UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

35GL-19-0316

April 3, 2019

Speaker Tina Rose Muña Barnes

APR 04 2019
Time 8:31 ( )AM ( )PM
Received By:

2019 APR -4 AM 10:16

Honorable Tina Rose Muña-Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
Hagåtña, Guam 96910

RE: **Public Law 35-4** ***An Act to Repeal and Reenact §64.62 and Add New §§ 64.62.1 and 64.62.2, all of Article 2, Chapter 64, Title 9, Guam Code Annotated, Relative to Authorizing the Mayors Council of Guam to Establish Rules and Regulations Related to Games of Chance at the Guam Island Fair and Liberation Day Carnival***

Dear Madame Speaker:

I have signed Bill 29-35 as **Public Law 35-4** which authorizes the drafting of rules and regulations (the "Rules") to permit games of chance at the Guam Island Fair and Liberation Day Carnival. Once complete, these Rules will be submitted to *I Liheslaturan Guåhan,* which will have final approval authority over the same.

This year, we are observing the Diamond Anniversary of our liberation from Japanese occupation during World War II. Over the past 75 years, we have gathered together on the 21st of each July in gratitude, remembrance, and celebration. As many will remember, our gatherings at the Liberation Day Carnival included what is referred to now as "games of chance." These pastimes included activities such as the "Color Game" and "Beto Beto." Unfortunately, these games garnered concern as they started to reflect money-making ventures, rather than community entertainment. Like many, I am concerned about the consequences that unregulated and unimpeded gaming may have on our families and social structure. It is for this reason that I am instructing the Department of Revenue and Taxation to lead efforts in creating the Rules, which will ensure that there are safeguards in place to protect the most vulnerable in our community.

Certainly, there are many cautionary stories of families who have suffered under the weight of gambling addiction. As we celebrate 75 years of liberation, P.L. 35-4 will ensure that the nostalgia of these recreational activities is enjoyed responsibly. The fond sights and sounds of previous Liberation Day carnivals can be restored without harming the social fabric of our community.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

0316

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2019-179
RCVD AT CENTRAL FILES
MAR 29 '19 PM1:20

Jessica Cruz

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

March 29, 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. 29-35 (COR)**, which was passed by *I Mina'trentai Singko Na Liheslaturan Guåhan* on March 29, 2019.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (1)

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 29-35 (COR), "AN ACT TO *REPEAL* AND *REENACT* § 64.62 AND *ADD* NEW §§ 64.62.1 AND 64.62.2, ALL OF ARTICLE 2, CHAPTER 64, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE MAYORS COUNCIL OF GUAM TO ESTABLISH RULES AND REGULATIONS RELATED TO GAMES OF CHANCE AT THE GUAM ISLAND FAIR AND LIBERATION DAY CARNIVAL,"** was on the 29th day of March 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 29th day of March, 2019, at 1:20 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/3/2019

Public Law No. 35-4

2019-1719
RCVD AT CENTRAL FILES
MAR 29 '19 PM1:21
Jessica Cruz

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

Bill No. 29-35 (COR)
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: James C. Moylan
Jose "Pedo" Terlaje
Joe S. San Agustin
William Mendiola Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Clynton E. Ridgell
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *REPEAL* AND *REENACT* § 64.62 AND *ADD* NEW §§ 64.62.1 AND 64.62.2, ALL OF ARTICLE 2, CHAPTER 64, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE MAYORS COUNCIL OF GUAM TO ESTABLISH RULES AND REGULATIONS RELATED TO GAMES OF CHANCE AT THE GUAM ISLAND FAIR AND LIBERATION DAY CARNIVAL.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 64.62 of Article 2, Chapter 64, Title 9, Guam Code Annotated, is hereby *repealed* and *reenacted* to read as follows:

"**§ 64.62. Rules and Regulations to Permit Games of Chance at the Guam Island Fair and Liberation Day Carnival.**

(a) Notwithstanding any other provision of law, rule, or regulation to the contrary, the Mayors Council of Guam, with the Attorney General of Guam and the Director of the Department of Revenue and Taxation, is hereby authorized to draft and submit to the Speaker of *I Liheslaturan Guåhan*, *no later than* sixty (60) days from the enactment of this Act, rules and regulations to permit Games of Chance at the Guam Island Fair and Liberation Day Carnival upon a proclamation by *I Maga'hågan Guåhan.* For the purpose of the rules and regulations authorized by this Section, "Games of Chance" *shall* be limited to:

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

(i) the contestant actively participates;

(ii) the outcome depends in a material degree upon the skill of the contestant;

(iii) only merchandise prizes are awarded;

(iv) the outcome is not in the control of the operator; and

(v) the wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game;

(2) Poker, to include, but not be limited to, Texas Hold'em;

(3) *Pusoy*;

(4) Baccarat;

(5) Blackjack;

(6) Monte;

(7) Color Game;

(8) Big & Small;

(9) Beto Beto; and

(10) Bingo.

(b) *I Liheslaturan Guåhan* may, by the passage of a bill into law, approve, disapprove, or amend the rules and regulations permitted by this Section within thirty (30) calendar days from the date of filing with the Speaker of *I Liheslaturan Guåhan*; *except*, that any pending rules *shall* be deemed disapproved upon adjournment sine die of *I Liheslaturan Guåhan*.

(c) The rules and regulations *shall* consist of, among other items, the following:

(1) protocol for authorization;

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

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

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

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

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

(7) an identification of projected revenues; and

(8) an identification of maintenance plans."

Section 2. A new § 64.62.1 is *added* to Article 2, Chapter 64, Title 9, Guam Code Annotated, to read:

"**§ 64.62.1. Mandatory Conditions.**

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

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

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

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

Section 3. A new § 64.62.2 is *added* to Article 2, Chapter 64, Title 9, Guam Code Annotated, to read:

"**§ 64.62.2. Financial Reports Required.**

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

Section 4. Effective Date. This Act *shall* be effective upon enactment.