

CHAPTER 299L

GAMBLING ENFORCEMENT

299L.01 Division of alcohol and gambling enforcement.

299L.03 Powers of director.

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299L.01 DIVISION OF ALCOHOL AND GAMBLING ENFORCEMENT.

Subdivision 1. **Definitions.** (a) For the purposes of this chapter, the terms defined in this subdivision have the meanings given them.

(b) "Division" means the division of alcohol and gambling enforcement.

(c) "Commissioner" means the commissioner of public safety.

(d) "Director" means the director of alcohol and gambling enforcement.

(e) "Manufacturer" means a person who assembles from raw materials or subparts a gambling device for sale or use in Minnesota.

(f) "Distributor" means a person who sells, offers to sell, or otherwise provides a gambling device to a person in Minnesota.

(g) "Used gambling device" means a gambling device five or more years old from the date of manufacture.

(h) "Test" means the process of examining a gambling device to determine its characteristics or compliance with the established requirements of any jurisdiction.

(i) "Testing facility" means a person in Minnesota who is engaged in the testing of gambling devices for use in any jurisdiction.

Subd. 2. **Established; consolidation with liquor control.** Effective October 1, 1996, the duties and powers of the division of gambling enforcement are transferred to the division of alcohol and gambling enforcement in the department of public safety, under the control and supervision of a director appointed by the commissioner and serving at the commissioner's pleasure in the unclassified service. The director must be a person who is licensed or eligible to be licensed as a peace officer under sections 626.84 to 626.863.

Subd. 3. **Employees.** The director shall employ in the division of alcohol and gambling enforcement personnel, in the classified service, necessary to carry out the duties under this chapter. The director shall request the bureau of criminal apprehension to perform background checks on persons who are finalists for employment with the division but may employ personnel pending completion of the background check.

Subd. 4. **Conflict of interest.** (a) The director and any person employed by the division may not have a direct or indirect financial interest in:

- (1) a class A or B licensee of the racing commission;
- (2) a lottery retailer under contract with the state lottery;
- (3) a person who is under a lottery procurement contract with the state lottery;
- (4) a bingo hall, manufacturer, or distributor licensed under chapter 349; or
- (5) a manufacturer or distributor licensed under this chapter.

(b) The director or an employee of the division of alcohol and gambling enforcement may not participate in the conducting of lawful gambling under chapter 349.

History: 1997 c 129 art 2 s 6,7,15

299L.02 DUTIES OF DIVISION OF ALCOHOL AND GAMBLING ENFORCEMENT.

Subdivision 1. **Lottery.** (a) The director shall when required under chapter 349A or when requested by the director of the lottery conduct background checks on employees of the state lottery, lottery retailers, and bidders of lottery procurement contracts.

(b) The director shall, when so requested by the director of the state lottery or when the director believes it to be reasonable and necessary, conduct investigations of lottery retailers,

applicants for lottery retailer contracts, suppliers of goods or services to the state lottery, and persons bidding on contracts for goods or services with the state lottery.

(c) The director shall conduct an annual security audit of the state lottery, or arrange for such an audit by an outside agency or person, firm, or corporation. The director shall report to the director of the lottery on the results of the audit.

[For text of subs 2 and 3, see M.S.1996]

Subd. 4. Other gambling. The director shall cooperate with all state and local agencies in the detection and apprehension of unlawful gambling.

Subd. 5. Background checks. In any background check required to be conducted by the division under this chapter, chapter 240, 349, 349A, or section 3.9221, the director may, or shall when required by law, require that fingerprints be taken and the director may forward the fingerprints to the Federal Bureau of Investigation for the conducting of a national criminal history check. The director may charge a fee for fingerprint recording and investigation under section 3.9221.

[For text of subs 6 and 7, see M.S.1996]

History: 1997 c 7 art 1 s 124; 1997 c 129 art 2 s 8,9,15

299L.03 POWERS OF DIRECTOR.

Subdivision 1. Inspections; access. In conducting any inspection authorized under this chapter or chapter 240, 349, or 349A, the division employees have free and open access to all parts of the regulated business premises, and may conduct the inspection at any reasonable time without notice and without a search warrant. For purposes of this subdivision, "regulated business premises" means premises where:

- (1) lawful gambling is conducted by an organization licensed under chapter 349 or by an organization exempt from licensing under section 349.166;
- (2) gambling equipment is manufactured, sold, distributed, or serviced by a manufacturer or distributor licensed under chapter 349;
- (3) records required to be maintained under chapter 240, 297E, 349, or 349A are prepared or retained;
- (4) lottery tickets are sold by a lottery retailer under chapter 340A;
- (5) races are conducted by a person licensed under chapter 240; or
- (6) gambling devices are manufactured, distributed, or tested, including places of storage under section 299L.07.

[For text of subs 2 to 4, see M.S.1996]

Subd. 5. Arrest powers. The director may designate certain division employees who are authorized to arrest or investigate any person who is suspected of violating any provision of chapter 240, 349, or 349A, or is suspected of committing any crime involving gambling, and to conduct searches and seizures to enforce any of those laws. Any employee authorized by this subdivision to make an arrest must be licensed under sections 626.84 to 626.863.

[For text of subd 6, see M.S.1996]

Subd. 7. Other powers. Nothing in this chapter limits the authority of the division to exercise any other power specified under chapter 240, 340A, 349, or 349A.

[For text of subs 8 to 12, see M.S.1996]

History: 1997 c 129 art 2 s 10-12