
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Substitute for Original House Bill No. 497 by Representative DuBuisson as proposed by the House Committee on Administration of Criminal Justice

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 18:1300.21(I) and R.S. 27:43(B)(1) and 93(A)(1), and to enact R.S. 18:1300.25, relative to riverboat gaming operations in St. Tammany Parish on portions of Lake Pontchartrain including those portions that are located south and east of Interstate 10, along with the waterways that are connected thereto; to add portions of Lake Pontchartrain, including those portions that are located south and east of Interstate 10, along with the waterways connected thereto, as a designated waterway upon which riverboat gaming activities may be conducted; to require and provide for a referendum election in St. Tammany Parish; to provide for the relocation of an existing riverboat gaming license holder's operations; to provide for applicability; to provide for legislative intent; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1300.21(I) is hereby amended and reenacted and R.S. 18:1300.25 is hereby enacted to read as follows:

§1300.21. Discontinuance of certain gaming activities, except as continued by local election

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I. Notwithstanding any provision of law to the contrary, no riverboat gaming activities shall be 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. However, if approved by the Louisiana Gaming Control Board and by a majority of the electors voting in the election on the ballot proposition as provided in R.S. 18:1300.25, riverboat gaming may be conducted in accordance with Chapter 4 of Title 27 of the Louisiana Revised Statutes of 1950 on that portion of

Lake Pontchartrain or any waterway connected thereto located in St. Tammany Parish at the location specified in the ballot proposition.

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§1300.25. St. Tammany Parish riverboat gaming authorization and relocation election; procedure; specific location

A. A referendum election, to the extent required by this Chapter and Article XII, Section 6 of the Constitution of Louisiana, shall be called in St. Tammany Parish at the election to be held on October 9, 2021, pursuant to R.S. 18:402, or on a succeeding appropriate date selected by the parish governing authority and as provided by law, to consider the proposition of whether a holder of an existing riverboat gaming license shall be allowed to relocate to an approved berth or docking facility in St. Tammany Parish and conduct riverboat gaming operations along the portions of Lake Pontchartrain, specifically the waterways that are a part of the Lakeshore Marina located south and east of Interstate 10, Exit 261.

B. The proposition on the ballot shall be stated as follows: "Shall gaming operations and activities authorized by the Louisiana Riverboat Economic Development and Gaming Control Act be authorized in St. Tammany Parish at a site along those certain waterways in St. Tammany Parish along portions of Lake Pontchartrain that are part of the Lakeshore Marina located south and east of Interstate 10, Exit 261, and shall (Name of licensee approved by the Louisiana Gaming Control Board) or the licensee's successors and assigns be authorized to relocate from its current location to the location in St. Tammany Parish described above, and to develop on such location a gaming, hotel, and resort operation all in accordance with the Louisiana Gaming Control Law, the Louisiana Gaming Control Board, the Louisiana Election Code, and other relevant constitutional and statutory authority?"

C. Subject to the approval of the Louisiana Gaming Control Board, which is required only prior to the conducting of the election, and if a majority of electors voting vote in favor of the proposition, the riverboat gaming license holder may relocate operations to the approved berth or docking facility in St. Tammany Parish

at the location described in Subsection A of this Section. The riverboat gaming license holder shall remain subject to the licensing and regulatory authority of the Louisiana Gaming Control Board and the Louisiana Gaming Control Law.

D. Except as provided in this Section, the election shall be conducted as provided in Chapters 6-B and 6-D of this Title, including but not limited to the provisions providing for the responsibility of the parish governing authority to provide notice to the public as provided by law.

E. If the Louisiana Gaming Control Board authorizes a riverboat gaming licensee to conduct riverboat gaming operations or activities at the location in St. Tammany Parish as described in Subsection A of this Section, then the governing authority of St. Tammany Parish shall insert the name of the licensee in the ballot language provided by Subsection B of this Section.

Section 2. R.S. 27:43(B)(1) and 93(A)(1) are hereby amended and reenacted to read as follows:

§43. Gaming activities allowed on designated rivers and waterways

* * *

B.(1) For purposes of this Chapter, 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, including the waterways connected thereto in that portion of St. Tammany Parish located to the south and east of Interstate 10, specifically the waterways that are part of the Lakeshore Marina located south and east of Interstate 10 Exit 261, 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 subject to the provisions of Paragraph (2) of this Subsection, upon which a gaming operator is authorized to conduct gaming operations in accordance with the provisions of this Chapter.

* * *

§93. Authorization of local governing authorities; fees; regulation; local option

A.(1) The local governing authority of the parish or municipality in which the licensed berth of a riverboat is located may levy an admission fee of up to two and one-half dollars for each passenger boarding or embarking upon a riverboat, provided that in Bossier Parish, other than in Bossier City, and Caddo Parish an admission fee of up to three dollars may be levied. The governing authority of Bossier City, for each riverboat located in Bossier City in Bossier Parish, shall levy an assessment in the amount of four and five-tenths percent of the monthly net gaming proceeds as defined in R.S. 27:44(15) as the admission fee. In St. Tammany Parish, economic support for drainage and recreation projects and a revenue share of up to five percent of monthly net gaming proceeds as defined in R.S. 27:44(15), as set forth in a "Community Agreement" between the riverboat licensee and the St. Tammany Parish Development District, may serve as the admission fee. For purposes of this Section, "licensed berth" shall mean the berth, dock, facility, or boarding area from which a riverboat excursion is authorized to originate by the board or from which a riverboat is authorized by the board to operate. The authority granted to local governing authorities in Calcasieu Parish in this Subsection may be assigned to a gaming district established in accordance with R.S. 33:9576.

* * *

Section 3. The provisions of this Act shall not be construed to increase the number of riverboat gaming licenses authorized by R.S. 27:65(A). Also, other than, subject to voter approval, a portion of Lake Pontchartrain in St. Tammany Parish becoming a "designated river or waterway" and an acceptable berthing or docking site for purposes of the law, the provisions of this Act shall not be construed to expand riverboat gaming activity or operations in Louisiana beyond that authorized by the provisions of the Louisiana Gaming Control Law.

Section 4. The provisions of this Act shall not be construed to limit or in any way affect the authority of the Louisiana Gaming Control Board to license and regulate riverboat gaming activity and operations.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 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 Draft

2021 Regular Session

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

Present law 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.

Proposed law adds an exception to present law to provide that if both the La. Gaming Control Board approves and a majority of the electors in St. Tammany Parish vote to approve a ballot proposition authorizing such, riverboat gaming may be conducted in accordance with the La. Riverboat Economic Development and Gaming Control Act on that portion of Lake Pontchartrain or any waterway connected thereto located in St. Tammany Parish at the location specified in the ballot proposition.

Proposed law calls a referendum election in St. Tammany Parish to be held at the election scheduled for Oct. 9, 2021, or on a succeeding appropriate date selected by the parish governing authority.

Proposed law provides for the proposition on the ballot to read: "Shall gaming operations and activities authorized by the Louisiana Riverboat Economic Development and Gaming Control Act be authorized in St. Tammany Parish at a site along those certain waterways in St. Tammany Parish along portions of Lake Pontchartrain that are part of the Lakeshore Marina located south and east of Interstate 10, Exit 261, and shall (Name of licensee approved by the Louisiana Gaming Control Board) or the licensee's successors and assigns be authorized to relocate from its current location to the location in St. Tammany Parish described above, and to develop on such location a gaming, hotel, and resort operation all in accordance with the Louisiana Gaming Control Law, the Louisiana Gaming Control Board, the Louisiana Election Code, and other relevant constitutional and statutory authority?"

Proposed law provides that if the board approves the new berth or docking facility and a majority of the voters vote in favor of the proposition, the licensee may relocate operations to the approved berth or docking facility in St. Tammany Parish on that portion of Lake Pontchartrain, specifically the waterways that are a part of the Lakeshore Marina located south and east of Interstate 10, Exit 261.

Proposed law provides that the licensee shall remain subject to the regulatory authority of the board and present law.

Proposed law requires the election to be conducted pursuant to the La. Election Code, including the provisions providing for the responsibility of the parish governing authority to provide notice to the public.

Present law authorizes the conducting of gaming activities on a riverboat while on designated rivers or waterways.

Proposed law adds the portion of Lake Pontchartrain, specifically the waterways that are a part of the Lakeshore Marina located south and east of Interstate 10, Exit 261 in St. Tammany Parish to the designated rivers and waterways upon which gaming activities may be conducted and otherwise retains present law.

Present law provides that the addition of a designated river or waterway is contingent upon approval of the voters in a referendum election held in any parish which borders the proposed river's or waterway's banks.

Proposed law retains present law.

Proposed law provides that economic support for drainage and recreation projects and a revenue share of up to five percent of monthly gaming proceeds may serve as an admission fee.

Proposed law provides that proposed law shall not be construed to increase the number of riverboat gaming licenses or to limit the authority of the La. Gaming Control Board.

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

(Amends R.S. 18:1300.21(I) and R.S. 27:43(B)(1) and 93(A)(1); Adds R.S. 18:1300.25)