
OLR Bill Analysis

sSB 1072

AN ACT CONCERNING THE GAMING POLICY BOARD.

SUMMARY:

This bill eliminates the Gaming Policy Board and transfers its functions and responsibilities to the Department of Consumer Protection (DCP). By law, DCP's gaming division licenses and permits all individuals and entities involved in legalized gaming and monitors and ensures compliance with the gaming laws and tribal-state agreements.

Under the bill, if any of DCP's and the board's orders or regulations conflict, the DCP commissioner can implement policies or procedures to resolve the conflict while adopting regulations, provided notice of intent to adopt regulations is printed in the *Connecticut Law Journal* within 20 days of implementation.

The bill also makes numerous conforming changes to effectuate the transfer. Under current law, DCP performs several gaming-related duties with the advice and consent of the board. Under the bill, only DCP would perform these duties (e.g., adopting certain regulations).

Under the bill, gaming-related appeals (e.g., license revocation or suspension) would go directly to Superior Court. Current law requires aggrieved individuals to first appeal to the Gaming Policy Board.

The bill also (1) applies current ticket seller permit requirements and penalties to sealed ticket manufacturers and distributors and (2) allows former board members to be immediately employed by certain businesses.

It also makes other minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2013

SEALED TICKETS

The bill applies certain current sealed ticket seller permit requirements and penalties to registered manufacturers and distributors. "Sealed tickets" are cards with tabs which, when pulled, expose pictures of various objects, symbols, or numbers and which entitle the ticketholder to receive a prize if the combination of objects, symbols, or numbers pictured matches what is determined to be a winning combination. By law, sealed ticket sellers are permitted, while distributors and manufacturers are registered.

The bill allows the DCP commissioner, after investigating a violation, to suspend or revoke a registration immediately and order a cease and desist order to protect the public welfare. The registrant must file a request for a hearing within 14 days of receiving the order.

Under the bill, if the commissioner finds a violation or false statement in an investigation, he may send a notice to such person by certified mail, return receipt requested. The notice must include (1) a reference to the section or regulation that was allegedly violated or the document on which an alleged false statement was made, (2) a short and plain statement of the charge, (3) the fact that any registration may be suspended or revoked for such violation or false statement and the maximum penalties for such violation, and (4) the time and place of the hearing. The hearing date must not be earlier than 14 days after the notice is mailed.

The bill requires the commissioner to hold a hearing, according to the Uniform Administrative Procedure Act, unless the person fails to appear. After a hearing, the commissioner may suspend or revoke the registration and impose up to a \$500 civil penalty. If the commissioner revokes a registration, he must not issue another one for one year after the revocation date. He must also send a copy of any order issued by certified mail, return receipt requested, to any person named in the order. An aggrieved person may appeal to Superior Court.

FORMER BOARD MEMBERS

The bill allows former Gaming Policy Board members to be immediately employed by certain businesses. Under current law, they are prohibited from being employed within two years of leaving by (1) businesses that the board regulates and (2) businesses or government agencies associated with Indian gaming operations within the state.

BACKGROUND

Gaming Policy Board

The Gaming Policy Board works in cooperation with DCP to implement and administer the gaming statutes. The board has five voting members; the DCP commissioner serves as an ex officio non-voting member. The governor appoints the board members, with the legislature's consent, for four-year terms. By law, board members (1) must post a \$25,000 performance bond with the state and (2) are prohibited from certain gaming-related and political actions.

Under current law, the board, among other things, approves, suspends, or revokes certain gaming licenses; approves certain contracts; sets racing and jai alai meeting dates; imposes certain fines; advises and approves certain gaming-related activities; and hears appeals for certain gaming permit suspensions and revocations.

Related Bill

sHB 6363, favorably reported by the Government Administration and Elections Committee, also eliminates the Gaming Policy Board and transfers its functions and responsibilities to DCP.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/21/2013)