

2018 Regular Session

SENATE BILL NO. 316

BY SENATORS JOHNS AND GARY SMITH

RIVERBOAT GAMING. Provides relative to riverboat gaming. (gov sig)

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AN ACT

To amend and reenact R.S. 27:15(B)(8)(b), 44(4) and (14) through (25), 65(B)(15), and 66(B)(1), and to enact R.S. 27:44(26), 65(B)(16), and 67, relative to the Louisiana Riverboat Economic Development and Gaming Control Act; to provide relative to the Louisiana Gaming Control Board; to provide relative to gaming activity locations; to provide relative to economic development plan applications for relocating gaming operations; to provide relative to requirements of a riverboat; to provide relative to designated gaming area; to provide for tournaments; to provide for limitations; to provide for definitions; to provide for rulemaking; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:15(B)(8)(b), 44(4) and (14) through (25), 65(B)(15), and 66(B)(1) are hereby amended and reenacted and R.S. 27:44(26), 65(B)(16), and 67 are hereby enacted to read as follows:

§15. Board's authority; responsibilities

\* \* \*

B. The board shall:

1 \* \* \*

2 (8)(a) \* \* \*

3 (b) Promulgate rules and regulations in accordance with the Administrative  
4 Procedure Act as necessary for the administration and enforcement of R.S. 27:~~44~~**(4)**  
5 **and (14), 67, 94, 252, and 394.**

6 \* \* \*

7 §44. Definitions

8 \* \* \*

9 (4) "Designated gaming area" means that portion of a riverboat in which  
10 gaming activities may be conducted. Such designated gaming area shall not exceed  
11 sixty percent of the total square footage of the passenger access area of the vessel or  
12 thirty thousand square feet, whichever is lesser **two thousand three hundred**  
13 **sixty-five gaming positions, subject to the rules and regulations of the board.**

14 \* \* \*

15 **(14) "Gaming position" means a gaming device seat or a space at a table**  
16 **game. Each gaming device seat shall be counted as one position and each space**  
17 **at a table game shall be counted as one position, subject to the rules and**  
18 **regulations of the board. The board shall specifically provide by rule for the**  
19 **counting of gaming positions for devices and games where seats and spaces are**  
20 **not readily countable.**

21 ~~(14)~~**(15)** "License" or "gaming license" means a license or authorization to  
22 conduct gaming activities on a riverboat issued pursuant to the provisions of this  
23 Chapter.

24 ~~(15)~~**(16)** "Net gaming proceeds" means the total of all cash and property,  
25 including checks received by a licensee, whether collected or not, received by the  
26 licensee from gaming operations, less the total of all cash paid out as winnings to  
27 patrons.

28 ~~(16)~~**(17)** "Non-certificated vessel" means a riverboat vessel which does not  
29 hold a Certificate of Inspection issued by the United States Coast Guard. Such

1 vessels may include those that formerly held a Certificate of Inspection issued by the  
2 United States Coast Guard and those for which the Coast Guard declines to issue a  
3 Certificate of Inspection.

4 ~~(17)~~**(18)** "Passenger" means a natural person who is present on a riverboat but  
5 has no part in the vessel's operation.

6 ~~(18)~~**(19)** "Permit" shall have the same meaning as that term defined in R.S.  
7 27:3.

8 ~~(19)~~**(20)** "Permittee" shall have the same meaning as that term defined in R.S.  
9 27:3.

10 ~~(20)~~**(21)** "Person" shall have the same meaning as that term defined in R.S.  
11 27:3.

12 ~~(21)~~**(22)** "Racehorse wagering" means wagers placed on horse racing  
13 conducted under the pari-mutuel form of wagering at licensed racing facilities that  
14 is accepted by a licensed racehorse wagering operator under the provisions of this  
15 Chapter.

16 ~~(22)~~**(23)** "Racehorse wagering operator" means the licensed racing  
17 association whose facility is located closest to the licensed berth of the riverboat on  
18 which gaming activities are approved.

19 ~~(23)~~**(24)** "Riverboat" means a vessel **or facility** which:

20 (a) Carries a valid Certificate of Inspection issued by the United States Coast  
21 Guard with regard to the carriage of passengers on designated rivers or waterways  
22 within or contiguous to the boundaries of the state of Louisiana.

23 (b) Carries a valid Certificate of Inspection from the United States Coast  
24 Guard for the carriage of a minimum of six hundred passengers and crew.

25 (c) Has a minimum length of one hundred fifty feet.

26 (d) Is of such type and design so as to replicate as nearly as practicable  
27 historic Louisiana river borne steamboat passenger vessels of the nineteenth century  
28 era. It shall not, however, be a requirement that the vessel be ~~steam-propelled~~;

29 **(i) Steam-propelled** or maintain overnight facilities for its passengers.

1                    **(ii) Paddlewheel driven or have an operable paddlewheel.**  
 2                    (e) ~~Is paddlewheel driven~~ **Is approved by the board and a portion of its**  
 3                    **designated gaming area is located within one thousand two hundred feet of a**  
 4                    **riverboat's licensed berth. Such facilities shall be inspected pursuant to R.S.**  
 5                    **27:44.1(D)(1)(b).**

6                    ~~(24)~~**(25)** "Slot machine" means any mechanical, electrical, or other device,  
 7                    contrivance, or machine which, upon insertion of a coin, token, or similar object  
 8                    therein or upon payment of any consideration whatsoever, is available to play or  
 9                    operate, the play or operation of which, whether by reason of the skill of the operator  
 10                    or application of the element of chance, or both, may deliver or entitle the person  
 11                    playing or operating the machine to receive cash, premiums, merchandise, tokens,  
 12                    or anything of value, whether the payoff is made automatically from the machine or  
 13                    in any other manner.

14                    ~~(25)~~**(26)** "Supervisor" means the person in charge of the division.

15                    \*           \*           \*

16                    §65. Licenses to conduct gaming activities upon riverboats; limitations

17                    \*           \*           \*

18                    B.           \*           \*           \*

19                    **(15) Licensees may conduct no more than four tournaments per year in**  
 20                    **which the gaming positions utilized for tournament play are not considered part**  
 21                    **of the licensee's total number of gaming positions. A tournament conducted**  
 22                    **pursuant to this Paragraph may be conducted outside of the designated gaming**  
 23                    **area and shall be no more than fourteen days in length.**

24                    **(16)** In addition to the above, gaming must be conducted in accordance with  
 25                    all the terms of the license, the requirements set forth in this Chapter, and rules and  
 26                    regulations adopted by the division and the board.

27                    §66. Gaming while a riverboat is docked in the parish of the official gaming  
 28                    establishment

29                    \*           \*           \*

1 B. Notwithstanding any provision in this Chapter to the contrary, the  
 2 provisions of R.S. 27:65(B)(1)(c) and 66 shall apply to not more than one licensed  
 3 riverboat at any time which must be located on Lake Pontchartrain in the parish of  
 4 the official gaming establishment as defined in R.S. 27:203 and 205(26) if and only  
 5 if:

6 (1) Such riverboat conducts gaming activities ~~in an area not exceeding thirty~~  
 7 ~~thousand square feet in the aggregate~~ **only in the designated gaming area;**

8 \* \* \*

9 **§67. Economic development relocation application; procedure; requirements**

10 **A. Notwithstanding any provision of law to the contrary, a licensee may**  
 11 **submit an application to the board to relocate its gaming operations to a facility**  
 12 **located within one thousand two hundred feet of the riverboat's licensed berth.**

13 **B. Such application must include the licensee's relocation plan, detailed**  
 14 **capital improvement and reinvestment plan, and any other information**  
 15 **required by the board. The board shall prescribe the form and manner of**  
 16 **submission for the applications described in this Section.**

17 **C. All gaming operations shall be conducted in accordance with the**  
 18 **terms of the license, the requirements of this Title, and rules and regulations**  
 19 **adopted by the division and the board.**

20 Section 2. This Act shall become effective upon signature by the governor or, if not  
 21 signed by the governor, upon expiration of the time for bills to become law without signature  
 22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 23 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 24 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Ashley E. Menou.

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Proposed law provides that the board shall promulgate rules and regulations necessary for the administration of the provisions of proposed law and otherwise retains present law.

Present law defines "designated gaming area" as that portion of a riverboat in which gaming activities may be conducted. Present law further provides that the designated gaming area may not exceed 60% of the total square footage of the passenger access area of the vessel or 30,000 square feet, whichever is lesser.

Proposed law provides that the designated gaming area may not exceed 2,365 gaming positions and otherwise retains present law.

Proposed law defines "gaming position" as a seat at a gaming device or a space at a table game with each device seat counted as one position and each space at a table game counted as one position, subject to the rules and regulations of the board. Proposed law specifically requires the board to provide by rule for the counting of gaming positions for devices and games where seats are not readily countable.

Present law provides that a riverboat must be paddlewheel driven.

Proposed law deletes present law requirement and provides that a riverboat does not have to have an operable paddlewheel or be paddlewheel driven.

Proposed law adds a facility that is approved by the board and has a portion of its designated gaming area located within 1,200 feet of a riverboat's licensed berth to the definition of "riverboat". Further provides for the inspection of such facilities.

Proposed law provides that licensees may not conduct more than four tournaments per year in which the gaming positions utilized for tournament play are not considered part of the licensee's total number of gaming positions. Further provides that such tournaments may be conducted outside of the designated gaming area and cannot be more than fourteen days in length.

Proposed law provides that a licensee may submit an application to the board to move its gaming operations to a facility located within 1,200 feet of the riverboat's licensed berth.

Proposed law provides that such an application must include the licensee's relocation plan, detailed capital improvement and reinvestment plan, and any other information required by the board.

Proposed law provides that the board shall prescribe the form and manner of submission for economic development relocation applications.

Proposed law provides that the gaming operations of a licensee be conducted in accordance with the terms of the license, the requirements of this Title, and rules and regulations adopted by the division and the board.

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

(Amends R.S. 27:15(B)(8)(b), 44(4) and (14)-(25), 65(B)(15), and 66(B)(1); adds R.S. 27:44(26), 65(B)(16), and 67)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Clarifies the definition of "riverboat" by providing that the facility must have a portion of the designated gaming area within 1,200 feet of the riverboat's

licensed berth.

2. Adds that licensees may conduct no more than four tournaments per year in which the gaming positions used for tournament play are not counted as part of the licensee's total number of gaming positions and that such tournaments can take place outside the designated gaming area and cannot be more than fourteen days in length.