

2021 Regular Session

HOUSE BILL NO. 137

BY REPRESENTATIVE DUPLESSIS

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

GAMING/CASINO: Provides relative to non-gaming economic development activities by the casino gaming operator

1 AN ACT

2 To amend and reenact R.S. 27:248(C)(2)(introductory paragraph), (3), (4), and (5), relative  
3 to non-gaming economic development by the casino gaming operator; to provide  
4 relative to the operating force or personnel level; to provide relative to the  
5 employment positions toward the total operating force or personnel level; to provide  
6 relative to the amount credited to the casino gaming operator; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 27:248(C)(2)(introductory paragraph), (3), (4), and (5) are hereby  
10 amended and reenacted to read as follows:

11 §248. Non-gaming economic development by casino gaming operator

12 \* \* \*

13 C. As to non-gaming economic development activities:

14 \* \* \*

15 (2) The total operating force or personnel level ~~of the third-party tenants~~  
16 shall be reported to the board quarterly on the following dates every year:

17 \* \* \*

18 (3) The reported operating force or personnel level for the prior quarter shall  
19 be determined by taking into account the greater of either the three-month average  
20 for the applicable reporting quarter or the highest monthly total during the applicable

1 reporting quarter. The reported operating force or personnel level for the prior  
2 quarter shall be credited to the casino gaming operator for purposes of meeting its  
3 obligations under R.S. 27:244(A)(11), provided that such credit shall be limited to  
4 ~~four hundred employment positions toward~~ no more than half of the total operating  
5 force or personnel level required by R.S. 27:244(A)(11).

6 (4) For purposes of this Section, "operating force or personnel level" shall  
7 mean the number of people employed by the casino and any related non-gaming  
8 entity, including hotel operations, hospitality outlets, third-party tenants, ~~and~~  
9 corporate employees, and any third-party contractors that work at the casino and any  
10 related non-gaming venue, excluding any third-party contractors providing personal  
11 or professional services; provided, however, that the employees of third-party  
12 contractors shall be included only until the capital investment requirement set forth  
13 in R.S. 27:241(A)(2)(b) has been fulfilled.

14 (5) The casino gaming operator shall be credited an amount equal to the ~~pro~~  
15 ~~rata share of~~ compensation to employees of the third-party tenants. The credited  
16 amount shall be applied to the total salary level or compensation reported under R.S.  
17 27:244(A)(12) and shall be calculated based on the total operating force or personnel  
18 level reported pursuant to R.S. ~~27:248(C)(2)~~ Paragraph (2) of this Subsection.

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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 137 Engrossed

2021 Regular Session

Duplessis

**Abstract:** Provides relative to the employment positions reported toward the total operating force or personnel level for non-gaming economic development activities.

Present law (R.S. 27:240 et seq.) provides for the Land-Based Casino Operating Contract and provides for the operations for the land-based casino.

Present law (R.S. 27:248) provides relative to the promotion of non-gaming economic development by the casino gaming operator or an affiliate company through the development of businesses including but not limited to restaurants, entertainment outlets, and retail outlets leased or subleased to third-party tenants or subtenants within, adjacent to, and around the official gaming establishment.

Present law requires the casino gaming operator to report quarterly the total operating force or personnel level of the third-party tenants to the board of directors of the La. Economic Development and Gaming Corporation.

Present law provides that the reported operating force or personnel level for the prior quarter shall be determined by taking into account the greater of either the three-month average for the applicable reporting quarter or the highest monthly total during the applicable reporting quarter. Further provides that the reported operating force or personnel level for the prior quarter shall be credited to the casino gaming operator for purposes of meeting certain present law obligations, provided that such credit is limited to 400 employment positions toward the total operating force or personnel level.

Present law provides that prior to July 15, 2024, the casino operator shall make a capital investment on or around the official gaming establishment of \$325,000,000 subject to an extension for any force majeure event.

Proposed law amends present law to remove the 400 employment positions credited toward the total operating force or personnel level.

Present law defines "operating force or personnel level" as the number of people employed by the casino and any related non-gaming entity, including hotel operations, third-party tenants, and corporate employees.

Present law provides that the casino gaming operator shall not reduce its total operating force or personnel level below 90% of the force or level as such existed on March 8, 2001.

Present law provides that to meet those goals the credit is limited to 400 employment positions.

Proposed law changes present law from 400 positions to not more than half of the total operating force or personnel level to meet those goals.

Proposed law adds hospitality outlet employees to the definition of "operating force or personnel level" and also adds third-party contractor employees provided, however, that the employees of third-party contractors shall be included only until the \$325,000,000 capital investment requirement has been fulfilled.

Proposed law removes third-party tenants from the total operating force or personnel level that is reported to the gaming control board.

Proposed law amends the present law definition to also include employees of any third-party contractors.

Present law provides that the casino gaming operator shall be credited an amount equal to the pro rata share of compensation to employees of the third-party tenants.

Proposed law amends present law to provide that the amount credited to the casino gaming operator is equal to the compensation to employees of the third-party tenants.

(Amends R.S. 27:248(C)(2)(intro. para.), (3), (4), and (5))

#### Summary of Amendments Adopted by House

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

1. Remove third-party tenants from the total operating force or personnel level reported to the gaming control board.

2. Provide that third-party contractor employees are only counted in the total operating force or personnel definition until the \$325,000,000 capital investment is completed.
3. Add hospitality outlet personnel to the definition of "operating force or personnel level".
4. Change the level of positions to meet the requirements of the prohibited reduction of work force from 400 positions to not more than half of the total operating force or personnel level.