Speaker's Office <speaker@guamlegislature.org>

MC Fwd: 19.0405 Ltr to Speaker re Proposed Rules Regs to Permit for Games
1 message

Speaker's Office <speaker@guamlegislature.org> Mon, Apr 8, 2019 at 9:00 AM
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>
Bcc: Tina Muna Barnes <tinamunabarnes@gmail.com>

04-05-19	5:52 PM	04-05-19	Proposed Rules and Regulations to Permit Games of Chance at the Guam Island Fair and the Liberation Day Carnival*	Office of the Governor of Guam-Acting Speaker Telena Cruz Nelson	35GL-19-0333

Sinsenru yan Magahit,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

35GL-19-0333
Speaker Tina Rose Muña Barnes

APR 0 8 2019
Time 9:00 (AM) ( )PM
Received By:

2019 APR -8 AM 9:13

---------- Forwarded message ---------
From: **Telena Cruz Nelson** <senatortcnelson@guamlegislature.org>
Date: Mon, Apr 8, 2019 at 8:53 AM
Subject: Fwd: 19.0405 Ltr to Speaker re Proposed Rules Regs to Permit for Games
To: Speaker's Office <speaker@guamlegislature.org>, Peter Mesa <pmesa@guamlegislature.org>

Hafa Adai Madam Speaker,

Please review this forwarded email between our staff and the governor's legal office regarding the most updated games of chance rules and a letter to Speaker Tina Muña Barnes. Si Yu'os Ma'åse'!

---------- Forwarded message ---------
From: **Tihu Lujan** <tihualujan@gmail.com>
Date: Fri, Apr 5, 2019 at 6:00 PM
Subject: Fwd: 19.0405 Ltr to Speaker re Proposed Rules Regs to Permit for Games
To: senatortcnelson@guamlegislature.org <senatortcnelson@guamlegislature.org>

---------- Forwarded message ---------
From: **Audre K. Hattori** <audre.hattori@guam.gov>
Date: Fri, Apr 5, 2019 at 5:52 PM
Subject: 19.0405 Ltr to Speaker re Proposed Rules Regs to Permit for Games
To: <tihualujan@gmail.com>, <senatortcnelson@guamlegislature.com>
CC: Stephanie G. Flores <stephanie.flores@guam.gov>, <dafne.shimizu@revtax.guam.gov>, <jcamacho@guamag.org>

Dear Mr. Lujan,

As per our telephone conversation, thank you for allowing us to submit the attached letter via email.
The original will be delivered on Monday, April 8.

Attached is a pdf version of the letter and attachment, but also the word version of the attachment.

Kindly acknowledge receipt of this email and its attachments by replying to this email.

Regards,

AUDRE K. HATTORI
Administrative Services Officer

Legal Office
Office of the Governor of Guam
RJB Governor's Complex
Adelup, Guam

Legal Office: (671) 475-9475 or 9476
Facsimile: (671) 475-9480
Email: audre.hattori@guam.gov
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Regards,
Tihu Lujan
Communications Specialist
Mobile: (671) 777 - 4968

Office of Vice Speaker Telena Cruz Nelson
Committee on Education, Air Transportation,
and Statistics, Research, and Planning
I Mina'trentai Singko na Liheslaturan Guåhan | 35th Guam Legislature
173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910
Phone/Fax: (671) 989-7696/4678
Email: senatortcnelson@guamlegislature.org

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Office of Vice Speaker Telena Cruz Nelson
Committee on Education, Air Transportation,
and Statistics, Research, and Planning
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0333

2 attachments

19.0405 Ltr to Speaker re Proposed Rules Regs to Permit for Games.pdf
110K

RR games of chance.docx
22K

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

April 5, 2019

Hon. Tina Muna Barnes
Speaker
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, GU 96910

RE: Proposed Rules and Regulations to Permit Games of Chance at the Guam Island Fair and the Liberation Day Carnival

Håfa Adai Speaker Muna Barnes:

Pursuant to Public Law 35-4, we are respectfully submitting the attached Proposed Rules and Regulations to Permit Games of Chance at the Guam Island Fair and the Liberation Day Carnival on behalf of the Department of Revenue and Taxation. These proposed rules and regulations were drafted in consultation with the Mayors Council of Guam. A digital copy of these rules are submitted as well to speaker@guamlegislature.org .

If you have any questions or wish to discuss this matter further please do not hesitate to contact me directly at (671) 472-8931/6.

Si Yu'us Ma'ase,

HAIG T. HYUN
Legal Counsel

1. DEFINITIONS

1.1 "GAMES OF CHANCE"

A game of chance includes the following:

a) Beto Beto
b) Color Game
c) Big & Small
d) Poker
e) Pusoy
f) Baccarat
g) Blackjack
h) Monte
i) Bingo

1.2 "GAMES REQUIRING SKILL"

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;

1.3 HOUSE OF CARDS

An enclosed area where operation of the following games are limited: Poker, Pusoy, Baccarat, Blackjack, and Monte

2. PROTOCOL FOR AUTHORIZATION

Authorization for games of chance shall be pursuant to these rules and regulations.

2.1 PROCUREMENT OF VENDORS

Vendors shall be selected by a sealed bid process.

2.2 NUMBER OF VENDORS; LIMITED

House of Cards (2)

Beto Beto (2)

Color Game (4)

Big & Small (2)

Games requiring skill (30-50)

2.3 VENDOR; MINIMUM BID

House of Cards Minimum Bid- $250,000 each

Beto Beto Minimum Bid $5000 each

Color Game Minimum Bid $7500 each

Big & Small Minimum Bid $20000 each

Games requiring skill Bid - $1000 each

3. LICENSING

3.1 GENERAL PROVISIONS

a) Every qualified organization that has been awarded an opportunity to operate a game of chance at the 2019 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 2019 Guam Island Fair and Liberation Day Carnival.

c) Licensees are only authorized to operate upon official 2019 Guam Island Fair and Liberation Day Carnival grounds.

3.2 REGISTRATION FORM

Registration for a business license shall be upon a form supplied on request by the Department of Revenue and Taxation.

4. APPLICATIONS

4.1 APPLICATION FOR BUSINESS LICENSE; FEES

a) Except as provided in (b) below, each organization requesting registration shall remit by check or money order a non-refundable registration fee of $200, payable to the Treasurer of Guam, and shall submit a completed application together with sufficient proof of the organization's eligibility for registration. Such proof shall include the following:

   a. The by-laws and constitution or any other written authority under with the applicant organization operates;

   b. The names and addresses of five individuals over the age of 18 who are to be primarily responsible for the conduct of the games of chance on each occasion and who are to ensure proper utilization of the net proceeds; and

   c. If incorporated, a copy of the applicant organization's articles of incorporation

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

4.2 Approval

No business license shall entitle any organization to hold, operate or conduct, or assist in holding, operating or conducting of, any game or games of chance outside of the official times and locations of operation for the 2019 Guam Island Fair and Liberation Day Carnival.

5. General Conduct of Games of Chance

5.1 Participant; Restriction Minimum Age

No licensee shall permit any person under the age of 18 years to participate in any games of chance.

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

5.3 Operation; Rules

All Games of Chance shall be fully defined and described in bid packets.

5.4 Operation; Times

Any Games of Chance shall maintain the same hours of operation as the Guam Island Fair and Liberation Day Carnival; *except*, that Games of Chance may operate until 2:00 a.m.

5.5 Operation; Location

Any Games of Chance shall only operate on official grounds of the Guam Island Fair and Liberation Day Carnival

5.6 Compliance

The Department of Revenue and Taxation shall have two Compliance Officers present on the grounds at all times of operation. Compliance Officers shall have unfettered access to all areas of operations of Games of Chance.

5.7 Conduct of Traditional Bingo

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

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

5.7.2 Operation;

a) All bingo games shall be played on non-reusable cards which are to be indelibly 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.

5.8 Conduct of House of Cards

5.8.1 Participant; Restriction Minimum Age

No licensee shall permit any person under the age of 21 years to participate in any games of chance within the House of Cards.

5.8.2 Prohibition of Currency Other Than Official Chips

No licensee shall permit the use of any currency other than official chips.

6. Report of Operations

6.1 Form; Time

1. 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;
    b. Net profit from each day and the uses to which the net profit has been or will be applied; and
    c. A list of prizes offered or given and their respective values, if applicable
2. The licensee shall file one copy of the report to the Compliance Officer at the close of each day of operation.

6.2 Supply of Forms

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.

6.3 Report; No Game Held

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

6.4 Default

If a licensee fails to file a report within the time required, or if a report is not properly verified, or not fully, accurately and truthfully completed, licensed operations shall be suspended until such time as the default has been corrected.

6.5 Final Report

At the conclusion of the Liberation Day Festival Activates, the Department of Revenue and Taxation shall submit to the 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 Festival:

1. The number of licenses issued
2. The names and addresses of each licensee
3. The aggregate amount of license fees collected;
4. The name and address of all persons detected in violation of the laws or regulations; and
5. The name

7. Determination of Proceeds

Notwithstanding the requirement to assemble and under the authority the Guam Island Fair Committee, the entire net proceeds of the games of chance must be devoted to authorized purposes as authorized under 1 GCA §1013.