

Legislation

LEGISLATION

State Legislature House of Representatives

House Concurrent Resolution Number 6
of the 1999 First Extraordinary Session
by Representative Windhorst

Charitable Gaming Control Rules
(LAC 42:I.1725, 1731, 1742, 1757, 1787, and 2215)

A CONCURRENT RESOLUTION to amend the Department of Public Safety and Corrections, office of state police, division of charitable gaming control rules (LAC 42:I.1731(C), LAC 42:I.1742(B)(1), LAC 42:I.1757(A), LAC 42:I.1787(A)(2), and LAC 42:I.2215), to provide that certain pull-tabs may be defaced two hours following the session, to provide for the timely payment for charitable gaming supplies, and to provide for prohibited combination of interests for commercial lessors and their immediate family members; to provide with respect to the model accounting system; and to repeal the Department of Public Safety and Corrections, office of state police, division of charitable gaming control rule (LAC 42:I.1725(D)(1)(d)), which provides that a bingo caller is a position of managerial capacity, and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

WHEREAS, the Charitable Raffles, Bingo and Keno Licensing Law was enacted in 1968; and

WHEREAS, the Louisiana Legislature from 1990 through 1992 authorized gaming upon riverboats along designated waterways, gaming at a land-based casino, the operation of video draw poker devices, and the conducting of a state lottery; and

WHEREAS, in a period of nine years the state of Louisiana has experienced a proliferation of gaming activities and legislation dealing with gaming activities; and

WHEREAS, charitable raffles, bingo, and keno gaming activities serve as valuable mechanisms generating revenue for deserving charitable organizations vital to the welfare of the people of the state of Louisiana; and

WHEREAS, the amount of money being spent on all gaming activities is limited and, given the recent increase in legalized gaming activities and subsequent interest in these activities, the charitable gaming industry has suffered a tremendous drop in attendance and participation and a resulting decrease in revenue generation for charitable organizations; and

WHEREAS, the legislature has attempted to improve the viability of charitable gaming by upgrading the games offered and enacted provisions authorizing electronic video bingo games, progressive bingo games, and electronic pull-tab device operation; and

WHEREAS, despite these attempts the charitable gaming industry has continued to suffer, and ways to improve the efficiency of the games are constantly being sought; and

WHEREAS, anything that will help the charitable gaming industry and the state of Louisiana's charitable organizations is worthy of every consideration; and

WHEREAS, amending the rules of charitable gaming will help these charitable organizations; and

WHEREAS, R.S. 49:969 provides that "the legislature, by concurrent resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted by a state department, agency, board, or commission".

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 42:I.1731(C), LAC 42:I.1742(B)(1), LAC 42:I.1757(A), LAC 42:I.1787(A)(2), and LAC 42:I.2215 are hereby amended to read as follows:

§1731. Record Retention Requirements

* * *

C. All organizations using pull-tabs shall retain unsold or defective pull-tabs along with the winning tickets of any series not completely sold. High tier winning tickets shall be defaced by the licensee when redeemed for prize payout; all other winning tickets shall be defaced within two hours of the conclusion of the session. Organizations should record names and identities of all jackpot winners and pull-tab high tier winners.

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§1742. Minimum Internal Accounting Control

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B. The following are minimum internal accounting controls which must be implemented by all licensees:

1. the results of each gaming session must be fully and accurately documented. The "Division's Uniform Accounting System" will be used in its entirety by all licensed organizations with an anticipated annual gross of \$25,000 or more in order to ensure strict accountability for the handling of cash and inventory by all participating members; provide a sound audit trail; and allow for the systematic accumulation of data needed for preparation of the division's quarterly report;

* * *

§1757. Timely Payment of Supplies; Penalty for Violation

A. No distributor shall sell, offer to sell, or deliver any charitable gaming product to any licensed organization in this state, and no organization shall buy or accept delivery of any licensed charitable gaming supplies except on terms of immediate payment or on terms requiring payment not later than the fifteenth day following that on which actual delivery is made. If any payment is not made when due, the distributor may notify the charitable gaming division thereof and, it shall be the responsibility of the division to notify all manufacturers and distributors licensed in the state of the default and thereafter no person shall sell any charitable

gaming product to the organization in default on any other terms than immediate payment until otherwise authorized by the division. Under penalty of suspension of its license, the organization which is in default shall pay its obligation in full within thirty days from the date it became due.

* * *

§1787. Penalty Provisions

A. Civil penalties may be assessed by the division against any person, licensee, or other legal entity in accordance with the following schedule.

* * *

2. Violations of statutes or rules relative to the conducting of games of chance, including but not limited to conducting unauthorized games, participation by unauthorized persons, unauthorized distribution or procurement of supplies or equipment, failure to maintain proper records of gaming sessions, failure to properly use and retain records relative to the uniform accounting system shall be subject to a civil penalty not to exceed \$500 per violation.

* * *

§2215. Combination of Interests Prohibited

A. No person licensed as a commercial lessor or his immediate family shall:

1. have a direct or indirect financial interest in any entity which manufactures or distributes supplies or equipment for charitable games of chance; or

2. serve as a proprietor, employee, officer, director, shareholder or owner of more than two percent ownership interest of any entity which manufactures or distributes supplies or equipment for charitable games of chance.

B. No person licensed as a commercial lessor or his spouse shall:

1. serve as an officer or director of any charitable organization which rents, leases, or uses the commercial premises for conducting games of chance; or

2. hold, operate, conduct, or assist in the holding, operating, or conducting of a charitable game of chance at the commercial premises.

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BE IT FURTHER RESOLVED by the Legislature of Louisiana that LAC 42:I.1725(D)(1)(d) is hereby repealed in its entirety:

§1725. Miscellaneous

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D. Active members of one licensee shall be allowed to assist in the conduct of another licensee's gaming activity but may not act in a managerial capacity.

1. Workers performing the following activity are considered to be in a managerial capacity, and must be bona fide active members of the organization licensed to conduct the gaming activity:

a. workers who appear to be in charge of the game;

b. workers responsible for filling out forms or paperwork;

c. workers responsible for the money or money counts.

* * *

BE IT FURTHER RESOLVED that the clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to the office of the Louisiana Register, the office of the attorney general, gaming division, and the

Department of Public Safety and Corrections, office of state police, division of charitable gaming control.

BE IT FURTHER RESOLVED that the Louisiana Register is hereby directed to have the amendments to LAC 42:I.1731(C), LAC 42:I.1742(B)(1), LAC 42:I.1757(A), LAC 42:I.1787(A)(2), and LAC 42:I.2215 and the repeal of LAC 42:I.1725(D)(1)(d) printed and incorporated into the Louisiana Administrative Code and to transmit a copy of the revised rules to the Department of Public Safety and Corrections, office of state police, division of charitable gaming control.

Hunt Downer
Speaker of the House
of Representatives
9908#014

Randy L. Ewing
President of the Senate

LEGISLATION

State Legislature House of Representatives

House Concurrent Resolution Number 158
of the 1999 First Extraordinary Session
by Representative Montgomery

Emergency Medical Vehicle Operation License

A CONCURRENT RESOLUTION to repeal any and all rules adopted by the Department of Health and Hospitals requiring operators of emergency medical vehicles to possess a valid Class "D" driver's license.

WHEREAS, the State Plan for the administration of federal Medicaid and Medicare funds contains a requirement that firefighters who operate emergency medical vehicles shall possess a valid Class "D" driver's license, commonly referred to as a chauffeur's license; and

WHEREAS, there does not appear to be any federal requirement that such operators possess a valid Class "D" driver's license; and

WHEREAS, state law specifically provides that the only driver's license required of a full-time, regularly paid operator of an emergency medical vehicle or firefighting equipment employed by a municipality, parish, fire protection district, or other political subdivision of the state shall be a Class "E" driver's license; and

WHEREAS, state law also requires only a Class "E" driver's license for volunteer operators of emergency medical vehicles or firefighting equipment; and

WHEREAS, the legislature has the authority under the provisions of R.S. 49:969 to suspend, amend, or repeal by concurrent resolution any rule or regulation adopted by a state department.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby repeals any and all rules adopted by the Department of Health and Hospitals requiring operators of emergency medical vehicles to possess a valid Class "D" driver's license.

BE IT FURTHER RESOLVED that the repeal of the rules requiring operators of emergency medical vehicles to possess a valid Class "D" driver's license shall become

effective upon approval of this Resolution by the Legislature of Louisiana.

BE IT FURTHER RESOLVED that the State Plan for the administration of federal Medicaid and Medicare funds be revised in accordance with the Administrative Procedure Act to reflect this change.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Department of Health and Hospitals and the Louisiana Register.

Hunt Downer
Speaker of the House
of Representatives
9908#013

Randy L. Ewing
President of the Senate

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