayors' Council of Guam,

2 TIMELINES

1

- 3 The Mayors' Council of Guam will have representation present at all times that the
- 4 Guam Island Fair and Liberation Day Carnival is in operation. Said representative
- 5 will monitor the conduct of all games of chance wherever located on the carnival
- 6 grounds either in stand-alone booths or within a House of Cards. Representatives
- 7 will ensure that all vendors are appropriately licensed and are providing the required
- 8 reports to the Department of Revenue and Taxation Compliance Officers on a daily
- 9 basis.

10

7.0 REPORT OF OPERATIONS

11 **7.1 FORM; TIME**

- 12 a) The report of operation shall be on the form provided by the Department of
- Revenue and Taxation. The report *shall* contain the following information:
- a. gross receipts derived from each day of operation; and
- b. a list of prizes offered or given and their respective values, if applicable.
- b) The licensee *shall* file one (1) copy of the report with the Compliance Officer
- at the close of each day of operation.

18 7.2 SUPPLY OF FORMS

- 19 Forms for the Report of Operations *shall* be supplied by the Department of Revenue
- and Taxation or the Compliance Officer upon request by a licensee.

1 7.3 REPORT; NO GAME HELD

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

5 7.4 DEFAULT

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

13 7.5 FINAL REPORTS

14 7.5.1 Report by Department of Revenue and Taxation

- Within sixty (60) days of the conclusion of the Guam Island Fair and Liberation Day
- 16 Carnival activities, the Department of Revenue and Taxation shall submit to the
- 17 Governor and the Office of Public Accountability a report containing the following
- information as to the operation of all games of chance occurring at the Guam Island
- 19 Fair and Liberation Day Carnival:
- a) the number of licenses issued;
- b) the names and addresses of each licensee;
- c) the aggregate amount of license fees collected;
- d) the name and address of all persons detected in violation of the laws or
- 24 regulations; and

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

7.5.2 Audit of the Mayors' Council of Guam

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- 3 The Mayors' Council of Guam shall be subject to an audit by the Office of Public
- 4 Accountability (OPA) within thirty (30) days of completion of the Guam Island Fair
- 5 and Liberation Day Carnival. All financial documents that are required for this audit
- 6 shall be submitted by the Mayors' Council of Guam to the OPA. The OPA shall
- 7 publish the audit and submit its report to the Speaker of *I Liheslaturan Guåhan*.

8.0 DETERMINATION OF PROCEEDS

- 9 The proceeds from the games of chance are used to fund the events related to
- 10 Liberation Day, including, but not limited to, memorial events hosted throughout the
- 11 months of July and August, the Liberation Parade, fireworks displays, and other
- 12 events traditionally associated with the Guam Island Fair and Liberation Day
- 13 Carnival, as well as attendant operational costs, and the costs incurred by the
- 14 Department of Revenue and Taxation in fulfilling the compliance mandates set forth
- by Public Law 35-4, to include, but not limited to, staffing, equipment, and overtime.
- 16 The net proceeds of the games of chance will be distributed in accordance with 1
- 17 GCA § 1013; specifically, the proceeds will be split equally between the Mayors'
- 18 Council of Guam and a charity or worthy public cause chosen by the First
- 19 Gentleman. The fifty percent (50%) of the proceeds allocated to the Mayors Council
- of Guam shall be deposited in the Mayors Council of Guam Revolving Fund to be
- 21 used on projects that are voted on by the Mayors as a whole. This Fund is subject
- 22 to audit by the OPA. The remaining fifty percent (50%) of the proceeds shall be
- 23 allocated to the First Gentleman's choice of a worthy public cause.

ATTACHMENT A

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ATTACHMENT B

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