

Minnesota Gambling Control Board

NOTICE OF HEARING

Proposed Amendment to Rules Governing Lawful Gambling, Primarily Lawful Gambling Electronic Games, Sports-Themed Tipboards, and Other Changes; *Minnesota Rules*, Chapters 7861, 7863, and 7864; Repealing *Minnesota Rules*, part 7861.0210, subpart 33a; Revisor ID # RD4555; OAH docket number 60-9017-35616

Public Hearing. The Minnesota Gambling Control Board intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules at 1711 West County Road B, Suite 300 South, Roseville, Minnesota, starting at 9:00 a.m. on Friday, March 8, 2019, until time hearing ends. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. Administrative Law Judge James E. LaFave will conduct the hearing. Judge LaFave's Legal Assistant Ian Lewenstein can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone 651-361-7900, and fax 651-539-0310 or ian.lewenstein@state.mn.us. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rules are primarily about lawful gambling electronic games, sports-themed tipboards, and other changes, and repeal *Minnesota Rules*, part 7861.0210, subpart 33a (definition of local server).

The proposed rules improve the integrity of lawful gambling. Some of the proposed rule changes are focused on the conduct of lawful gambling electronic gaming and provide additional clarity in terms of strengthening the standards for the operation of this lawful gambling format, including the repeal of using local servers (which are not a required component) at permitted lawful gambling sites. The proposed rules also limit some of the graphic animations involved with electronic games, animations that could be viewed as mimicking a slot machine which is prohibited for electronic pull-tab devices. Additionally, there are modifications to the rules covering (paper) tipboard games with specific focus for allowing the winning chances to be based on a professional sporting event as allowed under the laws of Minnesota 2012 (*Minnesota Laws 2012*, Chapter 299). There are some other changes, such as standardizing definitions to help bring uniformity and additional clarity and improve the integrity of operations.

The proposed rules are authorized by *Minnesota Statutes*, Section 349.151, subdivision 4, paragraph (a), clauses (5) and (20); subdivision 4e; and subdivision 13.

A free copy of the rules is available from the agency contact person and is also available on the Board's website at <http://www.mn.gov/gcb/assets/rd4555.pdf>. The agency contact person is Peggy Mancuso at Minnesota Gambling Control Board, 1711 West County Road B, Suite 300 South, Roseville, MN 55113; phone 651-539-1951; fax 651-639-4032; peggy.mancuso@state.mn.us.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is available on the agency's website at <http://www.mn.gov/gcb/assets/sonar.pdf> or from the agency contact person.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>. All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different from these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

Adoption Procedure after the Hearing. After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: January 22, 2019



Tom Barrett, Executive Director
Minnesota Gambling Control Board