

2018 Regular Session

HOUSE BILL NO. 858

BY REPRESENTATIVE HUNTER

GAMBLING/RIVERBOAT: Provides relative to riverboat gaming operations on the portion of the Ouachita River lying within the boundary of the Southside Economic Development District

1 AN ACT

2 To amend and reenact R.S. 27:43(B)(1) and to enact R.S. 18:1300.24 and 1300.25 and R.S.
3 27:93(A)(12), relative to riverboat gaming operations; to add the portion of the
4 Ouachita River lying within the boundary of the Southside Economic Development
5 District for the City of Monroe in Ouachita Parish to the list of designated rivers and
6 waterways upon which riverboat gaming may be conducted; to authorize the calling
7 and conducting of certain referendum elections in Ouachita Parish necessary to
8 authorize the conducting of riverboat gaming operations; to authorize a riverboat
9 gaming licensee to conduct gaming at a designated berth or facility; to provide for
10 the submission of propositions by the governing authority of Ouachita Parish; to
11 provide relative to the approval of the propositions by the voters; to provide for
12 procedures for authorized elections; to provide for the levying of an admission fee;
13 to provide for the distribution of the admission fee proceeds; and to provide for
14 related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 18:1300.24 and 1300.25 are hereby enacted to read as follows:

1 §1300.24. Riverboat gaming elections; procedure; Ouachita Parish; riverboat
2 gaming authorization; Ouachita River

3 A. The governing authority of Ouachita Parish, by resolution, may call a
4 referendum election as required by Article XII, Section 6(C)(1)(b) of the
5 Constitution of Louisiana, to be held in the parish on an appropriate date as specified
6 in R.S. 18:402, to be selected by the parish governing authority, to consider the
7 proposition of whether to allow riverboat gaming operations and activities to be
8 conducted in Ouachita Parish. The proposition to be printed on the election ballot
9 shall be:

10 "Shall riverboat gaming operations and activities be
11 conducted in Ouachita Parish? Yes () No (). (As required by
12 Article XII, Section 6(C)(1)(b) of the Constitution of Louisiana)."

13 B. The governing authority of Ouachita Parish, by resolution, may call a
14 referendum election as required by R.S. 27:43(B)(2), to be held in the parish on an
15 appropriate date as specified in R.S. 18:402, to be selected by the parish governing
16 authority, to consider the proposition of whether the portion of the Ouachita River
17 lying within the boundary of the Southside Economic Development District for the
18 City of Monroe as defined by R.S. 33:2740.51, all in Ouachita Parish, shall be added
19 to the list of designated rivers or waterways set forth in R.S. 27:43(B)(1), for the
20 purpose of authorizing the berthing of a riverboat upon which gaming is conducted
21 on that river or waterway. The proposition to be printed on the election ballot shall
22 be:

23 "Shall that portion of the Ouachita River lying within the
24 boundary of the Southside Economic Development District for the
25 City of Monroe, all in Ouachita Parish, be added to the list of
26 designated rivers or waterways set forth in R.S. 27:43(B)(1), for the
27 purpose of authorizing the berthing of a riverboat upon which gaming
28 operations or activities are conducted on that river or waterway? Yes
29 () No (). (As required by R.S. 27:43(B)(2))."

1 C. Except as otherwise provided in this Section, the election shall be
2 conducted as provided in Chapter 6-B of this Title, including but not limited to those
3 provisions providing for the responsibility of the parish governing authority to
4 provide notice to the public as provided by law.

5 §1300.25. Riverboat Gaming Elections; Ouachita Parish; specific riverboats

6 A. If the elections authorized by the provisions of R.S. 18:1300.24(A) and
7 (B) are held and if the propositions authorized by those provisions are approved by
8 a majority of the electors voting thereon, then any riverboat gaming licensee desiring
9 to conduct riverboat gaming operations or activities at a specified berth or docking
10 facility in Ouachita Parish on the approved portion of Ouachita River in Ouachita
11 Parish shall apply to the Louisiana Gaming Control Board for authorization to
12 conduct riverboat gaming operations or activities at that berth or docking facility,
13 subject to the outcome of the election authorized by the provisions of this Section.

14 B. If the Louisiana Gaming Control Board authorizes any riverboat gaming
15 licensee to conduct riverboat gaming operations or activities at a specified berth or
16 docking facility in Ouachita Parish on the approved portion of the Ouachita River in
17 Ouachita Parish, subject to the outcome of the election authorized by the provisions
18 of this Section, then the governing authority of Ouachita Parish, by resolution, shall
19 call a referendum election as required by Article XII, Section 6(C)(2) of the
20 Constitution of Louisiana, to be held in the parish on an appropriate date as specified
21 in R.S. 18:402, to be selected by the parish governing authority, to consider the
22 proposition of whether to allow each riverboat gaming licensee which has been
23 authorized by the Louisiana Gaming Control Board to conduct riverboat gaming
24 operations or activities at a specified berth or docking facility in Ouachita Parish.

25 C. The governing authority of Ouachita Parish shall include in the
26 proposition to be printed on the election ballot the name of each licensee and the
27 location of each berth or docking facility which has been authorized by the Louisiana
28 Gaming Control Board to conduct riverboat gaming operations or activities as

1 provided in this Section. The proposition to be printed on the election ballot shall
2 be:

3 "Shall _____ be allowed to conduct riverboat gaming
4 operations or activities at a berth or docking facility located at
5 _____ in Ouachita Parish? Yes () No (). (As required by
6 Article XII, Section 6(C)(2) of the Constitution of Louisiana)."

7 D. If the Louisiana Gaming Control Board authorizes any riverboat gaming
8 licensee to conduct riverboat gaming operations or activities in Ouachita Parish as
9 provided for in this Section, then the governing authority of Ouachita Parish may call
10 a separate election for each licensee or may call one election for all licensees.

11 E. Except as otherwise provided in this Section, the election shall be
12 conducted as provided in Chapter 6-B of this Title, including but not limited to those
13 provisions providing for the responsibility of the parish governing authority to
14 provide notice to the public as provided by law.

15 F. As used in this Section "riverboat gaming licensee" means the holder of
16 a license to conduct riverboat gaming operations or activities issued by the Louisiana
17 Gaming Control Board pursuant to the provisions of R.S. 27:1 et seq.

18 Section 2. R.S. 27:43(B)(1) is hereby amended and reenacted and R.S. 27:93(A)(12)
19 is hereby enacted to read as follows:

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

21 * * *

22 B.(1) For purposes of this Chapter, designated rivers and waterways shall
23 include those portions of the Mississippi, Red, except the portion of the Red River
24 within the borders of Rapides Parish, Calcasieu, Mermentau, or Atchafalaya Rivers
25 and Bayou Segnette within the city limits of Westwego, the Mississippi River Gulf
26 Outlet, Bayou Bienvenue, Lake Pontchartrain, Lake Maurepas, Lake Charles, the
27 Intracoastal Waterway, except the portion thereof within the borders of Terrebonne
28 and Lafourche Parishes, ~~and~~ the Sabine River north of the Toledo Bend Reservoir
29 Dam, and the portion of the Ouachita River lying within the boundary of the

1 Southside Economic Development District for the City of Monroe as defined by R.S.
2 33:2740.51 subject to the provisions of Paragraph (2) of this Subsection, upon which
3 a gaming operator is authorized to conduct gaming operations in accordance with the
4 provisions of this Chapter.

5 * * *

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

8 * * *

9 (12)(a) Subject to the provisions of Subparagraph (b) of this Paragraph, in
10 Ouachita Parish, the admission fees for passengers authorized by Paragraph (1) of
11 this Subsection and levied by the parish shall be allocated as follows:

- 12 (i) Fifteen percent to the Ouachita Parish School Board.
- 13 (ii) Fifteen percent to the Monroe City School Board.
- 14 (iii) Twelve percent to the University of Louisiana at Monroe.
- 15 (iv) Twelve percent to the Louisiana Delta Community College in Ouachita
16 Parish.
- 17 (v) Ten percent to the police department of the city of Monroe.
- 18 (vi) Ten percent to the Ouachita Parish Sheriff's Department.
- 19 (vii) Ten percent to the police department for the town of Richwood.
- 20 (viii) Eight percent to the Southside Economic Development District for the
21 City of Monroe.
- 22 (ix) Four percent to the governing authority of the city of Monroe.
- 23 (x) Four percent to the governing authority of Ouachita Parish.
- 24 (b) The provisions of this Paragraph shall apply only if the elections
25 authorized by the provisions of R.S. 18:1300.24(A) and (B) and 1300.25 are held and
26 if the propositions authorized by those provisions are approved by a majority of the
27 electors voting thereon.

28 * * *

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 858 Original

2018 Regular Session

Hunter

Abstract: Provides for referendum elections necessary to authorize and conduct riverboat gaming operations on a portion of the Ouachita River lying within the boundary of the Southside Economic Development District for the City of Monroe.

Present law provides that the conducting of gaming activities on a riverboat is authorized only upon certain rivers or waterways designated by law. Present law provides that such 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, 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.

Present law provides that the addition of a designated river or waterway to those listed in present law shall be effective only after approval by voters in an election held in any parish which borders the proposed river's or waterway's banks.

At any time after the inclusion of a river or waterway has been proposed by an act of the legislature, present law authorizes the governing authority of any parish which borders the proposed river's or waterway's banks to order, by resolution, an election to permit voters in such parish to decide the question of whether the berthing of a riverboat upon which gaming is conducted on such river or waterway shall be authorized.

Present law provides that if such an election occurs in any parish which borders the banks of a proposed river or waterway and the measure is approved by the voters, then upon promulgation of the election results in any such parish, the river or waterway proposed by an act of the legislature shall be considered a designated river or waterway.

Present law authorizes the governing authority of the parish or municipality in which the licensed berth of a riverboat is located to levy an admission fee of up to \$2.50 for each passenger boarding or embarking upon the riverboat.

Proposed law retains present law and provides as follows:

- (1) Adds the portion of the Ouachita River lying within the boundary of the Southside Economic Development District for the City of Monroe as defined by present law to the list of designated rivers and waterways.
- (2) Provides that the governing authority of Ouachita Parish, by resolution, may call a referendum election to consider the following propositions:
 - (a) Whether to allow riverboat gaming operations or activities to be conducted in Ouachita Parish as required by present constitution (La. Const. Art. XII, §6(C)(1)(b)).
 - (b) Whether that portion of the Ouachita River lying within the boundary of the Southside Economic Development District for the City of Monroe, all within Ouachita Parish, shall be added to the list of designated rivers or waterways

set forth in present law, for the purpose of authorizing the berthing of a riverboat upon which gaming is conducted on that river or waterway, as required by present law (R.S. 27:43(B)(1)).

- (3) If these propositions are approved, then any riverboat gaming licensee desiring to conduct riverboat gaming operations or activities at the specified berth or docking facility in Ouachita Parish on the approved portion of the Ouachita River shall apply to the La. Gaming Control Board for authorization to conduct riverboat gaming operations or activities at that berth or docking facility, subject to the outcome of another referendum election.
- (4) If the La. Gaming Control Board authorizes one or more riverboat gaming licensees pursuant to the provisions of proposed law, the governing authority of Ouachita Parish, by resolution, shall call a referendum election to consider a proposition on whether a specified riverboat gaming licensee shall be allowed to conduct riverboat gaming operations or activities at a specified berth or docking facility in Ouachita Parish, as required by present constitution (La. Const. Art. XII, §6(C)(2)).
- (5) Except as otherwise provided by proposed law, all elections provided for by the provisions of proposed law shall be conducted as provided in the present law election code including but not limited to those provisions providing for the responsibility of the parish governing authority to provide notice to the public as provided by law.
- (6) Provides that the elections shall be held in Ouachita Parish on an appropriate date as specified in the election code, to be selected by the governing authority of Ouachita Parish.
- (7) Provides that if the elections authorized by the provisions of proposed law are held and if the propositions authorized by those provisions are approved by a majority of the electors voting thereon, then the proceeds from any admission fee charged by the local governing authority of Ouachita Parish shall be disbursed in certain percentages to the following entities: the Ouachita Parish School Board, the Monroe City School Board, the University of Louisiana at Monroe, the Louisiana Delta Community College in Ouachita Parish, the police department of the city of Monroe, the Ouachita Parish Sheriff's Department, the police department for the town of Richwood, the Southside Economic Development District for the City of Monroe, the governing authority of the city of Monroe, and the governing authority of Ouachita Parish.
- (8) Defines "riverboat gaming licensee" as the holder of a license to conduct riverboat gaming operations or activities issued by the La. Gaming Control Board pursuant to the provisions of present law.

(Amends R.S. 27:43(B)(1); Adds R.S. 18:1300.24 and 1300.25 and R.S. 27:93(A)(12))