

THIRTEENTH GUAM LEGISLATURE  
1975 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 182, "An Act to add a new title LXIV to the Government Code of Guam to create a Territorial Greyhound Racing Commission, to establish the duties thereof, to authorize establishment of a Greyhound Racing Track, and to authorize pari-mutuel wagering on the races conducted thereat", was on the 4th day of June, 1975, duly and regularly passed.

Joseph F. Ada  
JOSEPH F. ADA  
Speaker

ATTESTED:

Concepcion Cruz Barrett  
CONCEPCION CRUZ BARRETT  
Legislative Secretary

This Act was received by the Governor this 7<sup>th</sup> day of June, 1975 at 2:25 o'clock P. M.

Ruth F. Won-Pat  
RUTH F. WON PAT  
Assistant Staff Officer

APPROVED:

Ricardo J. Bordallo  
RICARDO J. BORDALLO  
Governor of Guam

DATED: JUN 7 1975

3:35 P.M.

P.L. 13-26

THIRTEENTH GUAM LEGISLATURE  
1975 (FIRST) Regular Session

Bill No. 182

Introduced by

G. R. Salas  
F. F. Blas

AN ACT TO ADD A NEW TITLE LXIV TO THE  
GOVERNMENT CODE OF GUAM TO CREATE A  
TERRITORIAL GREYHOUND RACING COMMISSION,  
TO ESTABLISH THE DUTIES THEREOF, TO  
AUTHORIZE ESTABLISHMENT OF A GREYHOUND  
RACING TRACK, AND TO AUTHORIZE PARI-  
MUTUEL WAGERING ON THE RACES CONDUCTED  
THEREAT.

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

Section 1. A new Title LXIV is hereby added to the  
Government Code of Guam to read as follows:

"TITLE LXIV

Greyhound Racing

CHAPTER I

Section 59000. Guam Greyhound Racing Commission;  
creation, members, etc. (1) The Guam Greyhound Racing  
Commission is hereby created and established, and is  
vested with the powers and duties specified in this  
Chapter, and all other powers necessary and proper to  
enable it to execute fully and effectually all the  
purposes of this Chapter. The Commission shall consist of  
five (5) persons, who shall be appointed by the Governor,  
subject to the advice and consent of the Legislature.  
The term of appointment shall be five (5) years, except  
that the terms of the first members shall be so arranged

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1 that no more than one (1) term shall expire in each year.  
2 A member of the Commission shall be qualified elector not  
3 less than twenty-five (25) years of age, who shall have  
4 resided in the territory for five (5) years next pre-  
5 ceding his appointment. The Commissioners shall select  
6 from among their member a chairman and a secretary. The  
7 Director of Revenue and Taxation shall be ex-officio  
8 treasurer of the Commission and the Attorney General shall  
9 be ex-officio counsel to the Commission. The secretary  
10 shall keep a record of all proceedings of the Commission  
11 records entrusted to its care. The Commission shall  
12 annually make a full report, including an audited financial  
13 statement, to the Governor. A majority of the Commission  
14 shall constitute a quorum for all purposes.

15 (2) The Commission may employ such staff as it may  
16 deem necessary to discharge its responsibilities and the  
17 compensation for such staff employees shall be as the  
18 Commission may prescribe.

19 (3) Each commissioner shall take an oath of office  
20 and shall give bond to the Governor with personal or  
21 corporate surety to be approved by the Director of Revenue  
22 and Taxation in the amount of Ten Thousand Dollars (\$10,000)  
23 conditioned that he will faithfully and honestly perform  
24 the duties of his office. The premium of such bond shall  
25 be paid by the Commission. No person having been connected  
26 either directly or indirectly, with any race track or meet  
27 held within the territory within the past three years, or

1 having been employed by any owner or operator of any race  
2 track within the past three years, shall be eligible to hold  
3 the office of commissioner.

4 Section 59001. Commission, powers and duties. The  
5 Guam Greyhound racing Commission shall carry out the pro-  
6 visions of this Chapter and such Commission shall personally  
7 or by agents supervise and check the making of pari-mutuel  
8 pools and the distribution therefrom; and:

9 (1) Fix and set the dates for racing.

10 (2) Make an annual public report to the Governor  
11 and the Legislature showing its own actions, receipts  
12 derived under the provisions of this Chapter, the  
13 practical effects of the application of this Chapter, the  
14 and any suggestions it may approve for the more  
15 effectual accomplishments of the purposes of this  
16 Chapter.

17 (3) Require an oath to each and every application  
18 by the person or executive officer of the association  
19 or corporation, stating that such information contained  
20 in the application is true.

21 (4) Make rules and regulations for the control,  
22 supervision and direction of all applicants, committee  
23 and licensees, and for the holding, conducting and  
24 operating of all race tracks, race meets and races  
25 held in this territory; provided, such rules and  
26 regulations shall be uniform in their application and  
27 effect, and the duty of exercising this control and

1 power is made mandatory upon such commission. Said  
2 Commission may take testimony concerning any matter  
3 within its jurisdiction and each member therefor, may  
4 administer oaths for that purpose. Said Commission  
5 shall have the power to issue summons and subpoenas  
6 for any witness and subpoenas duces tecum in connection  
7 with any matter within the jurisdiction of the Commis-  
8 sion under its seal and signed by a member of the  
9 Commission or the supervisor or assistant supervisor  
10 of racing.

11 (5) Require of each applicant an application  
12 setting forth:

13 (a) The full name of the person, association  
14 or corporation, and if a corporation the name of  
15 the state or territory under which it is in-  
16 corporated.

17 (b) If an association or corporation, the  
18 nationality and residence of the members of the  
19 association and the names of the stockholders and  
20 directors of the corporation.

21 (c) The exact location where it is desired  
22 to conduct or hold a race meeting.

23 (d) Whether or not the racing plant is owned  
24 or leased and if leased, the name, nationality and  
25 residence of the fee owner, or if a corporation,  
26 of the directors and stockholders thereof; pro-  
27 vided, however, that nothing in this Chapter sha

2 prevent a person from applying to the racing  
3 commission for a permit to conduct races, regardless  
4 less of whether the racing plant has been con-  
5 structed or not.

6 (e) A statement of the assets and liabilities  
7 of the person, corporation or association making  
8 such application.

9 (f) The desired period during which the  
10 sponsors wish to conduct racing.

11 (g) Such other information as the Commission  
12 may require.

13 (6) Upon receipt of such application and any  
14 amendments properly made thereto, the racing commission,  
15 shall further investigate the matters contained in the  
16 application and if any applicant shall duly fulfill and  
17 meet all requirements, conditions and qualifications  
18 set forth in this Chapter and the rules and regulations  
19 of the Commission hereunder, then the Commission shall  
20 grant the permit to such qualified applicant as here-  
21 inabove provided.

22 Section 59002. Commission records public documents,  
23 penalty for failure to disclose contents. (1) All books,  
24 records, maps, documents and papers of the Guam Greyhound  
25 Racing Commission, including those filed with said Commis-  
26 sion as well as those prepared by or for it, shall at all  
27 reasonable times be open for the personal inspection of any  
officer of the territory of any official investigative body

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or committee of the Legislature, and no person having charge or custody thereof shall refuse this privilege to any such officer or investigative body or committee.

(2) Any member or employee of the Commission violates Subsection (1) of this Section shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not more than One Hundred Dollars (\$100) or imprisoned for a term of not more than ninety (90) days. Any member of the Commission who violates said Subsection (1) shall also be deemed guilty of malfeasance and shall be subject to removal from office.

(3) The compensation of the chairman and the secretary of Commission shall be Eight Thousand Dollars (\$8,000) per annum and the compensation of each other member of the Commission shall be Five Thousand Dollars (\$5,000) per annum. In addition members of the Commission shall be reimbursed reasonable and actual expenses incurred in the discharge of their official business.

Section 59003. Racing meetings authorized; restrictions. Any person desiring to operate a greyhound racing track in this territory may, subject to the provisions of this Chapter, hold and conduct such meetings at such track as shall be authorized by the Guam Greyhound Racing Commission. No person under 18 years of age shall be permitted to be employed at such track, except as a groom, exercise boy or kennel attendant. No person under 18 years of age shall be permitted to place any bet or gamble in any matter

1 at such track. Nothing in this Chapter shall be construed  
2 to prohibit the use of any dog racing plant or facility,  
3 for the conducting of 'hound dog derbies' or 'mutt derbies',  
4 from being used by any charitable, civic or nonprofit  
5 organization for the purpose of conducting 'hound dog der-  
6 bies' or 'mutt derbies' where only dogs other than those  
7 usually used in greyhound racing are permitted to race and  
8 where adults and minors may participate as dog owners or  
9 spectators, and provided further that during such racing  
10 events pari-mutuel betting and gambling shall be prohibited.

11 Section 59004. Application for permit to conduct race  
12 meetings. (1) Between June 1 and July 1 of each year, but  
13 at no other time, any person possessing the qualifications  
14 prescribed in this Chapter may apply to the Guam Greyhound  
15 Racing Commission for a permit to conduct race meetings  
16 and racing under this Chapter. No application thus received  
17 by the Commission shall be amended after August 10 of each  
18 year; and on or before August 15, but not thereafter, of  
19 each year, after receipt of any application, the Commission  
20 shall convene to consider and act upon permits applied for  
21 and all applications not definitely acted upon by the Comm-  
22 sion or prior to August 15 of each year shall be void.

23 (2) Upon all application filed and approved a permit  
24 shall be issued to the applicant setting forth the name,  
25 the location of the race track and a statement showing  
26 qualifications of the applicant to conduct racing at said  
27 track under this Chapter.

Section 59005. Issuance of license by Commission;



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revocation of license; penalty in lieu thereof. After a permit has been granted by the Commission, the Guam Greyhound Racing Commission shall grant to the lawful holder of such permit, subject to the conditions hereof, a license to conduct racing under this Chapter, and fix annually the time, place and number of days during which racing may be conducted by such permit holder at the location fixed in said permit. After the first license has been issued to the holder of a permit, all subsequent annual applications for a license by said permit holder shall be accompanied by proof in such form as the Commission may require, that the permit holder still possesses all the qualifications prescribed by this Chapter. The Commission may revoke any permit or license hereunder upon the willful violation by the licensee of any of the provisions of this Chapter, or of any rule or regulation issued by the Commission under the provisions of this Chapter. In lieu of the suspension or revocation of licenses the Commission after notice and hearing may impose a civil penalty against any licensee for violations of this Chapter or any rule or regulation promulgated by the Commission. No penalty so imposed shall exceed One Thousand Dollars (\$1,000) for each count or separate offense and all penalties imposed and collected shall be deposited to the General Fund. It is unlawful for any licensee under this Chapter, directly or indirectly, to make any contribution whatsoever to any political party or to any candidate for any public office in the territory; and the

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2 Commission, upon proof of any contribution having been made,  
3 shall immediately revoke the permit of such licensee and no  
4 further license or permit shall be issued thereafter to such  
5 former licensee.

6 Section 59006. Dog racing; periods of operation.  
7 Holders of valid permits for greyhound racing may hold race  
8 meetings at any time they choose during the year for the  
9 aggregate number of racing days fixed and permitted by the  
10 Guam Greyhound Racing Commission.

11 Section 59007. Moneys to be paid to Commission for its  
12 operations. (1) Every person engaged in the business of  
13 conducting race meetings under this Chapter shall pay to  
14 the Guam Greyhound Racing Commission for the use of the  
15 Commission a sum equal to eight (8) per cent of the total  
16 contributions to all pari-mutuel pools conducted or made  
17 on any and every race track licensed under this Chapter,  
18 and on every race at such track. In addition to the  
19 aforesaid taxes, each person authorized to conduct race  
20 meetings under this Chapter shall collect from each person  
21 attending such race fifteen (15) per cent of the  
22 established admission price or the sum of ten (10) cents  
23 from each person attending such race, whichever sum is  
24 the greater, as an admission tax, and said person shall pay  
25 such tax to the Commission for the use of the Commission.  
26 Payments shall be made on every seventh day of any and every  
27 race meeting and shall be accompanied by a report under  
oath, showing the total of all contributions and admissions

1 on the races covered by such report and such other informa-  
2 tion as the Commission may require.

3 (2) No free passes or complimentary cards shall be  
4 issued to guests by any licensee; provided, however, that  
5 a race track permit holder may, by and with the consent of  
6 the Commission, issue tax-free passes to its officers,  
7 officials and bona fide employees. A list of all persons  
8 to whom tax-free passes are issued shall be filed with the  
9 Commission.

10 Section 59008. Bond required of licensees to conduct  
11 race meetings. Every person to whom a license may be granted  
12 under this Chapter, at his own cost and expense, shall before  
13 any such license is delivered, give a bond in the penal sum  
14 of Fifty Thousand Dollars (\$50,000) payable to the Governor  
15 and his successors in office, with a surety or sureties to  
16 be approved by the Guam Greyhound Racing Commission; con-  
17 ditioned to faithfully make the payments to the Commission  
18 and to keep his books and records and make reports as  
19 provided, and to conduct his racing in conformity with this  
20 Chapter.

21 Section 59009. Pari-mutuel pool authorized, commission,  
22 breaks, tax, etc. (1) The sale of tickets or other  
23 evidences showing an interest in or a contribution to a pari-  
24 mutuel pool is hereby permitted within the enclosure of any  
25 race track licensed and conducted under this Chapter. The  
26 sale and purchase of tickets or other evidences showing an  
27 interest in or a contribution to pari-mutuel pools in this

1 territory shall be under the supervision of the Guam Grey-  
2 hound Racing Commission and shall be done subject to such  
3 regulations as the Commission shall from time to time  
4 prescribe.

5 (2) The Commission on a pari-mutuel pool on every dog  
6 race which may be withheld by the licensee and the territory  
7 from the total contributions made to such pari-mutuel pool  
8 shall in no event exceed twenty (20) per cent of the amounts  
9 contributed thereto, which said maximum commissions shall  
10 include the eight (8) per cent tax heretofore provided by  
11 Section 59007.

12 (3) After deducting a Commission or license and the  
13 'breaks' (hereinafter defined), a pari-mutuel pool shall be  
14 redistributed to the contributors.

15 (4) Redistribution of funds otherwise distributable to  
16 the contributors of a pari-mutuel pool shall be a sum equal  
17 to the next lowest multiple of ten.

18 (5) No distribution of a pari-mutuel pool shall be made  
19 of the odd cents of any sum otherwise distributable, which  
20 odd cents shall be known as the 'breaks'.

21 (6) The 'breaks' shall be known as the difference  
22 between the amount contributed to a pari-mutuel pool and the  
23 total of the Commissions and sums redistributed to the  
24 contributors.

25 (7) Any willful or wanton failure by any licensee to  
26 make payment into the state treasury as required by law shall  
27 constitute sufficient ground for the Commission to revoke

1 the permit of such licensee and no further license or permit  
2 shall be issued to such former licensee.

3 Section 59010. Racing license fee. Any duly licensed  
4 race track, in addition to any other tax or fee, shall pay  
5 to the territory a daily operating fee based upon the  
6 following schedule:

7 Up to and including \$20,000 per day paid into the  
8 pari-mutuel pool: \$150 per day.

9 Over \$20,000 but not more than \$22,000 per day paid  
10 into the pari-mutuel pool: \$200 per day.

11 Over \$22,000 but not more than \$24,000 per day paid  
12 into the pari-mutuel pool: \$300 per day.

13 Over \$24,000 per day paid into the pari-mutuel pool:  
14 \$400 per day plus 2 per cent of all money paid into  
15 the pari-mutuel pool per day in excess of \$24,000.

16 Section 59011. Escheat to territory of abandoned  
17 interest in or contribution to pari-mutuel pools. (1) All  
18 money or other property represented by any unclaimed, un-  
19 cashed, or abandoned pari-mutuel ticket which has remained in  
20 the custody of or under the control of any licensee authoriz-  
21 ed to conduct pari-mutuel pools for a period of one year from  
22 the date said pari-mutuel ticket was issued, when the right-  
23 ful owner or owners thereof, have made no claim or demand  
24 for such money or other property within the aforesaid period  
25 of time, is hereby declared to have escheated to or to es-  
26 cheat to, and to have become the property of the territory.

27 (2) All money or other property which shall have es-

1 cheated to and become the property of the territory as  
2 provided herein, and which is held by such licensees,  
3 authorized to conduct pari-mutuel pools, shall be paid by  
4 such licensees to the territory annually within sixty (60)  
5 days after the close of the race meeting of the said licensee.

6 Section 59012. Certain persons prohibited from holding  
7 racing permits; suspension or revocation of permits. (1) No  
8 person who shall have been convicted of a felony in the terri-  
9 tory, or under the laws of any other jurisdiction of an  
10 offense which would be a felony if committed within this  
11 territory, or who is commonly known as an associate of persons  
12 commonly known as criminals, shall hold any racing permit or  
13 be a member of any association which holds such permit, or be  
14 an officer or director of any corporation which holds such  
15 a permit, or be an employee of the holder of any such permit  
16 in any capacity connected to any extent with the racing  
17 business.

18 (2) Every person holding a racing permit, and every  
19 person who is a member of an association holding such a  
20 permit, and every person who is an officer or director of a  
21 corporation which holds such a permit, and every employee of  
22 a holder of any such permit shall, at such times as shall be  
23 fixed by rule promulgated by the Guam Greyhound Racing  
24 Commission, furnish the Commission his fingerprints and  
25 photograph taken under the supervision and direction of said  
26 Commission.

27 (3) The Commission shall either suspend or revoke a

1 racing permit upon proof, after due notice and hearing, that  
2 such permit is held in violation of Subsection (1) of this  
3 Section: except, however, that no such permit shall be either  
4 suspended or revoked because of the employment of a person in  
5 violation of said Subsection (1) if such employment is ter-  
6 minated and sufficient evidence of such termination furnished  
7 said Commission within three (3) days after notice is given  
8 to the permit holder of the Commission's finding, after a  
9 hearing held as hereinabove provided for, that such person is  
10 an employee of the permit holder in violation of Subsection  
11 (1); and except, further, that no such permit held by a  
12 corporation shall be either suspended or revoked because a  
13 person is an officer or director and the Commission is  
14 furnished sufficient evidence that such is the case, within  
15 fifteen (15) days after notice is given to the permit holder  
16 of the Commission's finding, after a hearing held as here-  
17 inabove provided for, that such person is an officer or direc-  
18 tor in violation of Subsection (1).

19 Section 59013. Permits not assignable. No permit  
20 granted under the provisions of this Chapter shall be trans-  
21 ferable or assignable except upon application to and  
22 written consent and approval of the Commission.

23 Section 59014. Conniving to prearrange result of race;  
24 stimulating or depressing greyhound penalty. (1) Any per-  
25 son who shall influence or have any understanding or conni-  
26 vance with any owner or other person associated with or  
27 interested in any kennel, greyhound, race or race track in

1 which any greyhound participates, to prearrange or predeter-  
2 mine the results of any such race, or any person who shall  
3 stimulate or depress a greyhound for the purpose of  
4 affecting the results of a race, shall be guilty of a felony.

5 (2) Upon conviction of an offense as set forth in Sub-  
6 section (1) of this Section a person shall be guilty of a  
7 felony and shall be imprisoned for not less than one (1) year  
8 nor more than ten (10) years, or shall be fined not less than  
9 One Thousand Dollars (\$1,000) nor more than Ten Thousand  
10 Dollars (\$10,000) or both.

11 Section 59015. Unauthorized race meeting, penalty.  
12 Every race meeting at which racing is conducted for any stake,  
13 purse, prize or premium, except as allowed by this Chapter,  
14 is prohibited and declared to be a public nuisance, and  
15 every person acting or aiding therein or conducting, or  
16 attempting to conduct racing not in conformity with this  
17 Chapter shall be deemed guilty of a misdemeanor and upon  
18 conviction be punished as provided by law.

19 Section 59016. Breaks, distribution of. Money with-  
20 held from distribution in the pari-mutuel pool as provided  
21 for in Section 59009 shall be divided equally between the  
22 territory and the holder of the racing permit. Money from  
23 the breaks retained by the holder of the racing permit shall  
24 be treated, for tax purposes, as income.

25 Section 59017. Prohibitions. No government land shall  
26 be used for the purposes of this Act; neither shall any  
27 provisions of Title LIV, Chapter 1, including but not limited  
28 to taxes, be used for the purposes of this Act.

29 Section 59018. Application of laws inconsistent with



1 this Chapter. All laws and parts of laws inconsistent with  
2 any of the provisions of this Chapter are expressly declared  
3 not to apply to any person participating or engaged in  
4 racing or making or contributing to pools thereon as  
5 authorized by and conducted under this Chapter.