



Senate

General Assembly

File No. 74

February Session, 2004

Senate Bill No. 63

Senate, March 16, 2004

The Committee on Public Safety reported through SEN. NEWTON of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE GAMING POLICY BOARD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (k) of section 7-169 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2004*):

4 (k) (1) Whenever it appears to the executive director after an
5 investigation that any person is violating or is about to violate any
6 provision of this section or section 7-169a or administrative regulations
7 issued pursuant thereto, the executive director may in his discretion, to
8 protect the public welfare, order that any permit issued pursuant to
9 this section be immediately suspended or revoked and that the person
10 cease and desist from the actions constituting such violation or which
11 would constitute such violation. After such an order is issued, the
12 person named therein may, within fourteen days after receipt of the
13 order, file a written request for a hearing. Such hearing shall be held in
14 accordance with the provisions of chapter 54.

15 (2) Whenever the executive director finds as the result of an
16 investigation that any person has violated any provision of this section
17 or section 7-169a or administrative regulations issued pursuant thereto
18 or made any false statement in any application for a permit or in any
19 report required by this section or section 7-169a or by the executive
20 director, the executive director may send a notice to such person by
21 certified mail, return receipt requested. Any such notice shall include
22 (A) a reference to the section or regulation alleged to have been
23 violated or the application or report in which an alleged false
24 statement was made, (B) a short and plain statement of the matter
25 asserted or charged, (C) the fact that any permit issued pursuant to this
26 section may be suspended or revoked for such violation or false
27 statement and the maximum penalty that may be imposed for such
28 violation or false statement, and (D) the time and place for the hearing.
29 Such hearing shall be fixed for a date not earlier than fourteen days
30 after the notice is mailed.

31 (3) The executive director shall hold a hearing upon the charges
32 made unless such person fails to appear at the hearing. Such hearing
33 shall be held in accordance with the provisions of chapter 54. If such
34 person fails to appear at the hearing or if, after the hearing, the
35 executive director finds that such person committed such a violation or
36 made such a false statement, the executive director may, in his
37 discretion, suspend or revoke such permit and order that a civil
38 penalty of not more than two hundred dollars be imposed upon such
39 person for such violation or false statement. The executive director
40 shall send a copy of any order issued pursuant to this subdivision by
41 certified mail, return receipt requested, to any person named in such
42 order. Any person aggrieved by a decision of the executive director
43 under this subdivision shall have a right of appeal to the Gaming
44 Policy Board for a hearing. Any person aggrieved by a decision of the
45 Gaming Policy Board shall have a right of appeal pursuant to section
46 4-183.

47 (4) Whenever the executive director revokes a permit issued
48 pursuant to this section, he shall not issue any permit to such permittee

49 for one year after the date of such revocation.

50 (5) Any person who promotes or operates any bingo game without
51 a permit therefor, or who violates any provision of this section or
52 section 7-169a or administrative regulations issued pursuant thereto,
53 or who makes any false statement in any application for a permit or in
54 any report required by this section or section 7-169a or by the
55 executive director shall be fined not more than two hundred dollars or
56 imprisoned not more than sixty days or both.

57 Sec. 2. Subsection (h) of section 7-169h of the general statutes, as
58 amended by section 3 of public act 03-1 of the January 6 special
59 session, is repealed and the following is substituted in lieu thereof
60 (*Effective July 1, 2004*):

61 (h) (1) Whenever it appears to the executive director of the Division
62 of Special Revenue after an investigation that any person is violating or
63 is about to violate any provision of this section or administrative
64 regulations issued pursuant thereto, the executive director may in his
65 discretion, to protect the public welfare, order that any permit issued
66 pursuant to this section be immediately suspended or revoked and
67 that the person cease and desist from the actions constituting such
68 violation or which would constitute such violation. After such an order
69 is issued, the person named therein may, within fourteen days after
70 receipt of the order, file a written request for a hearing. Such hearing
71 shall be held in accordance with the provisions of chapter 54.

72 (2) Whenever the executive director finds as the result of an
73 investigation that any person has violated any provision of this section
74 or administrative regulations issued pursuant thereto or made any
75 false statement in any application for a permit or in any report
76 required by the executive director, the executive director may send a
77 notice to such person by certified mail, return receipt requested. Any
78 such notice shall include (A) a reference to the section or regulation
79 alleged to have been violated or the application or report in which an
80 alleged false statement was made, (B) a short and plain statement of
81 the matter asserted or charged, (C) the fact that any permit issued

82 pursuant to this section may be suspended or revoked for such
83 violation or false statement and the maximum penalty that may be
84 imposed for such violation or false statement, and (D) the time and
85 place for the hearing. Such hearing shall be fixed for a date not earlier
86 than fourteen days after the notice is mailed.

87 (3) The executive director shall hold a hearing upon the charges
88 made unless such person fails to appear at the hearing. Such hearing
89 shall be held in accordance with the provisions of chapter 54. If such
90 person fails to appear at the hearing or if, after the hearing, the
91 executive director finds that such person committed such a violation or
92 made such a false statement, the executive director may, in his
93 discretion, suspend or revoke such permit and order that a civil
94 penalty of not more than two hundred dollars be imposed upon such
95 person for such violation or false statement. The executive director
96 shall send a copy of any order issued pursuant to this subdivision by
97 certified mail, return receipt requested, to any person named in such
98 order. Any person aggrieved by a decision of the executive director
99 under this subdivision shall have a right of appeal to the Gaming
100 Policy Board for a hearing. Any person aggrieved by a decision of the
101 Gaming Policy Board shall have a right of appeal pursuant to section
102 4-183.

103 (4) Whenever the executive director revokes a permit issued
104 pursuant to this section, he shall not issue any permit to such permittee
105 for one year after the date of such revocation.

106 Sec. 3. Subsection (c) of section 7-181 of the general statutes is
107 repealed and the following is substituted in lieu thereof (*Effective July*
108 *1, 2004*):

109 (c) The executive director shall hold a hearing upon the charges
110 made unless such person fails to appear at the hearing. Such hearing
111 shall be held in accordance with the provisions of chapter 54. If such
112 person fails to appear at the hearing or if, after the hearing, the
113 executive director finds that such person committed such a violation or
114 made such a false statement, the executive director may, in his

115 discretion, suspend or revoke such registration or permit and order
116 that a civil penalty of not more than two hundred dollars be imposed
117 upon such person for such violation or false statement. The executive
118 director shall send a copy of any order issued pursuant to this
119 subsection by certified mail, return receipt requested, to any person
120 named in such order. Any person aggrieved by a decision of the
121 executive director under this subsection shall have a right of appeal to
122 the Gaming Policy Board for a hearing. Any person aggrieved by a
123 decision of the Gaming Policy Board shall have a right of appeal
124 pursuant to section 4-183.

125 Sec. 4. Section 12-557e of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective July 1, 2004*):

127 The Gaming Policy Board shall work in cooperation with the
128 Division of Special Revenue to implement and administer the
129 provisions of this chapter, [and chapter] chapters 226b and 229a and
130 sections 7-169 to 7-186, inclusive, as amended by this act. In carrying
131 out its duties the board shall be responsible for: (1) Approving,
132 suspending or revoking licenses issued under subsection (a) of section
133 12-574; (2) approving contracts for facilities, goods, components or
134 services necessary to carry out the provisions of section 12-572; (3)
135 setting racing and jai alai meeting dates, except that the board may
136 delegate to the executive director the authority for setting make-up
137 performance dates within the period of a meeting set by the board; (4)
138 imposing fines on licensees under subsection (j) of [said] section 12-
139 574; (5) approving the types of pari-mutuel betting to be permitted; (6)
140 advising the executive director concerning the conduct of off-track
141 betting facilities; (7) assisting the executive director in developing
142 regulations to carry out the provisions of this chapter, [and chapter]
143 chapters 226b and 229a and sections 7-169 to 7-186, inclusive, as
144 amended by this act, and approving such regulations prior to their
145 adoption; (8) hearing all appeals taken under subsection (k) of section
146 7-169, as amended by this act, subsection (h) of section 7-169h, as
147 amended by this act, subsection (c) of section 7-181, as amended by
148 this act, subsection (j) of [said] section 12-574 and section 12-802b; and

149 (9) advising the Governor on state-wide plans and goals for legalized
150 gambling.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>

PS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect
Gaming Policy Bd.	GF - None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill is not anticipated to result in a fiscal impact since it is not expected to increase costs to the Gaming Policy Board. It is anticipated any additional responsibilities of the board will be administered within their current regulatory process.

OLR Bill Analysis

SB 63

AN ACT CONCERNING THE GAMING POLICY BOARD**SUMMARY:**

This bill expands the role of the Gaming Policy Board, requiring it to work in cooperation with the Division of Special Revenue (DSR) to implement and administer the charitable gaming (bingo, raffle, and sealed tickets) and lottery statutes. It specifically requires the board to help the director (1) develop and approve regulations to carry out the lottery and charitable gaming statutes and (2) hear appeals on charitable gaming issues.

The bill also creates an appeal process for people aggrieved by the DSR executive director's decision to suspend or revoke a registration or permit or fine them for a violation of the charitable gaming laws. It allows anyone aggrieved by the executive director's decision to appeal to the Gaming Policy Board, and to appeal the board's decision to Superior Court.

EFFECTIVE DATE: July 1, 2004

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report

Yea 22 Nay 0