

Committee Reports

COMMITTEE REPORT

House of Representatives Oversight Subcommittee of Administration of Criminal Justice August 15, 2002

Gaming Control Board April 2002 Proposed Rules
(LAC 42:III.301.E.1.1, 302, and XI.2417.B.6)

In accordance with R.S. 49:968, the Oversight Subcommittee of the Administration of Criminal Justice Committee met on August 13, 2002¹, in House Committee Room 6 at 10:00 A.M. for the purpose of conducting legislative oversight on rules proposed by the Louisiana Gaming Control Board and published as a Notice of Intent in the Louisiana Register on April 20, 2002. These rules address compulsive and problem gambling and the operation of video draw poker devices when a licensed establishment is not open for business.

Chairman Daniel R. Martiny presided over the oversight subcommittee meeting, members present were: Representatives Baldone, Cazayoux, Devillier, LaFleur, Morrell, Romero, and Wooton.

A quorum of the oversight subcommittee being present, the committee made the following determinations.

1. With respect to LAC 42.XI.2417.B.6, the oversight subcommittee determined that the rule was designed to address a perception problem and was not necessary for the effective regulation of the video draw poker industry and was an unnecessary exercise of the rulemaking authority of

the Louisiana Gaming Control Board. Based upon these determinations, the rule was found unacceptable.

2. With respect to LAC 42:III.302, the oversight subcommittee determined that there appeared to be a conflict between statutory provisions pertaining to video draw poker violations and fines and the fine schedule authorized by the rule. Based upon this determination the rule was found unacceptable.

3. Pursuant to the provisions of R.S. 49:968.H(3), the oversight subcommittee determined that LAC 42:III.301.E.1.1 was severable from the remainder of LAC 42:III.301. The committee determined that LAC 42:III.301.E.1.1 exceeded the statutory authority of Act No. 1124 of the 2001 Regular Session. In addition, the oversight subcommittee expressed concerns that the rule could invite litigation based upon the ejection of patrons from gaming establishments. Based upon this determination and the expressed concerns LAC 42:III.301.E.1.1 was found unacceptable, and the remainder of LAC 42:III.301 was found acceptable.

¹The oversight subcommittees of the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary B met jointly. This report only addresses the actions of the oversight subcommittee of the House Committee on Administration of Criminal Justice as required by R.S. 49:968(F)(1).

Daniel R. Martiny
Chairman

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