

Governor's Report

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Governor's Letter to House Committee on Administration of Criminal Justice Committee Chairman August 23, 2002

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

The Honorable Daniel R. Martiny, Chairman
House Committee on Administration of Criminal Justice
State Capitol
Baton Rouge, LA 70802

Dear Chairman Martiny:

On August 15, 2002, I received from your office a report of the Subcommittee on Oversight of the House Committee on Administration of Criminal Justice concerning its meeting on August 13 to review rules proposed on April 20 by the Louisiana Gaming Control Board regarding compulsive and problem gambling.

During the meeting a majority of the House Subcommittee members present found three different proposed rules "unacceptable". Two of these provisions address compulsive and problem gambling and the operation of video draw poker devices when a licensed establishment is not open for business. Board officials have indicated an intent to address these issues differently and have not requested that I disapprove the action of the Subcommittee. For this reason, my actions today do not affect these two findings of the Subcommittee; consequently, under the provisions of the Louisiana Administrative Procedure Act (R.S. 49:968(G)) these two provisions cannot become effective as proposed at this time.

The third provision found unacceptable by the House Subcommittee requires that a riverboat casino or New Orleans land based casino operator or manager and all licensees shall develop a comprehensive program for its

property, that address, at a minimum, the areas of concern designed to provide procedures to prevent persons from gambling after having been determined to be intoxicated.

It is important to note that during the 2001 Regular Session of the Louisiana Legislature Act 1124 was passed overwhelmingly (96 percent) mandating that such procedures be submitted to the Board. The author of that Act has voiced his strong support for the Board rule. Additionally, it is relevant to recognize that the Senate Oversight Subcommittee meeting with the House Subcommittee did not reject the rule.

In his letter requesting me to disapprove the committee's rejection of this rule, Judge Hillary Crain, chairman of the Louisiana Gaming Control Board, makes several important points. As Judge Crain put it, when a casino determines a person is too intoxicated to be served alcohol, that person should not be allowed to gamble any longer. The obvious reason is a person too intoxicated to be served alcohol is not likely to be capable of exercising the judgment necessary to prevent expending funds that could have a detrimental effect on themselves and their families.

Considering the fact that at least the states of Nevada, Missouri, Mississippi, Illinois and Iowa prohibit allowing "obviously intoxicated" persons to gamble; and industry claims that it already disallows gambling by intoxicated persons because it creates problems for them; industry should be willing to reduce such procedures to writing and submit them to the Board. In Judge Crain's words, "This rule is patently right."

For this reason I have decided to disapprove the action of the House Subcommittee on this rule. This action will allow the Board rule on intoxicated gaming to become effective consistent with Act 1124.

M.J. "Mike" Foster, Jr.
Governor

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