

2018 Regular Session

SENATE BILL NO. 316

BY SENATORS JOHNS AND GARY SMITH

RIVERBOAT GAMING. Provides relative to riverboat gaming. (gov sig)

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AN ACT

To amend and reenact R.S. 27:15(B)(8)(b), 44(4) and (14) through (25), and 66(B)(1), and to enact R.S. 27:44(26) and 67, relative to the Louisiana Riverboat Economic Development and Gaming Control Act; to provide relative to the Louisiana Gaming Control Board; to provide relative to gaming activity locations; to provide relative to economic development plan applications for relocating gaming operations; to provide relative to requirements of a riverboat; to provide relative to designated gaming area; to provide for limitations; to provide for definitions; to provide for rulemaking; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:15(B)(8)(b), 44(4) and (14) through (25), and 66(B)(1) are hereby amended and reenacted and R.S. 27:44(26) and 67 are hereby enacted to read as follows:

§15. Board's authority; responsibilities

* * *

B. The board shall:

* * *

(8)(a)

* * *

1 (b) Promulgate rules and regulations in accordance with the Administrative
2 Procedure Act as necessary for the administration and enforcement of R.S. 27:~~44~~**(4)**
3 **and (14), 67,** 94, 252, and 394.

4 * * *

5 §44. Definitions

6 * * *

7 (4) "Designated gaming area" means that portion of a riverboat in which
8 gaming activities may be conducted. Such designated gaming area shall not exceed
9 sixty percent of the total square footage of the passenger access area of the vessel or
10 thirty thousand square feet, whichever is lesser **two thousand three hundred sixty**
11 **five gaming positions, subject to the rules and regulations of the board.**

12 * * *

13 **(14) "Gaming position" means a gaming device seat or a space at a table**
14 **game. Each gaming device seat shall be counted as one position and each space**
15 **at a table game shall be counted as one position, subject to the rules and**
16 **regulations of the board. The board shall specifically provide by rule for the**
17 **counting of gaming positions for devices and games where seats and spaces are**
18 **not readily countable.**

19 ~~(14)~~**(15)** "License" or "gaming license" means a license or authorization to
20 conduct gaming activities on a riverboat issued pursuant to the provisions of this
21 Chapter.

22 ~~(15)~~**(16)** "Net gaming proceeds" means the total of all cash and property,
23 including checks received by a licensee, whether collected or not, received by the
24 licensee from gaming operations, less the total of all cash paid out as winnings to
25 patrons.

26 ~~(16)~~**(17)** "Non-certificated vessel" means a riverboat vessel which does not
27 hold a Certificate of Inspection issued by the United States Coast Guard. Such
28 vessels may include those that formerly held a Certificate of Inspection issued by the
29 United States Coast Guard and those for which the Coast Guard declines to issue a

1 Certificate of Inspection.

2 ~~(17)~~**(18)** "Passenger" means a natural person who is present on a riverboat but
3 has no part in the vessel's operation.

4 ~~(18)~~**(19)** "Permit" shall have the same meaning as that term defined in R.S.
5 27:3.

6 ~~(19)~~**(20)** "Permittee" shall have the same meaning as that term defined in R.S.
7 27:3.

8 ~~(20)~~**(21)** "Person" shall have the same meaning as that term defined in R.S.
9 27:3.

10 ~~(21)~~**(22)** "Racehorse wagering" means wagers placed on horse racing
11 conducted under the pari-mutuel form of wagering at licensed racing facilities that
12 is accepted by a licensed racehorse wagering operator under the provisions of this
13 Chapter.

14 ~~(22)~~**(23)** "Racehorse wagering operator" means the licensed racing
15 association whose facility is located closest to the licensed berth of the riverboat on
16 which gaming activities are approved.

17 ~~(23)~~**(24)** "Riverboat" means a vessel or facility which:

18 (a) Carries a valid Certificate of Inspection issued by the United States Coast
19 Guard with regard to the carriage of passengers on designated rivers or waterways
20 within or contiguous to the boundaries of the state of Louisiana.

21 (b) Carries a valid Certificate of Inspection from the United States Coast
22 Guard for the carriage of a minimum of six hundred passengers and crew.

23 (c) Has a minimum length of one hundred fifty feet.

24 (d) Is of such type and design so as to replicate as nearly as practicable
25 historic Louisiana river borne steamboat passenger vessels of the nineteenth century
26 era. It shall not, however, be a requirement that the vessel be ~~steam-propelled;~~

27 **(i) Steam-propelled** or maintain overnight facilities for its passengers.

28 **(ii) Paddlewheel driven or have an operable paddlewheel.**

29 (e) ~~Is paddlewheel driven~~ **Is approved by the board and located within one**

1 thousand two hundred feet of a riverboat's licensed berth. Such facilities shall
2 be inspected pursuant to R.S. 27:44.1(D)(1)(b).

3 ~~(24)~~(25) "Slot machine" means any mechanical, electrical, or other device,
4 contrivance, or machine which, upon insertion of a coin, token, or similar object
5 therein or upon payment of any consideration whatsoever, is available to play or
6 operate, the play or operation of which, whether by reason of the skill of the operator
7 or application of the element of chance, or both, may deliver or entitle the person
8 playing or operating the machine to receive cash, premiums, merchandise, tokens,
9 or anything of value, whether the payoff is made automatically from the machine or
10 in any other manner.

11 ~~(25)~~(26) "Supervisor" means the person in charge of the division.

12 * * *

13 §66. Gaming while a riverboat is docked in the parish of the official gaming
14 establishment

15 * * *

16 B. Notwithstanding any provision in this Chapter to the contrary, the
17 provisions of R.S. 27:65(B)(1)(c) and 66 shall apply to not more than one licensed
18 riverboat at any time which must be located on Lake Pontchartrain in the parish of
19 the official gaming establishment as defined in R.S. 27:203 and 205(26) if and only
20 if:

21 (1) Such riverboat conducts gaming activities ~~in an area not exceeding thirty~~
22 ~~thousand square feet in the aggregate~~ only in the designated gaming area;

23 * * *

24 §67. Economic development relocation application; procedure; requirements

25 A. Notwithstanding any provision of law to the contrary, a licensee may
26 submit an application to the board to relocate its gaming operations to a facility
27 located within one thousand two hundred feet of the riverboat's licensed berth.

28 B. Such application must include the licensee's relocation plan, detailed
29 capital improvement and reinvestment plan, and any other information

1 required by the board. The board shall prescribe the form and manner of
2 submission for the applications described in this Section.

3 C. All gaming operations shall be conducted in accordance with the
4 terms of the license, the requirements of this Title, and rules and regulations
5 adopted by the division and the board.

6 Section 2. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 316 Original

2018 Regular Session

Johns

Present law provides for the authority of the Louisiana Gaming Control Board (the board) to regulate all gaming activities and operations in the state.

Proposed law provides that the board shall promulgate rules and regulations necessary for the administration of the provisions of proposed law and otherwise retains present law.

Present law defines "designated gaming area" as that portion of a riverboat in which gaming activities may be conducted. Present law further provides that the designated gaming area may not exceed 60% of the total square footage of the passenger access area of the vessel or 30,000 square feet, whichever is lesser.

Proposed law provides that the designated gaming area may not exceed 2,365 gaming positions and otherwise retains present law.

Proposed law defines "gaming position" as a seat at a gaming device or a space at a table game with each device seat counted as one position and each space at a table game counted as one position, subject to the rules and regulations of the board. Proposed law specifically requires the board to provide by rule for the counting of gaming positions for devices and games where seats are not readily countable.

Present law provides that a riverboat must be paddlewheel driven.

Proposed law deletes present law requirement and provides that a riverboat does not have to have an operable paddlewheel or be paddlewheel driven.

Proposed law adds a facility that is approved by the board and located within 1,200 feet of a riverboat's licensed berth to the definition of "riverboat". Further provides for the inspection of such facilities.

Proposed law provides that a licensee may submit an application to the board to move its gaming operations to a facility located within 1,200 feet of the riverboat's licensed berth.

Proposed law provides that such an application must include the licensee's relocation plan, detailed capital improvement and reinvestment plan, and any other information required by the board.

Proposed law provides that the board shall prescribe the form and manner of submission for economic development relocation applications.

Proposed law provides that the gaming operations of a licensee be conducted in accordance with the terms of the license, the requirements of this Title, and rules and regulations adopted by the division and the board.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 27:15(B)(8)(b), 44(4) and (14) – (25), and 66(B)(1); adds R.S. 27:44(26) and 67)