

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Thomas C. Bickham
Undersecretary
1208#070

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

Louisiana Risk Review Panel (LAC 22:I.107)

The Department of Public Safety and Corrections, Corrections Services, in accordance with R.S. 36:404, hereby gives notice of its intent to repeal LAC 22:I.107 Louisiana Risk Review Panel in its entirety. This repeal is due to Act 123 of the 2012 Regular Session.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter I. Secretary's Office

§107. Louisiana Risk Review Panel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 28:94 (January 2002), amended LR 29:2847 (December 2003), LR 32:1069 (June 2006), repromulgated LR 32:1247 (July 2006), amended LR 36:528 (March 2010), LR 38:

Family Impact Statement

The proposed repeal of this Rule has no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Public Comments

Written comments may be addressed to Melissa Callahan, Deputy Assistant Secretary, Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804, until 4:30 p.m. on September 9, 2012.

James M. Le Blanc
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Louisiana Risk Review Panel

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have a negligible decrease in state expenditures and no impact on local government expenditures. ACT 123 of the 2012 Regular Legislative Session repealed the Risk Review Panel. The duties of the Risk Review Panel were performed with existing Department of Corrections

staff and resources. The repeal of the Risk Review Panel will not result in a decrease in positions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no impact on the Revenue Collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Thomas C. Bickham
Undersecretary
1208#071

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Gaming Control Board**

Electronic Submission of Documents (LAC 42:III.111, 401, 402, 403, XI.2403, 2405, 2407, 2409, 2417 and 2424)

The Louisiana Gaming Control Board hereby gives notice that pursuant to R.S. 27:15 and R.S. 27:24 it intends to promulgate LAC 42:III.401, 402, 403 and amends LAC 42:III.111 and 42:XI.2403, 2405, 2407, 2409, 2417 and 2424.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 1. General Provisions

§111. Delivery of Documents

A. All applications, notices and any other written communication or documentation required to be furnished to the board or division by any statutory provision, regulation or rule, shall be submitted by U.S. mail, commercial carrier, electronic submission, hand delivery, or other board approved method of delivery.

B. Documentation delivered by any means other than as provided in §111.A shall not be accepted.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1321 (October 1997), amended LR 38:

Chapter 4. Electronic Submission of Documents

§401. General

A. The board or division may accept the filing or delivery of any document as an original document by electronic transmission in accordance with the provisions of this Chapter.

B. An electronic document bearing an electronic signature legally binds, obligates and makes the signatory responsible to the same extent as the signatory's handwritten signature on a paper document.

C. Any document required to be subscribed or acknowledged before a notary public shall not be submitted electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:

§402. Definitions

A. As used in this Chapter, the following words and terms shall have the following meanings:

Electronic Document—any document stored in a computer accessible electronic, magnetic, optical or other format which allows for future retrieval or electronic transmission by e-mail or the internet.

Electronic Signature—an electronic sound, symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document.

Subscriber—an applicant, permittee, casino operator or licensee who has submitted a subscriber agreement to the board or division and has received authorization to submit electronic documents.

Subscriber Agreement—an agreement by which a subscriber consents to be bound by the contents of the electronically submitted documents and consents to abide by the processes and procedures established for the submission and acceptance of electronic documents.

User—a person identified to the board or division by a subscriber as being authorized to submit electronic documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:

§403. Electronic Submission Procedure

A. Written communications or documentation, including applications, may be submitted to the board or division electronically, provided that:

1. the sender has executed a proper subscriber agreement in accordance with the procedures established by the board or division;

2. the sender transmits the electronic document to an electronic document receiving system designated by the board or division for receiving such submissions in accordance with the system requirements established for submission;

3. the electronic document is a true and accurate digital copy of the original document; and

4. the electronic document bears a valid electronic signature.

B. Nothing in this Chapter limits the use of an electronic document or information derived from an electronic document as evidence in enforcement or other legal or administrative proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:

Chapters 5-17. Reserved

Part XI. Video Poker

Chapters 1-23. Reserved

Chapter 24. Video Draw Poker

§2403. Definitions

A. ...

Notify or Notification—the act of providing notice of an event through written communication, including electronic transmission, as required by these rules.

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), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 30:266 (February 2004), repromulgated LR 30:439 (March 2004), amended LR 32:108 (January 2006), LR 36:2045 (September 2010), LR 38:

§2405. Application and License

A.1. All applications for a license shall be submitted on forms provided by the division.

2. An application is not complete nor is it considered filed with the division unless it is submitted with the required fee, is signed by the applicant, and contains all information required by the division.

3. All new and renewal applications shall be submitted to the division by the United States Postal Service certified or registered mail, return receipt requested, private or commercial interstate carrier, electronic submission in accordance with Chapter 4 of Part III of this Title, hand delivery or other board approved method of delivery.

4. - 9. ...

10. All applications shall contain a certification signed by a duly authorized representative of the applicant wherein the applicant certifies that:

a. the information contained therein is true and correct;

b. the applicant has read the Act and these rules, and any other informational materials supplied by the division that pertain to video gaming; and

c. the applicant agrees to comply with these rules and the Act.

11. All applications shall contain an email address, a telephone number and permanent mailing address for receipt of correspondence and service of documents by the division.

12. ...

13. The applicant shall notify the division in an electronic document or in writing of all changes of address, phone numbers, personnel, and other required information in the application within 10 business days of the effective date of the change.

14. - B.4.b. ...

5. All nonrefundable fees required for initial and renewal applications and any administrative fines or penalties shall be made payable to the Department of Public Safety and Corrections and remitted to the division in accordance with these rules.

B.6. - C.2. ...

D. Change of Ownership of Licensed Establishment

1. If a change in ownership of a licensed establishment occurs, the division shall be notified, in an electronic document or in writing within five days, of the Act of sale or transfer.

2. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

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), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:955 (May 1998), LR 26:346 (February 2000), LR 26:2322 (October 2000), LR 27:61 (January 2001), LR 29:362 (March 2003), LR 30:267 (February 2004), repromulgated LR 30:439 (March 2004), amended LR 34:1037 (June 2008), LR 35:82 (January 2009), repromulgated LR 35:490 (March 2009), amended LR 36:2045 (September 2010), LR 38:

§2407. Operation of Video Draw Poker Devices

A. - B.2. ...

3. All video draw poker employee applications must be submitted on forms prescribed by the Louisiana Gaming Control Board.

a. All applications shall be submitted to the division by the United States Postal Service certified or registered mail, return receipt requested, commercial interstate carrier, electronic submission in accordance with Chapter 4 of Part III of this Title, hand delivery or other board approved method of delivery.

b. All applications shall contain an email address, a telephone number and permanent address for receipt of correspondence and service of documents by the division.

3.c. - 4. ...

5. All video draw poker employees or applicants shall notify the division in an electronic document or in writing of all changes of address, phone numbers, and other required information in the application within 10 calendar days of the effective date of the change.

C.6. - D.16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

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), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:85 (January 1999), LR 27:205 (February 2001), LR 30:267 (February 2004), repromulgated LR 30:441 (March 2004), amended LR 33:857 (May 2007), LR 36:2046 (September 2010), LR 36:2874 (December 2010), LR 38:

§2409. Revenues

A. License Fees

1. A nonrefundable annual fee as listed below shall be paid by each applicant:

- a. manufacturer, as provided in R.S. 27:29.1;
- b. distributor, as provided in R.S. 27:435;
- c. service entity, as provided in R.S. 27:435;
- d. device owner, as provided in R.S. 27:435; and
- e. licensed establishment, as provided in 27:435.

2. All required license fees shall be submitted with the initial and renewal application.

3. All licensees shall pay their license fee(s) for the year in a single payment.

4. All license fees shall be paid by personal, company, certified or cashier's check, money order, electronic funds transfer or other form of electronic payment. If a payment is denied or returned for insufficient funds, the applicant's license shall not be issued.

B. - E.2.h. ...

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), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 30:268 (February 2004), repromulgated LR 30:442 (March 2004), amended LR 38:

§2417. Code of Conduct of Licensees and Permittees

A. - B.4. ...

5. A licensee or permittee shall not intentionally make, cause to be made, or aid, assist, or procure another to make any false statement in any report, disclosure, application, permit form, electronic document, or any other document, including improperly notarized or certified documents, required by these rules or the Act.

C. - C.1.j. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq., R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:197 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:59 (January 2001), LR 30:270 (February 2004), repromulgated LR 30:447 (March 2004), amended LR 38:

§2424. Enforcement Actions of the Board

A. - C. ...

D. All civil penalties shall be paid by personal, company, certified or cashier's check, money order, electronic funds transfer or other form of electronic payment.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Louisiana Gaming Control Board, LR 36:2874 (December 2010), amended LR 38:

Small Business Impact Statement

Pursuant to the provisions of R.S. 49:965.5 the Louisiana Gaming Control Board, through its chairman, has concluded that there will be no adverse impact on small business if LAC 42:III.401, 402, 403 are enacted and LAC 42:III.111 and LAC 42:XI.2403, 2405, 2407, 2409 and 2424 are amended as the changes will not apply to small businesses.

Family Impact Statement

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of adopting LAC 42:III.401, 402, 403 and amending LAC 42:III.111 and LAC 42:XI.2403, 2405, 2407, 2409 and 2424.

It is accordingly concluded that adopting LAC 42:III.401, 402, 403 and amending LAC 42:III.111 and LAC 42:XI.2403, 2405, 2407, 2409 and 2424 would appear to have no impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.