

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Gaming Control Board

Board Hearings (LAC 42); Repeal of Video
Draw Poker Hearings and Sanction Procedures
(LAC 42:XI.2423); Repeal of Gaming Enforcement Division Procedure for Riverboat License and Permit
Hearings (LAC 42:XIII.2167)

In accordance with the provisions of R.S. 49:953(B), the Gaming Control Board hereby determines that adoption of emergency rules relative to standards of conduct and ethical rules, administrative actions initiated by the State Police, administrative hearings, definitions of persons furnishing significant goods and services, key employees, licensees and permittees is necessary and that for the following reasons failure to adopt rules on an emergency basis will result in imminent peril to the public health, safety and welfare.

Act 7 of the First Extraordinary Session of 1996, effective May 1, 1996, created the Gaming Control Board with all regulatory authority, control and jurisdiction, including investigation, licensing and enforcement, and all power incidental or necessary to such regulatory authority, control and jurisdiction over all aspects of gaming activities and operations as authorized pursuant to the provisions of the Riverboat Economic Development and Gaming Control Act, the Economic Development and Gaming Corporation Act, and the Video Draw Poker Devices Control Law.

Further, Act 7 provides that all powers, duties, functions and responsibilities of the Riverboat Gaming Commission, Video Gaming Division and Riverboat Gaming Enforcement Division of State Police, and the Economic Development and Gaming Corporation are transferred to and shall be performed and exercised by the Gaming Control Board, and that the powers, duties, functions and responsibilities and any pending or unfinished business of those regulatory entities becomes the business of and shall be completed by the Gaming Control Board with the same power and authority as the entity from which the functions are transferred.

The Legislature has determined that development of a controlled gaming industry to promote economic development of the state requires thorough and careful exercise of legislative power to protect the general welfare of the state's people by keeping the state free from criminal and corrupt elements, and that it is the public policy of the state to this end that all persons, locations, practices, associations and activities related to the operation of licensed and qualified gaming establishments and the manufacture, supply, or distribution of gaming devices and equipment shall be strictly regulated.

Numerous licensing actions and enforcement actions are required to be initiated immediately by board and it is necessary that rules be adopted providing for administrative hearings to ensure due process is afforded applicants, licensees and permittees.

Rules relative to hearings promulgated by predecessor gaming regulatory entities must be repealed to eliminate redundant language and potential conflicts.

Act 7 provides that hearings be conducted in conformity with rules adopted by the board, and that such rules provide for certain matters specified in the act.

For the foregoing reasons, the Gaming Control Board has determined adoption of emergency rules is necessary and hereby adopts this emergency rule, Rule 108 and repeals LAC 42:XIII.2167 and LAC 42:XI.2423 effective September 3, 1996, in accordance with R.S. 49:953(B), to be effective for a period of 120 days or until the final rule is promulgated, whichever occurs first.

Title 42

LOUISIANA GAMING

§108. Board Hearings

A. Any person against whom an administrative action is proposed, and any person against whom an enforcement action is taken, may request a hearing by filing a written request with the board. The request shall be filed within 10 days of the date of receipt of the certified mailing or personal service of the notice of proposed action or within 10 days of the date the enforcement action is taken. All hearings requested and any matter the board determines should be heard in a public hearing shall be conducted in accordance with this Section.

B.1. A hearing will be conducted in accordance with procedural and evidentiary rules contained in the Administrative Procedure Act, R.S. 49:950 et seq., and the Gaming Control Law, 1996 Louisiana Acts, First Extraordinary Session, Number 7, enacting R.S. 27:1 et seq., and rules promulgated in accordance therewith.

2. No discovery request shall be made within 20 days of the date scheduled for the hearing.
 3. Hearings may be conducted by hearing officers employed by or under contract with the board.
- C. 1. Hearing requests shall be promptly docketed and scheduled for hearing.

2. The requesting party shall be notified of the time, date and location of the hearing by certified mail or personal service.

D.1. Testimony taken at a hearing shall be under oath.

2. Depositions may be used at hearings as provided in the Administrative Procedure Act, R.S. 49:950 et seq.

E. A report shall be prepared in accordance with the provisions of R.S. 27:25 and submitted to the board within 60 days of the notice of any enforcement action involving suspending or conditioning a license or permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Gaming Control Board, LR 22:

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2423. Hearings and Sanction Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), repealed by the Gaming Control Board, LR 22:

Part XIII. Riverboat Gaming **Subpart 2. State Police Riverboat Gaming** **Enforcement Division**

Chapter 21. Licenses and Permits

§2167. Procedure for Hearings by the Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:705 (July 1995), repealed by the Gaming Control Board, LR 22:

Hillary J. Crain
Chairman