

Committee Reports

COMMITTEE REPORT

House of Representatives

Committee on Administration of Criminal Justice November 16, 2001

Withdrawal of Applications; Voluntary Surrender of Licenses and Permits; Imposition of Sanctions; Enforcement Actions of the Board
(LAC 42:III.121, 122; VII.2325; XIII.2325; IX.4103)

In accordance with R.S. 49:968, and oversight subcommittee of the Administration of Criminal Justice Committee met on November 14, 2001, in House Committee Room 6 at 1:00 p.m. for the purpose of conducting legislative oversight on rules proposed by the Louisiana Gaming Control Board. These rules address the withdrawal of applications and the voluntary surrender of licenses or permits. I am enclosing a copy of the proposed rule for your information.

The Oversight Subcommittee found that the proposed rules are unacceptable. This finding of unacceptability was made pursuant to a motion to which there was no objection. A quorum of the Subcommittee was present to a motion to which there was no objection. A quorum of Subcommittee was present for the findings of unacceptability consisting of the following members:

Representative Martiny
Representative Heaton
Representative Baldone
Representative Bruce
Representative Cazayoux
Representative Devillier
Representative Farrar
Representative LaFleur
Representative Morrell
Representative Romero
Representative Wooton

1. That the proposed rules provide significant consequences to the person requesting a withdrawal or voluntary surrender without providing any criteria upon which the determination of with or without prejudice is based.

2. That without criteria an applicant cannot determine under what circumstances his application or surrender could be denied with prejudice. The subcommittee determined that without criteria the proposed rules are fundamentally unfair.

3. That the proposed rules provide that the division is not required to give reasons why an application or surrender is denied with prejudice. The subcommittee determined that without giving an applicant, licensee, or permittee reason for the division's action the proposed rule is fundamentally unfair.

4. That the proposed rules provide that the applicant, licensee, or permittee is not eligible to apply again to the division for a period of five years if the action of the division was with prejudice. This does not allow the division an discretion to review such cases even if there has been a significant change I the circumstances of the applicant, licensee, or permittee.

5. That five years was too long for an applicant, licensee, or permittee to be ineligible to apply for a license or permit following division action with prejudice. Testimony at the hearing revealed that similar provisions in Nevada and Mississippi provide for a one year time period following a regulatory body action with prejudice.

Daniel R. Martiny
Chairman

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