HLS 21RS-826 ORIGINAL

2021 Regular Session

HOUSE BILL NO. 497

1

BY REPRESENTATIVE DUBUISSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

GAMBLING/RIVERBOAT: Provides for a referendum election in St. Tammany Parish regarding riverboat gaming

AN ACT

2	To enact R.S. 18:1300.25 and 1300.26 and R.S. 27:93(A)(12) and to repeal R.S.
3	18:1300.21(I), relative to riverboat gaming operations; to authorize the calling and
4	conducting of certain referendum elections in St. Tammany Parish necessary to
5	authorize the conducting of riverboat gaming at a designated berth or facility; to
6	provide for the submission of propositions by the governing authority of St.
7	Tammany Parish; to provide relative to the approval of the propositions by the
8	voters; to provide for procedures for authorized elections; to provide for the levying
9	of a fee; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 18:1300.25 and 1300.26 are hereby enacted to read as follows:
12	§1300.25. Riverboat gaming elections; procedure; St. Tammany Parish; riverboat
13	gaming authorization
14	A. The governing authority of St. Tammany Parish, by resolution, may call
15	a referendum election as required by Article XII, Section 6(C)(1)(b) of the
16	Constitution of Louisiana, to be held in the parish on an appropriate date as specified
17	in R.S. 18:402, to be selected by the parish governing authority, to consider the
18	proposition of whether to allow riverboat gaming operations and activities to be
19	conducted in St. Tammany Parish. The proposition to be printed on the election
20	ballot shall be:

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	"Shall gaming operations and activities allowed under the Louisiana
2	Riverboat Economic Development and Gaming Control Act be
3	authorized in St. Tammany Parish? Yes () No (). (As required by
4	Article XII, Section 6(C)(1)(b) of the Constitution of Louisiana)."
5	B. Except as otherwise provided in this Section, the election shall be
6	conducted as provided in Chapter 6-B of this Title, including but not limited to those
7	provisions providing for the responsibility of the parish governing authority to
8	provide notice to the public as provided by law.
9	§1300.26. Riverboat Gaming Elections; St. Tammany Parish; specific locations
10	A. If the election authorized by the provision of R.S. 18:1300.25(A) is held
11	and if the proposition authorized by that provision is approved by a majority of the
12	electors voting thereon, then any riverboat gaming licensee desiring to conduct
13	riverboat gaming operations or activities at a specified berth or docking facility in
14	St. Tammany Parish on the approved portion of Lake Pontchartrain in St. Tammany
15	Parish as provided for in Subsection B of this Section, shall apply to the Louisiana
16	Gaming Control Board for authorization to conduct riverboat gaming operations or
17	activities at that berth or docking facility, subject to the outcome of the election
18	authorized by the provisions of this Section.
19	B. If the Louisiana Gaming Control Board authorizes any riverboat gaming
20	licensee to conduct riverboat gaming operations or activities at a specific berth or
21	docking facility in eastern St. Tammany Parish along the portions of Lake
22	Pontchartrain that are part of the Lakeshore Marina located south and east of
23	Interstate 10, Exit 261, subject to the outcome of the election authorized by the
24	provisions of this Section, then the governing authority of St. Tammany Parish, by
25	resolution, shall call a referendum election as required by Article XII, Section
26	6(C)(2) of the Constitution of Louisiana, to be held in the parish on an appropriate
27	date as specified in R.S. 18:402, to be selected by the parish governing authority, to
28	consider the proposition of whether to allow each riverboat gaming licensee which
29	has been authorized by the Louisiana Gaming Control Board to conduct riverboat

1	gaming operations or activities at that specified berth or docking facility in St.
2	Tammany Parish.
3	C. The governing authority of St. Tammany Parish shall include in the
4	proposition to be printed on the election ballot the name of each licensee and the
5	location of each berth or docking facility which has been authorized by the Louisiana
6	Gaming Control Board to conduct riverboat gaming operations or activities as
7	provided in this Section. The proposition to be printed on the election ballot shall
8	<u>be:</u>
9	"Shall (Name of licensee approved by the Louisiana Gaming Control
10	Board) be allowed to conduct gaming operations and
11	activities allowed under the Louisiana Riverboat Economic
12	Development and Gaming Control Act at a berth or docking facility
13	located along the portions of Lake Pontchartrain that are part of the
14	Lakeshore Marina located south and east of Interstate 10, Exit 261 in
15	eastern St. Tammany Parish? Yes () No (). (As required by
16	Article XII, Section 6(C)(2) of the Constitution of Louisiana)."
17	D. If the Louisiana Gaming Control Board authorizes any riverboat gaming
18	licensee to conduct riverboat gaming operations or activities in St. Tammany Parish
19	as provided for in this Section, then the governing authority of St. Tammany Parish
20	may call a separate election for each licensee or may call one election for all
21	licensees.
22	E. Except as otherwise provided in this Section, the election shall be
23	conducted as provided in Chapter 6-B of this Title, including but not limited to those
24	provisions providing for the responsibility of the parish governing authority to
25	provide notice to the public as provided by law.
26	F. As used in this Section, "riverboat gaming" means the holder of a license
27	to conduct riverboat gaming operations or activities issued by the Louisiana Gaming
28	Control Board pursuant to the provisions of R.S. 27:1 et seq.
29	Section 2. R.S. 27:93(A)(12) is hereby enacted to read as follows:

1 §93. Authorization of local governing authorities; fees; regulation; local option 2 Α. 3 4 (12) In St. Tammany Parish, in lieu of the admission fee authorized by the provisions of Paragraph (1) of this Subsection, the governing authority of the 5 6 location of the berthing facility may levy a fee not to exceed five percent of the 7 monthly net gaming proceeds from each riverboat located within the jurisdiction of 8 that governing authority. The amount of the fee shall be established by a 9 "Community Agreement" between the St. Tammany Parish Development District 10 and the riverboat licensee. 11 12 Section 3. R.S. 18:1300.21(I) is hereby repealed in its entirety. 13 Section 4. This Act shall become effective upon signature by the governor or, if not 14 signed by the governor, upon expiration of the time for bills to become law without signature 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become 17 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 497 Original

2021 Regular Session

DuBuisson

Abstract: Provides for referendum elections necessary to authorize and conduct riverboat gaming operations in St. Tammany Parish.

<u>Present law</u> provides that the conducting of gaming activities on a riverboat is authorized only upon certain rivers or waterways designated by law. <u>Present law</u> provides that such designated rivers and waterways shall include those portions of the Mississippi, Red, except the portion of the Red River within the borders of Rapides Parish, Calcasieu, Mermentau, or Atchafalaya Rivers and Bayou Segnette within the city limits of Westwego, the Mississippi River Gulf Outlet, Bayou Bienvenue, Lake Pontchartrain, Lake Maurepas, Lake Charles, the Intracoastal Waterway, except the portion thereof within the borders of Terrebonne and Lafourche Parishes, and the Sabine River north of the Toledo Bend Reservoir Dam.

<u>Present law</u> authorizes the governing authority of any parish which borders the proposed river's or waterway's banks to order, by resolution, an election to permit voters in such parish

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to decide the question of whether the berthing of a riverboat upon which gaming is conducted on such river or waterway shall be authorized.

<u>Present law</u> prohibits riverboat gaming activities from being conducted upon a riverboat berthed or docked at a facility on that portion of Lake Pontchartrain or any waterway connected thereto located within St. Tammany Parish.

<u>Present law</u> authorizes the governing authority of the parish or municipality in which the licensed berth of a riverboat is located to levy an admission fee of up to \$2.50 for each passenger boarding or embarking upon the riverboat.

Proposed law provides for the following:

- (1) Provides that the governing authority of St. Tammany Parish, by resolution, may call a referendum election to consider the following propositions:
 - (a) Whether to allow gaming operations and activities allowed under the La. Riverboat Economic Development and Gaming Control Act to be conducted in St. Tammany Parish as required by <u>present constitution</u> (La. Const. Art. XII, §6(C)(1)(b)).
 - (b) Whether a licensee approved by the La. Gaming Control Board shall be allowed to conduct gaming operations and activities allowed under the La. Riverboat Economic Development and Gaming Control Act at a berth or docking facility located along the portions of Lake Pontchartrain that are part of the Lakeshore Marina located south and east of Interstate 10, Exit 261 in eastern St. Tammany Parish.
- (2) If these propositions are approved, then a riverboat gaming licensee desiring to conduct riverboat gaming operations or activities at the specified berth or docking facility in St. Tammany Parish on the approved portion of Lake Pontchartrain shall apply to the La. Gaming Control Board for authorization to conduct riverboat gaming operations or activities at that berth or docking facility, subject to the outcome of another referendum election.
- (3) If the La. Gaming Control Board authorizes one or more riverboat gaming licensees pursuant to the provisions of <u>proposed law</u>, the governing authority of St. Tammany Parish, by resolution, shall call a referendum election to consider a proposition on whether a specified riverboat gaming licensee shall be allowed to conduct riverboat gaming operations or activities at a specified berth or docking facility in St. Tammany Parish, as required by present constitution (La. Const. Art. XII, §6(C)(2)).
- (4) Except as otherwise provided by <u>proposed law</u>, all elections provided for by the provisions of <u>proposed law</u> shall be conducted as provided in the <u>present law</u> election code including but not limited to those provisions providing for the responsibility of the parish governing authority to provide notice to the public as provided by law.
- (5) Provides that the elections shall be held in St. Tammany Parish on an appropriate date as specified in the election code, to be selected by the governing authority of St. Tammany Parish.
- (6) Provides that if the elections authorized by the provisions of <u>proposed law</u> are held and if the propositions are approved by a majority of the electors voting thereon, then in lieu of the admission fee authorized by <u>present law</u> (R.S. 27:93(A)), the governing authority of the location of the berthing facility may levy a fee not to exceed five percent of the monthly net gaming proceeds from each riverboat located within the jurisdiction of the governing authority. Requires the monthly fee to be established

- by a "Community Agreement" between the St. Tammany Parish Development District and the riverboat licensee.
- (7) Repeals the <u>present law</u> provision that prohibits riverboat gaming activities from being conducted upon a riverboat berthed or docked at a facility on that portion of Lake Pontchartrain or any waterway connected thereto located within St. Tammany Parish.

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

(Adds R.S. 18:1300.25 and 1300.26 and R.S. 27:93(A)(12); Repeals R.S. 18:1300.21(I))