

2018 Regular Session

SENATE BILL NO. 266

BY SENATOR MARTINY

GAMING. Provides for a statewide referendum election on sports wagering as an authorized form of gaming. (See Act)

1 AN ACT  
2 To amend and reenact R.S. 27:44(10), 205(12), and 353 and to enact R.S. 18:1300.24 and  
3 R.S. 27:412.1, relative to gaming; to provide for a referendum election to add sports  
4 wagering as a form of authorized gaming; to provide for applicability; to provide for  
5 legislative intent; to provide for an effective date; and to provide for related matters.  
6 Be it enacted by the Legislature of Louisiana:  
7 Section 1. R.S. 18:1300.24 is hereby enacted to read as follows:  
8 **§1300.24. Sports wagering gaming election; procedure**  
9 **A. A statewide referendum election, to the extent required by this**  
10 **Chapter and Article XII, Section 6 of the Constitution of Louisiana, shall be**  
11 **called at the primary congressional election to be held on November 6, 2018,**  
12 **pursuant to R.S. 18:402(B)(1), and as provided by law, to consider the**  
13 **proposition of whether sports wagering shall be allowed as a form of gaming in**  
14 **a particular parish in the state of Louisiana.**  
15 **B. The proposition on the ballot shall be stated as follows: "Shall sports**  
16 **wagering be a form of gaming allowed in this parish, pursuant to a gaming**  
17 **license and with the prior approval of the Louisiana Gaming Control Board, all**

1 in accordance with Louisiana Gaming Control Law?"

2 C. In any particular parish, if a majority of those voting vote in favor of  
3 the proposition, a license holder under Chapter 4, 5, 7, or 8 of Title 27 may  
4 engage in sports wagering within that parish in the state of Louisiana. The  
5 license holder shall remain subject to the licensing and regulatory authority of  
6 the Louisiana Gaming Control Board and the Louisiana Gaming Control Law.

7 D. Except as provided in this Section, the election shall be conducted as  
8 provided in Chapter 6-B of this Title, including but not limited to the provisions  
9 providing for notice to the public as provided by law.

10 Section 2. R.S. 27:44(10), 205(12), and 353 are hereby amended and reenacted and  
11 R.S. 27:412.1 is hereby enacted to read as follows:

12 §44. Definitions

13 When used in this Chapter, the following terms shall mean:

14 \* \* \*

15 (10) "Game" means any banking or percentage game which is played with  
16 cards, dice, or any electronic, electrical, or mechanical device or machine for money,  
17 property, or any thing of value. "Game" does not include a lottery, bingo, pull tabs,  
18 raffles, electronic video bingo, cable television bingo, ~~or~~ **or** dog race wagering,~~or~~  
19 **"Game" shall include** any wagering on any type of sports event, including but not  
20 limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai,  
21 or other sports contest or event. Game shall also include racehorse wagering.

22 \* \* \*

23 §205. Definitions

24 When used in this Chapter, the following terms have these meanings:

25 \* \* \*

26 (12) "Game" means any banking or percentage game located exclusively  
27 within an official gaming establishment which is played with cards, dice, or any  
28 electronic, electrical, or mechanical device or machine for money, property, or any  
29 thing of value. Game does not include lottery, bingo, charitable games, raffles,

1 electronic video bingo, pull tabs, cable television bingo, wagering on dog or horse  
2 races, **"Game" shall include** sports betting; or wagering on any type of sports  
3 event, inclusive but not limited to football, basketball, baseball, hockey, boxing,  
4 tennis, wrestling, jai alai, or other sports contest or event.

5 \* \* \*

6 §353. Definitions

7 When used in this Chapter, the following terms shall have these meanings:

8 (1) "Board" means Louisiana Gaming Control Board.

9 (2) "Designated slot machine gaming area" means the contiguous area of an  
10 eligible live racing facility at which slot machine gaming may be conducted in  
11 accordance with the provisions of this Chapter, determined by measuring the area,  
12 in square feet, inside the interior walls of the licensed eligible facility, excluding any  
13 space therein in which gaming activities may not be conducted, such as bathrooms,  
14 stairwells, cage and beverage areas, and emergency evacuation routes of any width  
15 that meet or exceed the minimum size required by law.

16 (3) "Division" shall have the same meaning as that term defined in R.S. 27:3.

17 (4) "Eligible facility" means no more than one facility in St. Landry Parish,  
18 Bossier Parish, Orleans Parish, and Calcasieu Parish at which the Louisiana State  
19 Racing Commission has licensed the conduct or at which the commission has  
20 approved the future licensing of the conduct of not less than eighty days within a  
21 consecutive twenty-week period each year of live horse race meetings, unless the  
22 commission approves the conduct of less than eighty days within a consecutive  
23 twenty-week period or a different consecutive or nonconsecutive period, whenever  
24 an eligible facility is prevented from conducting live racing as a result of a natural  
25 disaster, an act of God, force majeure, a catastrophe, or such other occurrence over  
26 which the eligible facility has no control. Such a determination by the commission  
27 shall not adversely affect the status of the eligible facility to conduct slot machine  
28 gaming. For the 2005 racing season, "eligible facility" shall also include the facility  
29 in St. Landry Parish that will not be able to meet such requirements due to repairs or

1 construction to the racetrack which are necessary in order to protect the safety of  
2 riders and thoroughbred racehorses and to preserve the revenues to be received and  
3 distributed to the state and local governments at such facility or as otherwise  
4 provided in R.S. 4:214.1.

5 ~~(4.1)~~(5) "Emergency evacuation route" means those areas within the  
6 designated slot machine gaming area of a licensed eligible facility which are clearly  
7 defined and identified by the licensee as necessary and approved by the state fire  
8 marshal or other federal or state regulatory agency for the evacuation of patrons and  
9 employees from the facility, and from which and in which no gaming activity may  
10 occur.

11 (6) "Game" means slot machine gaming or racehorse wagering or any  
12 wagering on any type of sports event, including but not limited to football,  
13 basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports  
14 contest or event. "Game" shall not include a lottery, bingo, pull tabs, raffles,  
15 electronic video bingo, cable television bingo, or dog race wagering.

16 (7) "Gaming activities" or "gaming operations" means the use,  
17 operation, or conducting of any game or gaming device at an eligible facility  
18 including all activities related to and integral to the operation and profitability  
19 of a eligible facility including accounting procedures and internal controls  
20 governing the licensee's operations.

21 (8) "Gaming device" or "gaming equipment" means any equipment or  
22 mechanical, electro-mechanical, or electronic contrivance, component, or  
23 machine, including a slot machine, used directly or indirectly in connection with  
24 gaming or any game, which affects the result of a wager by determining wins or  
25 losses.

26 ~~(5)~~(9) "License" means the authorization applied for by or issued to the  
27 owner of an eligible facility by the board to conduct slot machine gaming at an  
28 eligible facility issued pursuant to the provisions of this Chapter. "License" also  
29 means the authorization issued by the board to a slot machine owner, a manufacturer,

1 distributor, or a service technician to participate in slot machine gaming operations  
2 at eligible facilities.

3 ~~(6)~~**(10)** "Licensee" means any person issued a license by the board.

4 ~~(7)~~**(11)** "Manufacturer" means any person who manufactures or assembles  
5 and programs slot machines for use in this state.

6 ~~(8)~~**(12)** "Net slot machine proceeds" means the total of all cash and property  
7 received by a licensee from slot machine gaming operations minus the amount of  
8 cash or prizes paid to winners.

9 ~~(9)~~**(13)** "Person" shall have the same meaning as that term defined in R.S.  
10 27:3.

11 ~~(10)~~**(14)** "Service technician" means any person other than a licensee or  
12 manufacturer who repairs, services, inspects, or examines slot machines.

13 ~~(11) Repealed by Acts 2001, No. 1222, §2, eff. July 2, 2001.~~

14 ~~(12)~~**(15)** "Slot machine gaming" means the use, operation, offering, or  
15 conducting of slot machines at an eligible facility in accordance with the provisions  
16 of this Chapter.

17 ~~(13)~~**(16)** "Taxable net slot machine proceeds" means "net slot machine  
18 proceeds" less the amount of support, payment, or contributions required as provided  
19 in R.S. 27:361(B)(4).

20 ~~(14)~~**(17)** "Slot machine" means any mechanical, electrical, or other device,  
21 contrivance, or machine which, upon insertion of a coin, token, or similar object  
22 therein or upon payment of any consideration whatsoever, is available to play or  
23 operate, the play or operation of which, whether by reason of the skill of the operator  
24 or application of the element of chance, or both, may deliver or entitle the person  
25 playing or operating the machine to receive cash, premiums, merchandise, tokens,  
26 or anything of value, whether the payoff is made automatically from the machine or  
27 in any other manner.

28 \* \* \*

29 **§412.1 Sports event wagering**

1                    **A. If approved in a referendum election in a parish, a qualified**  
 2                    **establishment licensed by the board for the operation of video draw poker**  
 3                    **devices may conduct sports betting or wagering on any type of sports event,**  
 4                    **including but not limited to football, basketball, baseball, hockey, boxing,**  
 5                    **tennis, wrestling, jai alai, or other sports contest or event.**

6                    **B. The Louisiana Gaming Control Board shall promulgate rules and**  
 7                    **regulations for the conduct of sports wagering by qualified establishments**  
 8                    **licensed in accordance with this Chapter.**

9                    Section 3. The provisions of this Act shall not be construed to limit or in any way  
 10                    affect the authority of the Louisiana Gaming Control Board to license and regulate gaming  
 11                    activities and operations.

12                    Section 4. Section 2 of this Act shall not become effective unless and until the  
 13                    statewide referendum passes.

14                    Section 5. Sections 1, 3, 4 and this Section shall become effective upon signature by  
 15                    the governor or, if not signed by the governor, upon expiration of the time for bills to  
 16                    become law without signature by the governor, as provided by Article III, Section 18 of the  
 17                    Constitution of Louisiana. If vetoed by the governor and subsequently approved by the  
 18                    legislature, this Act shall become effective on the day following such approval.

---

The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

---

DIGEST

SB 266 Engrossed                    2018 Regular Session                    Martiny

Proposed law calls for a statewide referendum election in to be held on November 6, 2018, at the congressional primary election.

Proposed law provides that the proposition on the ballot shall read: "Shall sports wagering be a form of gaming allowed in this parish, pursuant to a gaming license and with the prior approval of the Louisiana Gaming Control Board, all in accordance with Louisiana Gaming Control Law?"

Proposed law provides that if a majority of those voting vote in favor of the proposition in a particular parish, a riverboat gaming license holder, land based casino license holder, video draw poker license holder and a pari-mutual live racing license holder of that parish may engage in sports wagering.

Proposed law provides that the licensee shall remain subject to the regulatory authority of

the board and present law.

Proposed law provides that the election shall be conducted pursuant to the La. Election Code.

Present law provides for certain forms of authorized gaming activities.

Proposed law adds sports wagering as an authorized form of gaming for riverboat licensees, the land based casino licensee, video draw poker licensees, and pari-mutual live racing licensees and otherwise retains present law.

Provides the provisions regarding the referendum election shall become effective upon signature of the governor or lapse of time for gubernatorial action.

Provides that provisions regarding sports wagering becoming an authorized form of gaming shall become effective only upon a favorable vote on the referendum.

(Amends R.S. 27:44(10), 205(12), and 353; adds R.S. 18:1300.24 and R.S. 27:412.1)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Clarifies that the referendum must be approved in the parish for sports wagering to become a legal form of gaming in the parish.
2. Adds pari-mutual live racing licensees and video draw poker licensees as authorized conductors of sports wagering.