

2018 Regular Session

HOUSE BILL NO. 245

BY REPRESENTATIVE THIBAUT

GAMING: Authorizes additional games and sports betting at eligible live horse racing facilities

1 AN ACT

2 To amend and reenact R.S. 27:353 and to enact R.S. 27:372.2 and 382, relative to gaming
3 activities at live horse racing facilities; to authorize the conducting of gaming
4 activities including sports betting at eligible live horse racing facilities; to provide
5 for definitions; to require and provide for a local election regarding gaming
6 activities; to provide limitations on an eligible facility located in Orleans Parish; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 27:353 is hereby amended and reenacted and R.S. 27:372.2 and 382
10 are hereby enacted to read as follows:

11 §353. Definitions

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

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

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

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

2 (4) "Eligible facility" means no more than one facility in St. Landry Parish,
3 Bossier Parish, Orleans Parish, and Calcasieu Parish at which the Louisiana State
4 Racing Commission has licensed the conduct or at which the commission has
5 approved the future licensing of the conduct of not less than eighty days within a
6 consecutive twenty-week period each year of live horse race meetings, unless the
7 commission approves the conduct of less than eighty days within a consecutive
8 twenty-week period or a different consecutive or nonconsecutive period, whenever
9 an eligible facility is prevented from conducting live racing as a result of a natural
10 disaster, an act of God, force majeure, a catastrophe, or such other occurrence over
11 which the eligible facility has no control. Such a determination by the commission
12 shall not adversely affect the status of the eligible facility to conduct slot machine
13 gaming. For the 2005 racing season, "eligible facility" shall also include the facility
14 in St. Landry Parish that will not be able to meet such requirements due to repairs or
15 construction to the racetrack which are necessary in order to protect the safety of
16 riders and thoroughbred racehorses and to preserve the revenues to be received and
17 distributed to the state and local governments at such facility or as otherwise
18 provided in R.S. 4:214.1.

19 ~~(4.1)~~(5) "Emergency evacuation route" means those areas within the
20 designated slot machine gaming area of a licensed eligible facility which are clearly
21 defined and identified by the licensee as necessary and approved by the state fire
22 marshal or other federal or state regulatory agency for the evacuation of patrons and
23 employees from the facility, and from which and in which no gaming activity may
24 occur.

25 (6) "Game" means any banking or percentage game which is played with
26 cards, dice, or any electronic, electrical, or mechanical device or machine for money,
27 property, or any thing of value. "Game" shall also include racehorse wagering, or
28 any wagering on any type of sports event, including but not limited to football,
29 basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest

1 or event. "Game" shall not include a lottery, bingo, pull tabs, raffles, electronic
2 video bingo, cable television bingo, or dog race wagering.

3 (7) "Gaming activities" or "gaming operations" means the use, operation, or
4 conducting of any game or gaming device at an eligible facility including all
5 activities related to and integral to the operation and profitability of an eligible
6 facility including accounting procedures and internal controls governing the
7 licensee's operations.

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

12 ~~(5)~~(9) "License" means the authorization applied for by or issued to the
13 owner of an eligible facility by the board to conduct slot machine gaming at an
14 eligible facility issued pursuant to the provisions of this Chapter. "License" also
15 means the authorization issued by the board to a slot machine owner, a manufacturer,
16 distributor, or a service technician to participate in slot machine gaming operations
17 at eligible facilities.

18 ~~(6)~~(10) "Licensee" means any person issued a license by the board.

19 ~~(7)~~(11) "Manufacturer" means any person who manufactures or assembles
20 and programs slot machines for use in this state.

21 ~~(8)~~(12) "Net slot machine proceeds" means the total of all cash and property
22 received by a licensee from slot machine gaming operations minus the amount of
23 cash or prizes paid to winners.

24 ~~(9)~~(13) "Person" shall have the same meaning as that term defined in R.S.
25 27:3.

26 ~~(10)~~(14) "Service technician" means any person other than a licensee or
27 manufacturer who repairs, services, inspects, or examines slot machines.

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

1 a fixed number of slot machines which may be placed in the designated gaming area
2 provided for in R.S. 27:372.

3 C. An eligible facility located in Orleans Parish shall be subject to all
4 licensing requirements and limitations provided by this Chapter in addition to the
5 provisions of this Section.

6 * * *

7 §382. Parishwide election on gaming activities

8 A. Notwithstanding any provision of law to the contrary, no gaming
9 activities shall be allowed in an eligible facility in any parish unless the operation
10 and conducting of gaming activities pursuant to this Chapter has first been approved
11 at an election held for such purpose.

12 B. Any person desiring to operate and conduct gaming activities at an
13 eligible facility in a parish shall make application to the governing authority of the
14 parish in which the proposed gaming activities are to be conducted. The application
15 shall state the location of the proposed gaming activities and describe the facilities
16 proposed to be constructed for the holding of gaming activities and shall have
17 attached the license, or a certified copy thereof, for the live horse race meeting issued
18 by the Louisiana State Racing Commission to conduct such live horse racing at the
19 eligible facility.

20 C. Upon receipt of the application, the governing authority of the parish in
21 which the gaming activities are proposed to be held shall call and conduct a
22 referendum election within the parish for the purpose of submitting to the qualified
23 electors of the parish the proposition whether or not the proposed gaming activities
24 shall be allowed.

25 D. Except as provided in this Section, the elections shall be held in
26 compliance with the Louisiana Election Code provisions governing proposition
27 elections. In addition to the notice required by the Louisiana Election Code, the
28 parish governing authority also shall have five spot announcements, at least two days
29 apart, of the election broadcast on radio or television channels readily receivable in

1 the parish and shall make notice of the election available to the news media. All
2 qualified electors of the parish shall be entitled to vote in the election.

3 E. The proposition to be printed on the election ballot shall be: "TO
4 AUTHORIZE GAMING ACTIVITIES AT LIVE HORSE RACING FACILITIES.
5 Shall the business of gaming activities at a live horse racing facility be conducted
6 within the parish of _____" and the voters shall vote for or against the
7 proposition, a vote for the proposition being a "Yes" vote and a vote against the
8 proposition being a "No" vote. The election shall be conducted as provided in the
9 Louisiana Election Code. Any elector who was qualified to vote in the election may
10 demand a recount of the ballots or contest the election in the manner and within the
11 time provided by law for recount or contest of elections under the general election
12 laws of the state.

13 F. The parish governing authority shall notify the applicant and the Gaming
14 Control Board promptly of the results of the election. If gaming activities have been
15 approved, the applicant may proceed in accordance with the provisions of this
16 Chapter and rules adopted pursuant to the authority of this Chapter. If the proposed
17 gaming activities have not been approved at the election, the board shall not grant a
18 license therefor and shall not accept or consider an application for such a license in
19 the same parish. The parish governing authority shall not call a subsequent election
20 pursuant to the provisions of this Section until the expiration of at least two years
21 from the date of the previous election at which the gaming activities in the parish was
22 disapproved.

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 245 Original

2018 Regular Session

Thibaut

Abstract: Authorizes the conducting of additional gaming activities and sports betting at eligible live horse racing facilities if approved by local option election.

Present law provides for the operation of slot machines at eligible live horse racing facilities.

Present law provides for operation of gaming activities at the official gaming establishment (land-based casino in Orleans Parish) and on licensed riverboats.

Proposed law retains these provisions of present law.

Proposed law authorizes the conducting of gaming activities at eligible live horse racing facilities.

Present law defines "game" for riverboats and the land-based casino as any banking or percentage game which is played with cards, dice, or any electronic, electrical, or mechanical device or machine for money, property, or any thing of value. "Game" does not include a lottery, bingo, pull tabs, raffles, electronic video bingo, cable television bingo, dog race wagering, or any wagering on any type of sports event, including but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event. Game shall also include racehorse wagering.

Proposed law defines "game" for an eligible horse racing facility as any banking or percentage game which is played with cards, dice, or any electronic, electrical, or mechanical device or machine for money, property, or any thing of value. "Game" shall also include racehorse wagering, or any wagering on any type of sports event, including but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event. "Game" shall not include a lottery, bingo, pull tabs, raffles, electronic video bingo, cable television bingo, or dog race wagering.

Proposed law allows eligible horse racing facilities to operate and conduct the same gaming activities conducted at the land-based casino and on licensed riverboats. Proposed law further amends the definition of "game" to include sports betting.

Proposed law provides for the conducting of a local option election in compliance with Article XII §6(C) of the Louisiana Constitution and prohibits the licensing of the additional gaming activities without a favorable vote of the people of the parish where the gaming will be conducted.

(Amends R.S. 27:353; Adds R.S. 27:372.2 and 382)