

SENATE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Senator Martiny to Reengrossed House Bill No. 600 by Representative Talbot

1 AMENDMENT NO. 1

2 Delete the set of Amendments proposed by Senator Cortez and adopted by the Senate on
3 June 2, 2019 (SFAHB600 WATSOND 3220)

4 AMENDMENT NO. 2

5 On page 1, delete line 2, and insert "To amend and reenact R.S. 27:15(D) and (E), 29.1(D)
6 and (E), 29.2(A) and (B), 29.3(A)(1) and (2), and 29.4(D), and to enact R.S. 27:29.2.1,
7 92(D), 302(3), 306, 307, 609 and 610, relative fees, taxes, and fines for sports gaming; to
8 provide for fantasy sports"

9 AMENDMENT NO. 3

10 On page 1. line 3, after "sports contests;" insert "to levy a tax on certain sports wagering
11 gaming;"

12 AMENDMENT NO. 4

13 On page 1, line 9, after "penalties" and before the semi-colon ";" insert "and their
14 distribution; to create a subfund"

15 AMENDMENT NO. 5

16 On page 3, between lines 6 and 7, insert the following:

17 "Section 2. R.S. 27:15(D) and (E), 29.1(D) and (E), 29.2(A) and (B),
18 29.3(A)(1) and (2), and 29.4(D) are hereby amended and reenacted and R.S.
19 27:29.2.1, 92(D), 609 and 610 are hereby enacted to read as follows:

20 §15. Board's authority; responsibilities
21 * * *

22 D. In addition to or in lieu of the revocation or suspension of a
23 license, certificate, or permit issued pursuant to the provisions of the
24 Louisiana Riverboat Economic Development and Gaming Control Act, the
25 Louisiana Economic Development and Gaming Corporation Act, the Pari-
26 mutuel Live Racing Facility Economic Redevelopment and Gaming Control
27 Act, the Sports Wagering Control Act, and this Chapter, the board may
28 impose upon the casino gaming operator, the holder of a sports wagering
29 certificate as defined in R.S. 27:602, or the holder of a license as defined in
30 R.S. 27:44 or 353, or a permittee a civil penalty not to exceed one hundred
31 thousand dollars for each violation of any provision of the Louisiana
32 Riverboat Economic Development and Gaming Control Act, the Louisiana
33 Economic Development and Gaming Corporation Act, the Louisiana Pari-
34 mutuel Live Racing Facility Economic Redevelopment and Gaming Control
35 Act, the Sports Wagering Control Act, this Chapter, or any rule or regulation
36 of the board. Payment of the civil penalty shall be a requirement for the
37 retention of any permit, certificate, or license held by the entity which
38 violated any such provisions. If the licensee, certificate holder, or permittee
39 contests the imposition of the civil penalty, the penalty shall be imposed only
40 after an adjudicatory hearing is conducted pursuant to R.S. 27:25 and a basis
41 for imposition of the penalty is determined to exist.

42 E. The board by rule may adopt a schedule of penalties for violations
43 of the Louisiana Riverboat Economic Development and Gaming Control Act,
44 the Louisiana Economic Development and Gaming Corporation Act, the

1 Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming
2 Control Act, the Sports Wagering Control Act, this Chapter, or any rule or
3 regulation of the board. Any such rules shall be adopted pursuant to the
4 Administrative Procedure Act and as otherwise provided in this Chapter.

5 * * *

6 §29.1. Manufacturer; permits

7 * * *

8 D. The annual fee for a manufacturer of slot machines, sports wagering
9 systems, and video draw poker devices permit issued under the provisions of this
10 Section is fifteen thousand dollars. This fee is required to be submitted at the time
11 of application and on the anniversary date of the issuance of the permit thereafter.

12 E. The annual fee for a manufacturer of gaming equipment other than slot
13 machines, sports wagering systems, and video draw poker devices permit issued
14 under the provisions of this Section is seven thousand five hundred dollars. This fee
15 is required to be submitted at the time of application and on the anniversary date of
16 the issuance of the permit thereafter.

17 §29.2. Gaming supplier permits

18 A. The board shall issue a gaming supplier permit to suitable persons who
19 supply, sell, lease, or repair, or contract to supply, sell, lease, or repair gaming
20 devices, equipment, and supplies to the holder of a license as defined in ~~R.S.~~
21 ~~27:44(14)~~, ~~R.S. 27:353(5)~~ R.S. 27:44 and 353, ~~or the casino gaming operator, or the~~
22 sports wagering service provider as defined in R.S. 27:602. A person shall not
23 supply, sell, lease, or repair or contract to supply, sell, lease, or repair gaming
24 devices, equipment, and supplies unless they possess a valid gaming supplier permit.

25 B. Gaming devices, supplies, or equipment may not be distributed to the
26 holder of a license as defined in ~~R.S. 27:44(14)~~, ~~R.S. 27:353(5)~~ R.S. 27:44 and 353,
27 ~~or a casino gaming operator, the sports wagering service provider as defined in R.S.~~
28 27:602, or supplier unless such devices, equipment, or supplies conform to rules
29 adopted by the board for such purpose.

30 * * *

31 §29.2.1. Sports wagering service provider permits

32 A. The annual fee for a sports wagering service provider permit issued under
33 the provisions of this Section shall be fifty thousand dollars. This fee shall be
34 submitted to the division at the time of application and on the anniversary date of the
35 issuance of the permit thereafter.

36 B.(1) The board shall issue a sports wagering service provider permit to any
37 suitable person who desires to contract to manage, administer, and control sports
38 wagers for a holder of a license as defined in R.S. 27:44(15) or 353(5) or the casino
39 gaming operator.

40 (2) A person shall not contract to manage, administer, or control sports
41 wagers unless the person possesses a sports wagering service provider permit.

42 C. A sports wagering service provider shall keep books and records for the
43 management, administering, and controlling of sports wagering authorized under this
44 Title and for services for which it is contracted by a licensee or operator. The
45 keeping of books and records shall be separate and distinct from any other business
46 the sports wagering service provider might operate. A sports wagering service
47 provider shall file a quarterly return with the board listing all of its contracts and
48 services related to sports wagering authorized under this Title.

49 §29.3. Non-gaming supplier permit

50 A.(1) The division shall issue a non-gaming supplier permit to suitable
51 persons who furnish services or goods and receive compensation or remuneration for
52 such goods or services to the holder of a license as defined in R.S. 27:44 and 353, ~~or~~
53 ~~the casino gaming operator, or the sports wagering service provider as defined in~~
54 R.S. 27:602. The board shall promulgate rules establishing the threshold amount of
55 goods and services for which a non-gaming supplier permit is required. Such
56 services include but are not limited to industries offering goods or services whether
57 or not directly related to gaming activity, including junket operators and limousine
58 services contracting with the holder of a license as defined in R.S. 27:44 and 353, ~~or~~
59 ~~the casino gaming operator, or the sports wagering service provider as defined in~~
60 R.S. 27:602, suppliers of food and nonalcoholic beverages, gaming employee or
61 dealer training schools, garbage handlers, vending machine providers, linen

1 suppliers, or maintenance companies. Any employee or dealer training school, other
2 than employee or training schools conducted by a licensee, or the casino gaming
3 operator, shall be conducted at an institution approved by the Board of Regents or
4 the State Board of Elementary and Secondary Education.

5 (2) Any person who, directly or indirectly, furnishes services or goods to the
6 holder of a license as defined in R.S. 27:44 and 353, ~~or~~ the casino gaming operator,
7 or the sports wagering service provider as defined in R.S. 27:602, regardless of the
8 dollar amount of the goods and services furnished or who has a business association
9 with the holder of a license as defined in R.S. 27:44 and 353, ~~or~~ the casino operator,
10 or the sports wagering service provider as defined in R.S. 27:602, may be required
11 by the board or division, where applicable, to be found suitable or apply for a non-
12 gaming supplier permit. Failure to supply all information required by the board or
13 division, where applicable, may result in a finding of unsuitability or denial of a non-
14 gaming supplier permit.

15 * * *

16 §29.4. Key and non-key gaming employee permit

17 * * *

18 D. The holder of a key or non-key gaming employee permit issued under this
19 Title shall be authorized to work in the capacity for which permitted for the holder
20 of a license as defined in ~~R.S. 27:44(14), R.S. 27:353(5),~~ R.S. 27:44 and 353, ~~or~~ the
21 casino gaming operator, or the sports wagering service provider as defined in R.S.
22 27:602.

23 * * *

24 §92. Collection and disposition of fees

25 * * *

26 D.(1) There is hereby established in the state treasury a special subfund in
27 the Riverboat Gaming Enforcement Fund to be known as the "Sports Wagering
28 Enforcement Subfund", hereafter in this Section, the "subfund".

29 (2) The monies in the subfund shall be withdrawn only pursuant to
30 appropriation by the legislature and shall be used solely for the following:

31 (a) For the expenses of the Department of Public Safety and Corrections and
32 the Department of Justice, including regulatory, administrative, investigative,
33 enforcement, legal, and such other expenses as may be necessary to carry out the
34 provisions of this Chapter and Chapter 10 of this Title and the rules and regulations
35 of the board.

36 (b) For the expenses of the Louisiana Gaming Control Board for the
37 regulation of gaming activities authorized by Chapter 10 of this Title.

38 * * *

39 §609. Sports wagering certificate fee

40 A. The initial application fee for a sports wagering certificate shall be fifty
41 thousand dollars and shall be nonrefundable.

42 B. A sports wagering certificate shall be issued to an applicant upon approval
43 by the board of the application and payment of the sports wagering certificate fee.
44 The fee shall be one hundred thousand dollars and the certificate shall be for a term
45 of five years.

46 C. The division shall collect all fees, fines, and taxes imposed or assessed
47 under the provisions of this Section and those fees related to sports wagering
48 activities in Chapter 1 of this Title and deposit the fees into the Sports Wagering
49 Enforcement Subfund as established in R.S. 27:92(D).

50 §610. State tax; levy

51 A. There is hereby levied a thirteen percent tax upon the net sports wagering
52 proceeds offered to consumers within this state.

53 B. The division shall collect all fees, fines, and taxes imposed or assessed
54 under the provisions of this Section.

55 C. All fees, fines, revenues, taxes, and other monies collected by the division
56 pursuant to this Section, shall be forwarded upon receipt to the state treasurer for
57 immediate deposit into the state treasury. Funds deposited into the treasury shall first
58 be credited to the Bond Security and Redemption Fund in accordance with Article
59 VII, Section 9(B) of the Constitution of Louisiana.

60 D. After complying with the provisions of Subsection C of this Section, each
61 fiscal year, the state treasurer shall disburse the tax levied pursuant to Subsection A

1 of this Section from sports wagering service providers or sports wagering certificate
2 holders as follows:

3 (1) One thirteenth of avails of the tax levied in Subsection A of this Section,
4 not to exceed \$750,000 shall be credited to the Compulsive and Problem Gaming
5 Fund established by R.S. 28:842, and the remainder of the avails shall be credited to
6 the Louisiana Early Childhood Education Fund as established by R.S. 17:407.30.

7 (2) Ten thirteenth of avails of the tax levied in Subsection A of this Section
8 shall be credited to the Louisiana Early Childhood Education Fund as established
9 by R.S. 17:407.30.

10 (3) Two thirteenth of avails of the tax levied in Subsection A of this Section
11 shall be remitted to each parish governing authority in proportion to the amount of
12 proceeds derived from the taxable conduct occurring in that parish."

13 AMENDMENT NO. 6

14 On page 3, delete line 7, and insert the following:

15 "Section 3. In the event of a conflict between the provisions of
16 Section 1 of this Act and the provisions of the Act which originated as House
17 Bill No. 459 of the 2019 Regular Session of the Louisiana Legislature, the
18 provisions of this Act shall supersede those of the Act which originated as
19 House Bill no 459.

20 Section 4. Section 1 of this Act shall become effective July 1, 2019.

21 Section 5. Section 2 of this Act shall become effective if the Act
22 which originated as HB 459 of this 2019 Regular Session is enacted and
23 includes an election on the authorization of sports wagering in Louisiana.

24 Section 6. Sections 3, 4 and 5 of this Act and this Section shall
25 become effective upon signature by the governor or, if not signed by the
26 governor, upon expiration of the time for bills to become law without
27 signature by the governor, as provided by Article III, Section 18 of the
28 Constitution of Louisiana. If vetoed by the governor and subsequently
29 approved by the legislature, this Act shall become effective on the day
30 following such approval."