

2019 Regular Session

HOUSE BILL NO. 469

BY REPRESENTATIVE GLOVER

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

GAMING: Provides relative to sports wagering

1 AN ACT

2 To amend and reenact R.S. 27:44(10), 205(12), and 353 and to enact R.S. 18:1300.24,
3 relative to gaming; to provide for a statewide referendum election to add sports
4 wagering as a form of authorized gaming; to provide for definitions; to provide for
5 an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §1300.24. Sports wagering gaming election; procedure

9 A. A statewide referendum election, to the extent required by this Chapter
10 and Article XII, Section 6 of the Constitution of Louisiana, shall be called at the
11 statewide election to be held on October 12, 2019, pursuant to R.S. 18:402(B)(1),
12 and as provided by law, to consider the proposition of whether sports wagering shall
13 be allowed as a form of gaming in a particular parish in the state of Louisiana.

14 B. The proposition on the ballot shall be stated as follows: "Shall sports
15 wagering be a form of gaming allowed in this parish, pursuant to a gaming license
16 and with the prior approval of the Louisiana Gaming Control Board, all in
17 accordance with Louisiana Gaming Control Law? YES() NO()".

18 C. In any particular parish, if a majority of those voting vote in favor of the
19 proposition, a license holder under Chapter 4, 5, or 7 of Title 27 may engage in
20 sports wagering within that parish in the state of Louisiana. The license holder shall
21 remain subject to the licensing and regulatory authority of the Louisiana Gaming
22 Control Board and the Louisiana Gaming Control Law.

1 §353. Definitions

2 When used in this Chapter, the following terms shall have these meanings:

3 (1) "Board" means Louisiana Gaming Control Board.

4 (2) "Designated slot machine gaming area" means the contiguous area of an
5 eligible live racing facility at which slot machine gaming may be conducted in
6 accordance with the provisions of this Chapter, determined by measuring the area,
7 in square feet, inside the interior walls of the licensed eligible facility, excluding any
8 space therein in which gaming activities may not be conducted, such as bathrooms,
9 stairwells, cage and beverage areas, and emergency evacuation routes of any width
10 that meet or exceed the minimum size required by law.

11 (3) "Division" shall have the same meaning as that term defined in R.S. 27:3.

12 (4) "Eligible facility" means no more than one facility in St. Landry Parish,
13 Bossier Parish, Orleans Parish, and Calcasieu Parish at which the Louisiana State
14 Racing Commission has licensed the conduct or at which the commission has
15 approved the future licensing of the conduct of not less than eighty days within a
16 consecutive twenty-week period each year of live horse race meetings, unless the
17 commission approves the conduct of less than eighty days within a consecutive
18 twenty-week period or a different consecutive or nonconsecutive period, whenever
19 an eligible facility is prevented from conducting live racing as a result of a natural
20 disaster, an act of God, force majeure, a catastrophe, or such other occurrence over
21 which the eligible facility has no control. Such a determination by the commission
22 shall not adversely affect the status of the eligible facility to conduct slot machine
23 gaming. For the 2005 racing season, "eligible facility" shall also include the facility
24 in St. Landry Parish that will not be able to meet such requirements due to repairs or
25 construction to the racetrack which are necessary in order to protect the safety of
26 riders and thoroughbred racehorses and to preserve the revenues to be received and
27 distributed to the state and local governments at such facility or as otherwise
28 provided in R.S. 4:214.1.

1 ~~(4.1)~~(5) "Emergency evacuation route" means those areas within the
2 designated slot machine gaming area of a licensed eligible facility which are clearly
3 defined and identified by the licensee as necessary and approved by the state fire
4 marshal or other federal or state regulatory agency for the evacuation of patrons and
5 employees from the facility, and from which and in which no gaming activity may
6 occur.

7 (6) "Game" means slot machine gaming or racehorse wagering or any
8 wagering on any type of sports event, including but not limited to football,
9 basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest
10 or event. "Game" shall not include a lottery, bingo, pull tabs, raffles, electronic
11 video bingo, cable television bingo, or dog race wagering.

12 (7) "Gaming activities" or "gaming operations" means the use, operation, or
13 conducting of any game or gaming device at an eligible facility including all
14 activities related to and integral to the operation and profitability of a eligible facility
15 including accounting procedures and internal controls governing the licensee's
16 operations.

17 (8) "Gaming device" or "gaming equipment" means any equipment or
18 mechanical, electro-mechanical, or electronic contrivance, component, or machine,
19 including a slot machine, used directly or indirectly in connection with gaming or
20 any game, which affects the result of a wager by determining wins or losses.

21 ~~(5)~~(9) "License" means the authorization applied for by or issued to the
22 owner of an eligible facility by the board to conduct slot machine gaming at an
23 eligible facility issued pursuant to the provisions of this Chapter. "License" also
24 means the authorization issued by the board to a slot machine owner, a manufacturer,
25 distributor, or a service technician to participate in slot machine gaming operations
26 at eligible facilities.

27 ~~(6)~~(10) "Licensee" means any person issued a license by the board.

28 ~~(7)~~(11) "Manufacturer" means any person who manufactures or assembles
29 and programs slot machines for use in this state.

1 ~~(8)~~(12) "Net slot machine proceeds" means the total of all cash and property
2 received by a licensee from slot machine gaming operations minus the amount of
3 cash or prizes paid to winners.

4 ~~(9)~~(13) "Person" shall have the same meaning as that term defined in R.S.
5 27:3.

6 ~~(10)~~(14) "Service technician" means any person other than a licensee or
7 manufacturer who repairs, services, inspects, or examines slot machines.

8 ~~(12)~~(15) "Slot machine gaming" means the use, operation, offering, or
9 conducting of slot machines at an eligible facility in accordance with the provisions
10 of this Chapter.

11 ~~(13)~~(16) "Taxable net slot machine proceeds" means "net slot machine
12 proceeds" less the amount of support, payment, or contributions required as provided
13 in R.S. 27:361(B)(4).

14 ~~(14)~~(17) "Slot machine" means any mechanical, electrical, or other device,
15 contrivance, or machine which, upon insertion of a coin, token, or similar object
16 therein or upon payment of any consideration whatsoever, is available to play or
17 operate, the play or operation of which, whether by reason of the skill of the operator
18 or application of the element of chance, or both, may deliver or entitle the person
19 playing or operating the machine to receive cash, premiums, merchandise, tokens,
20 or anything of value, whether the payoff is made automatically from the machine or
21 in any other manner.

22 Section 3. The provisions of this Act shall not be construed to limit or in any way
23 affect the authority of the Louisiana Gaming Control Board to license and regulate gaming
24 activities and operations.

25 Section 4. Section 2 of this Act shall not become effective unless and until the
26 statewide referendum passes.

27 Section 5. Sections 1, 3, 4 and this Section shall become effective upon signature by
28 the governor or, if not signed by the governor, upon expiration of the time for bills to
29 become law without signature by the governor, as provided by Article III, Section 18 of the

- 1 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
2 legislature, this Act shall become effective on the day following such approval.
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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)]

HB 469 Original

2019 Regular Session

Glover

Abstract: Requires a statewide referendum election to determine whether sports wagering shall be allowed as a form of gaming in a particular parish in the state, provides for the regulation of such wagering, and provides for contingent effectiveness.

Proposed law calls for a statewide referendum election in to be held on Oct. 12, 2019, to determine if sports wagering shall be permitted in a particular parish.

Proposed law provides that the proposition on the ballot shall read: "Shall sports wagering be a form of gaming allowed in this parish, pursuant to a gaming license and with the prior approval of the Louisiana Gaming Control Board, all in accordance with Louisiana Gaming Control Law?"

Proposed law provides that if a majority of those voting vote in favor of the proposition in a particular parish, a riverboat gaming license holder, land based casino license holder, and a pari-mutuel live racing license holder of that parish may engage in sports wagering.

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.

Present law provides for certain forms of authorized gaming activities.

Proposed law adds sports wagering as an authorized form of gaming for riverboat licensees, the land based casino licensee, and pari-mutuel live racing licensees and otherwise retains present law.

Provides that the provisions regarding the referendum election shall become effective upon signature of the governor or lapse of time for gubernatorial action.

Provides that provisions regarding sports wagering becoming an authorized form of gaming shall become effective only upon a favorable vote on the referendum.

(Amends R.S. 27:44(10), 205(12), and 353; Adds R.S. 18:1300.24)