

2018 Regular Session

SENATE BILL NO. 318

BY SENATOR MARTINY

GAMING. Provides relative to riverboat gaming. (8/1/18)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact R.S. 27:15(B)(8)(b), 44(4) and (14) through (25), 65(B)(15), and 66(B)(1), and to enact R.S. 27:44(26) and 65(B)(16), 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 designated gaming area; to provide for tournaments; to provide relative to requirements of a riverboat; to define gaming positions; 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), 65(B)(15), and 66(B)(1) are hereby amended and reenacted and R.S. 27:44(26) and 65(B)(16) are hereby enacted to read as follows:

§15. Board's authority; responsibilities

* * *

B. The board shall:

* * *

1 (8)(a) * * *

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

5 * * *

6 §44. Definitions

7 * * *

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

13 * * *

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

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

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

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

1 United States Coast Guard and those for which the Coast Guard declines to issue a
2 Certificate of Inspection.

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

5 ~~(18)~~**(19)** "Permit" shall have the same meaning as that term defined in R.S.
6 27:3.

7 ~~(19)~~**(20)** "Permittee" shall have the same meaning as that term defined in R.S.
8 27:3.

9 ~~(20)~~**(21)** "Person" shall have the same meaning as that term defined in R.S.
10 27:3.

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

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

18 ~~(23)~~**(24)** "Riverboat" means a vessel **or facility** which:

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

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

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

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

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

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

1 (e) ~~Is paddlewheel driven~~ **Is approved by the board and a portion of its**
 2 **designated gaming area is located within one thousand two hundred feet of a**
 3 **riverboat's licensed berth. Such facilities shall be inspected pursuant to R.S.**
 4 **27:44.1(D)(1)(b).**

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

13 ~~(25)~~**(26)** "Supervisor" means the person in charge of the division.

14 * * *

15 §65. Licenses to conduct gaming activities upon riverboats; limitations

16 * * *

17 B. * * *

18 **(15) Licensees may conduct no more than four tournaments per year in**
 19 **which the gaming positions utilized for tournament play are not considered part**
 20 **of the licensee's total number of gaming positions. A tournament conducted**
 21 **pursuant to this Paragraph may be conducted outside of the designated gaming**
 22 **area and shall be no more than fourteen days in length.**

23 **(16)** In addition to the above, gaming must be conducted in accordance with
 24 all the terms of the license, the requirements set forth in this Chapter, and rules and
 25 regulations adopted by the division and the board.

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

28 * * *

29 B. Notwithstanding any provision in this Chapter to the contrary, the

1 provisions of R.S. 27:65(B)(1)(c) and 66 shall apply to not more than one licensed
 2 riverboat at any time which must be located on Lake Pontchartrain in the parish of
 3 the official gaming establishment as defined in R.S. 27:203 and 205(26) if and only
 4 if:

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

7 * * *

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

DIGEST

SB 318 Engrossed

2018 Regular Session

Martiny

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 requires a riverboat to 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 has a portion of its designated gaming area 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 licensees may not conduct more than four tournaments per year in which the gaming positions utilized for tournament play are not considered part of the licensee's total number of gaming positions. Further provides that such tournaments may be conducted outside of the designated gaming area and cannot be more than fourteen days in length.

Effective August 1, 2018.

(Amends R.S. 27:15(B)(8)(b), 44(4) and (14) through (25), 65(B)(15), and 66(B)(1); adds R.S. 27:44(26) and 65(B)(16))

Summary of Amendments Adopted by Senate

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

- 1 Clarifies the definition of "riverboat" by providing that the facility must have a portion of the designated gaming area within 1,200 feet of the riverboat's licensed berth.
2. Adds that licensees may conduct no more than four tournaments per year in which the gaming positions used for tournament play are not counted as part of the licensee's total number of gaming positions and that such tournaments can take place outside the designated gaming area and cannot be more than fourteen days in length.