

2018 Regular Session

HOUSE BILL NO. 438

BY REPRESENTATIVE PUGH

GAMBLING/RIVERBOAT: Provides for a referendum election in Tangipahoa Parish regarding riverboat gaming

1 AN ACT

2 To amend and reenact R.S. 27:43(B)(1) and to enact R.S. 18:1300.24, relative to riverboat
3 gaming operations in Tangipahoa Parish on the portion of the Tangipahoa River
4 southwest of the intersection of Interstate 12 and Louisiana Highway 445; to add the
5 portion of the Tangipahoa River south of Interstate 12 as a designated river and
6 waterway upon which riverboat gaming activities may be conducted; to require and
7 provide for a referendum election in Tangipahoa Parish; to provide for the relocation
8 of an existing riverboat gaming license holder's operations; to provide for
9 applicability; to provide for legislative intent; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

12 §1300.24. Riverboat relocation gaming election; procedure; Tangipahoa Parish

13 A. A referendum election, to the extent required by this Chapter and Article
14 XII, Section 6 of the Constitution of Louisiana, shall be called in Tangipahoa Parish
15 at the primary congressional election to be held on November 6, 2018, pursuant to
16 R.S. 18:402(B)(1), or on a succeeding appropriate date selected by the parish
17 governing authority and as provided by law, to consider the proposition of whether
18 a holder of an existing riverboat gaming license shall be allowed to relocate to an
19 approved berth and conduct riverboat gaming operations on the portion of the

1 Tangipahoa River southwest of the intersection of Interstate 12 and Louisiana
2 Highway 445.

3 B. The proposition on the ballot shall be stated as follows: "Shall Louisiana
4 Riverboat Gaming Partnership, an existing riverboat gaming license holder, be
5 allowed to relocate and conduct riverboat gaming operations or activities at a facility
6 to be located in Tangipahoa Parish at an approved berth or docking facility along the
7 Tangipahoa River, southwest of the intersection of Interstate 12 and Louisiana
8 Highway 445, pursuant to an existing riverboat gaming license and with the prior
9 approval of the Louisiana Gaming Control Board, all in accordance with Louisiana
10 Gaming Control Law?"

11 C. Subject to the approval of the Louisiana Gaming Control Board, which
12 is required only prior to the conducting of the election, and if a majority of those
13 voting vote in favor of the proposition, the riverboat gaming license holder may
14 relocate operations to the approved berth or docking facility in Tangipahoa Parish
15 along the Tangipahoa River, southwest of the intersection of Interstate 12 and
16 Louisiana Highway 445. The riverboat gaming license holder shall remain subject
17 to the licensing and regulatory authority of the Louisiana Gaming Control Board and
18 the Louisiana Gaming Control Law.

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

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

24 §43. Gaming activities allowed on designated rivers and waterways

25 * * *

26 B.(1) For purposes of this Chapter, designated rivers and waterways shall
27 include those portions of the Mississippi, Red, except the portion of the Red River
28 within the borders of Rapides Parish, Calcasieu, Mermentau, or Atchafalaya Rivers
29 and Bayou Segnette within the city limits of Westwego, the Mississippi River Gulf

1 Outlet, Bayou Bienvenue, Lake Pontchartrain, Lake Maurepas, Lake Charles, the
 2 Intracoastal Waterway, except the portion thereof within the borders of Terrebonne
 3 and Lafourche Parishes, the portion of the Tangipahoa River south of Interstate 12
 4 within Tangipahoa Parish, and the Sabine River north of the Toledo Bend Reservoir
 5 Dam subject to the provisions of Paragraph (2) of this Subsection, upon which a
 6 gaming operator is authorized to conduct gaming operations in accordance with the
 7 provisions of this Chapter.

8 * * *

9 Section 3. The provisions of this Act shall not be construed to increase the number
 10 of riverboat gaming licenses authorized by R.S. 27:65(A). Also, other than, subject to voter
 11 approval, a portion of the Tangipahoa River becoming a "designated river or waterway" for
 12 purposes of the law, the provisions of this Act shall not be construed to expand riverboat
 13 gaming activity or operations in Louisiana beyond that authorized by the provisions of the
 14 Louisiana Gaming Control Law.

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

18 Section 5. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 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 438 Original

2018 Regular Session

Pugh

Abstract: Provides for riverboat gaming in Tangipahoa Parish.

Proposed law calls a referendum election in Tangipahoa parish to be held on Nov. 6, 2018, at the congressional primary election or on a succeeding appropriate date selected by the parish governing authority.

Proposed law provides that the proposition on the ballot shall read: "Shall Louisiana Riverboat Gaming Partnership, an existing riverboat gaming license holder, be allowed to relocate and conduct riverboat gaming operations or activities at a facility to be located in Tangipahoa Parish at an approved berth or docking facility along the Tangipahoa River, southwest of the intersection of Interstate 12 and Louisiana Highway 445, pursuant to an existing riverboat gaming license and with prior approval of the Louisiana Gaming Control Board, and all in accordance with Louisiana Gaming Control Law?"

Proposed law provides that if the board approves the new berth and a majority of the voters vote in favor of the proposition, the licensee may relocate operations to the approved berth in Tangipahoa Parish along the Tangipahoa River, southwest of the intersection of Interstate 12 and La. Highway 445.

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

Proposed law provides that the election shall 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 the Tangipahoa River south of Interstate 12 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.

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

(Amends R.S. 27:43(B)(1); Adds R.S. 18:1300.24)