

2020 Regular Session

HOUSE BILL NO. 357

BY REPRESENTATIVE MAGEE

GAMING: Provides for a proposition election to authorize sports wagering in Louisiana

1 AN ACT

2 To enact R.S. 14:90(E) and 90.3(K), R.S. 18:1300.24, and R.S. 27:15.1, relative to sports  
3 wagering; to provide for a proposition election to determine whether sports wagering  
4 activities and operations will be permitted in a parish; to provide for regulatory  
5 authority with the Louisiana Gaming Control Board; to provide relative to exceptions  
6 to crimes of gambling and gambling by computer; to provide relative to  
7 effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:1300.24 is hereby enacted to read as follows:

10 §1300.24. Election on sports wagering

11 A.(1) At the statewide election occurring on November 3, 2020, a  
12 proposition shall appear on the ballot in every parish to determine whether sports  
13 wagering activities and operations shall be permitted in the parish.

14 (2) The ballot for the election shall state as follows:

15 "PROPOSITION TO AUTHORIZE SPORTS WAGERING ACTIVITIES.

16 Shall sports wagering activities and operations be permitted in the parish of

17 \_\_\_\_\_ ?YES ( ) NO ( )"

18 B. The voters shall vote for or against the proposition. A vote for the  
19 proposition being a "YES" vote, and a vote against the proposition being a "NO"  
20 vote.

1           C.(1) If a majority of the qualified electors in the parish voting on the  
2           proposition vote for the proposition, then sports wagering activities and operations  
3           shall be permitted in such parish only after state laws providing for the licensing,  
4           regulation, and taxation of such activity and operations are enacted and become  
5           effective.

6           (2) If a majority of the qualified electors in the parish voting on the  
7           proposition vote against the proposition, then sports wagering activities and  
8           operations shall not be permitted in the parish.

9           D. The secretary of state shall prepare the ballot for the election as set forth  
10           in the provisions of this Section.

11           E. Except as otherwise provided by this Section, the election shall be  
12           conducted in accordance with the Louisiana Election Code.

13           Section 2. R.S. 27:15.1 is hereby enacted to read as follows:

14           §15.1. Sports wagering

15           A. In the event of the legalization of sports wagering in any parish as a result  
16           of the proposition election held on November 3, 2020, the Louisiana Gaming Control  
17           Board shall have all regulatory authority, control, and jurisdiction, including  
18           investigation, licensing, and enforcement, and all power incidental or necessary to  
19           such regulatory authority, control, and jurisdiction over all aspects of sports  
20           wagering activities and operations, except as otherwise specified in this Title.

21           B. For purposes of this Section, "sports wagering" shall be defined as the  
22           business of accepting wagers on any sports event or sports contest by any system or  
23           method of wagering.

24           Section 3. R.S. 14:90(E) and 90.3(K) are hereby enacted to read as follows:

25           §90. Gambling

26   \*       \*       \*

27           E. Participation in sports wagering as defined by R.S. 27:15.1 shall not be  
28           considered gambling for the purposes of this Section.

29   \*       \*       \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §90.3. Gambling by computer

2 \* \* \*

3 K. Participation in sports wagering as defined by R.S. 27: 15.1 shall not be  
4 considered gambling by computer for the purposes of this Section.

5 Section 4. R.S. 18:1300.24 shall be considered a special law for purposes of  
6 Louisiana Constitution Article XII, Section 6(C)(4).

7 Section 5. Section 2 of this Act shall become effective January 1, 2021, if in the  
8 statewide election to be held on November 3, 2020, a majority of the qualified electors in  
9 at least one parish in the state vote to approve the proposition to permit sports wagering in  
10 such parish. However, sports wagering shall not be authorized by the Louisiana Gaming  
11 Control Board in such parish until state laws providing for the licensing, regulation, and  
12 taxation of sports wagering activities and operations are enacted and become effective.

13 Section 6. Section 3 of this Act shall become effective upon the enactment of laws  
14 relative to the licensing, regulation, and taxation of revenue relative to sports wagering.

15 Section 7. This Section and Sections 1, 4, 5, and 6 shall become effective June 10,  
16 2020.

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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)]

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HB 357 Engrossed

2020 Regular Session

Magee

**Abstract:** Requires a proposition election to determine whether sports wagering shall be permitted in each parish and provides for the regulation of sports wagering.

Proposed law provides for a proposition election to determine whether sports wagering activities and operations will be permitted in a particular parish. Provides that the proposition shall appear on the ballot in every parish at the statewide election occurring on Nov. 3, 2020.

Proposed law provides that if a majority of the qualified electors in the parish in the state vote to approve the proposition to permit sports wagering in such parish, then sports wagering activities and operations will be permitted in such parish only after the enactment of state laws providing for the licensing, regulation, and taxation of such activities and operations.

Proposed law further provides that if a majority of the qualified electors in the parish voting on the proposition vote against the proposition, then sports wagering activities and operations will not be permitted in the parish.

Proposed law provides that in the event of the legalization of sports wagering, the La. Gaming Control Board shall have all regulatory authority, control, and jurisdiction, including investigation, licensing, and enforcement and all power incidental or necessary to such regulatory authority, control, and jurisdiction over all aspects of sports wagering activities and operations. Defines "sports wagering" as the business of accepting wagers on any sports event or sports contest by any system or method of wagering.

Proposed law provides an exception to the present law crimes of gambling (R.S. 14:90) and gambling by computer (R.S. 14:90.3) for sports wagering. Proposed law shall become effective upon the enactment of laws relative to the licensing, regulation, and taxation of revenue relative to sports wagering.

(Adds R.S. 14:90(E) and 90.3(K), R.S. 18:1300.24, and R.S. 27:15.1)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law provisions enacting the "Louisiana Sports Wagering Control Act" which define terms relative to sports wagering.
2. Move proposed law provisions relative to the proposition election on sports wagering to Title 18 rather than Title 27 of the La. Revised Statutes of 1950.
3. Relative to the regulatory authority of the La. Gaming Control Board, require the board to have all regulatory authority, control, and jurisdiction and all power incidental or necessary to such regulatory authority, control, and jurisdiction over all aspects of sports wagering activities and operations.
4. Provide for a definition of "sports wagering".
5. Modify the effective date to certain provisions of proposed law.