

Date of Hearing: March 29, 2017

**ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION**

Adam Gray, Chair

AB 1033 (Cristina Garcia) – As Amended March 22, 2017

**SUBJECT:** Gambling Control Act: persons under 21 years of age

**SUMMARY:** Would permit a person between 18 and 21 years of age to work in a gambling establishment in a classification that entails providing services on and off the gaming floor that are not involved in play of any controlled game.

**EXISTING LAW:**

- 1) Article IV, section 19, subdivision (e) of the California Constitution prohibits casinos of the type currently operating in Nevada and New Jersey. Those casinos commonly offer their patrons a broad spectrum of gaming and house-banked games.
- 2) Existing law, the Gambling Control Act (Act), provides for the licensure of certain individuals and gambling establishments involved in various gambling activities, and for the regulation of those activities, by the California Gambling Control Commission (CGCC). Existing law provides for the enforcement of those activities by the Department of Justice (DOJ).
- 3) Prohibits a person under 21 years of age from being eligible for a work permit in a gambling establishment.
- 4) Prohibits any person under the age of 21 from entering the premises of a licensed gambling establishment with the following exceptions:
  - a) A dining area that is physically separated from any gambling area;
  - b) Restrooms;
  - c) A supervised room that is physically separated from any gambling area and that is used for the purpose of entertainment or recreation; and
  - d) A designated pathway through the gambling area, which requires any person under the age of 21 to be accompanied by a person over the age of 21.

**FISCAL EFFECT:** This bill is keyed non-fiscal by Legislative Counsel.

**COMMENTS:**

Purpose of the Bill: According to the Author's Office: "This legislation will provide an employment opportunity for Californians between 18 and 21 years of age. There are many Californians in the 18 to 21 years of age range that are currently looking for work opportunities. Some of these Californians include veterans, single parents, and some college students that need

to work while they complete their education. This bill will permit individuals to work as secretaries, waiters or waitresses, maintenance personnel, and data processing personnel.”

Gambling Control Act (Act): The Act provides the CGCC with jurisdiction over the operation of gambling establishments in California. The Act requires every owner, lessee, or employee of a gambling establishment to obtain and maintain a valid state gambling license. The Act assigns the CGCC the responsibility of assuring that gambling licenses are not issued to, or held by, unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is harmful to the public health, safety, or welfare.

The Act directs the CGCC to issue licenses only to those persons of good character, honesty and integrity, whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of this state. The DOJ conducts background and field investigations and enforces the provisions of the Act in this regard.

The prohibition on persons under 21 years of age from being eligible for a work permit was contained in SB 8 (Chapter 867, Statutes of 1997), the bill that enacted the Act. The bill also included a restriction that prohibited any person under 21 years of age from entering upon the premises of a licensed gambling establishment, except for limited areas, and required a separate entrance to those areas.

AB 1033 permits a person between 18 and 21 years of age to be employed to work in a gambling establishment, provided that they do not work as dealers, floor men, or any other employment classification that exclusively involves working on the floor of the gambling establishment. A person between 18 and 21 years of age may be employed in job classifications that entail providing services on and off the gaming floor that are not involved in play of any controlled game.

Work Permits: The Act requires that all individuals who are employed as gambling enterprise employees hold a valid work permit. The work permit is issued by the local jurisdiction. An application for a work permit shall be made to the CGCC when the local licensing authority does not have a work permit process in place, or where a locally issued work permit is not required by the licensing authority of a city, county, or city and county.

Prior/Related Legislation: AB 903 (Garcia), 2015-2016 Legislative Session. Would have permitted a person between 18 and 21 years of age to work in a gambling establishment in a classification that entails providing services on and off the gaming floor that are not involved in play of any controlled game. (Died on Senate inactive file)

AB 1188 (Gipson), 2015-2016 Session. Would have revised the definition of “key employee” to mean any natural person employed in the operation of a gambling enterprise in a supervisory capacity or empowered to make discretionary decisions with regard to gambling operations. (Gut and amended on Senate Floor)

AB 293 (Mendoza, Chapter 233, Statutes of 2009). Authorized, among other things, a person between 18 and 21 years of age to pass through a gambling floor.

SB 8 (Lockyer, Chapter 867, Statutes of 1997). Repealed the Gaming Regulation Act, and instead enacted the Act, which provided for DOJ to investigate and enforce controlled gambling

in the state. It also establishes the CGCC to regulate gambling in this state to issue, suspend, or revoke gambling licenses.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

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