

2021 Regular Session

SENATE BILL NO. 213

BY SENATORS HEWITT AND MCMATH AND REPRESENTATIVES DUBUISSON,
FRIEMAN, HOLLIS, NELSON, ROBERT OWEN AND WRIGHT

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

GAMING. Provides for a referendum election in St. Tammany Parish relative to riverboat gaming. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 18:1300.21(I) and R.S. 27:43(B)(1) and 93(A)(1), and to enact

3 R.S. 18:1300.25, relative to riverboat gaming operations in St. Tammany Parish on

4 portions of Lake Pontchartrain including those portions that are located south and

5 east of Interstate 10, along with the waterways that are connected thereto; to add

6 portions of Lake Pontchartrain, including those portions that are located south and

7 east of Interstate 10, along with the waterways connected thereto, as a designated

8 waterway upon which riverboat gaming activities may be conducted; to require and

9 provide for a referendum election in St. Tammany Parish; to provide for the

10 relocation of an existing riverboat gaming license holder's operations; to provide for

11 applicability; to provide for legislative intent; and to provide for related matters.

12 Notice of intention to introduce this Act has been published.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 18:1300.21(I) is hereby amended and reenacted and R.S. 18:1300.25

15 is hereby enacted to read as follows:

16 §1300.21. Discontinuance of certain gaming activities, except as continued by local

17 election

* * *

I.(1) Notwithstanding any provision of law to the contrary, no riverboat gaming activities shall be conducted upon a riverboat berthed or docked at a facility on that portion of Lake Pontchartrain or any waterway connected thereto located within St. Tammany Parish.

(2) However, if approved by the Louisiana Gaming Control Board and by a majority of the electors voting in the election on the ballot proposition as provided in R.S. 18:1300.25, riverboat gaming may be conducted in accordance with Chapter 4 of Title 27 of the Louisiana Revised Statutes of 1950 on that portion of Lake Pontchartrain or any waterway connected thereto located in St. Tammany Parish at the location specified in the ballot proposition.

* * *

§1300.25. St. Tammany Parish riverboat gaming authorization and relocation election; procedure; specific location

A. A referendum election, to the extent required by this Chapter and Article XII, Section 6 of the Constitution of Louisiana, shall be called in St. Tammany Parish at the election to be held on October 9, 2021, pursuant to R.S. 18:402, or on a succeeding appropriate date selected by the parish governing authority and as provided by law, to consider the proposition of whether a holder of an existing riverboat gaming license shall be allowed to relocate to an approved berth or docking facility in St. Tammany Parish and conduct riverboat gaming operations along the portions of Lake Pontchartrain, specifically the waterways that are a part of the Lakeshore Marina located south and east of Interstate 10, Exit 261.

B. The proposition on the ballot shall be stated as follows: "Shall gaming operations and activities authorized by the Louisiana Riverboat Economic Development and Gaming Control Act be authorized in St. Tammany Parish at a site along those certain waterways in St. Tammany Parish along portions of Lake Pontchartrain that are part of the Lakeshore Marina located south and

1 east of Interstate 10, Exit 261, and shall (Name of licensee approved by the
2 Louisiana Gaming Control Board) or successors and assigns be authorized to
3 relocate from its current location to the location in St. Tammany Parish
4 described above, and to thereon develop a gaming, hotel, and resort operation
5 all in accordance with the Louisiana Gaming Control Law, the Louisiana
6 Gaming Control Board, the Louisiana Election Code, and other relevant
7 constitutional and statutory authority?"

8 C. Subject to the approval of the Louisiana Gaming Control Board,
9 which is required only prior to the conducting of the election, and if a majority
10 of electors voting vote in favor of the proposition, the riverboat gaming license
11 holder may relocate operations to the approved berth or docking facility in St.
12 Tammany Parish along the portions of Lake Pontchartrain, specifically the
13 waterways that are a part of the Lakeshore Marina located south and east on
14 Interstate 10, Exit 261. The riverboat gaming license holder shall remain
15 subject to the licensing and regulatory authority of the Louisiana Gaming
16 Control Board and the Louisiana Gaming Control Law.

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

21 E. If the Louisiana Gaming Control Board authorizes a riverboat gaming
22 licensee to conduct riverboat gaming operations or activities at the location in
23 St. Tammany Parish as provided for in this Section, then the governing
24 authority of St. Tammany Parish shall insert the name of the licensee in the
25 ballot language provided for in Subsection B of this Section.

26 Section 2. R.S. 27:43(B)(1) and 93(A)(1) are hereby amended and reenacted to read
27 as follows:

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

29 * * *

1 B.(1) For purposes of this Chapter, designated rivers and waterways shall
 2 include those portions of the Mississippi, Red, except the portion of the Red River
 3 within the borders of Rapides Parish, Calcasieu, Mermentau, or Atchafalaya Rivers
 4 and Bayou Segnette within the city limits of Westwego, the Mississippi River Gulf
 5 Outlet, Bayou Bienvenue, Lake Pontchartrain, **including the waterways connected**
 6 **thereto in that portion of St. Tammany Parish located to the south and east of**
 7 **Interstate 10, specifically the waterways that are part of the Lakeshore Marina**
 8 **located south and east of Interstate 10 Exit 261**, Lake Maurepas, Lake Charles, the
 9 Intracoastal Waterway, except the portion thereof within the borders of Terrebonne
 10 and Lafourche Parishes, and the Sabine River north of the Toledo Bend Reservoir
 11 Dam subject to the provisions of Paragraph (2) of this Subsection, upon which a
 12 gaming operator is authorized to conduct gaming operations in accordance with the
 13 provisions of this Chapter.

14 * * *

15 §93. Authorization of local governing authorities; fees; regulation; local option

16 A.(1) The local governing authority of the parish or municipality in which the
 17 licensed berth of a riverboat is located may levy an admission fee of up to two and
 18 one-half dollars for each passenger boarding or embarking upon a riverboat,
 19 provided that in Bossier Parish, other than in Bossier City, and Caddo Parish an
 20 admission fee of up to three dollars may be levied. The governing authority of
 21 Bossier City, for each riverboat located in Bossier City in Bossier Parish, shall levy
 22 an assessment in the amount of four and five-tenths percent of the monthly net
 23 gaming proceeds as defined in R.S. 27:44(15) as the admission fee. **In St. Tammany**
 24 **Parish, economic support for drainage and recreation projects and a revenue**
 25 **share of up to five percent of monthly net gaming proceeds as defined in R.S.**
 26 **27:44(15), as set forth in a "Community Agreement" between the riverboat**
 27 **licensee and the St. Tammany Parish Development District, may serve as the**
 28 **admission fee.** For purposes of this Section, "licensed berth" shall mean the berth,
 29 dock, facility, or boarding area from which a riverboat excursion is authorized to

1 originate by the board or from which a riverboat is authorized by the board to
 2 operate. The authority granted to local governing authorities in Calcasieu Parish in
 3 this Subsection may be assigned to a gaming district established in accordance with
 4 R.S. 33:9576.

5 * * *

6 Section 3. The provisions of this Act shall not be construed to increase the number
 7 of riverboat gaming licenses authorized by R.S. 27:65(A). Also, other than, subject to voter
 8 approval, a portion of Lake Pontchartrain in St. Tammany Parish becoming a "designated
 9 river or waterway" and an acceptable berthing or docking site for purposes of the law, the
 10 provisions of this Act shall not be construed to expand riverboat gaming activity or
 11 operations in Louisiana beyond that authorized by the provisions of the Louisiana Gaming
 12 Control Law.

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

16 Section 5. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 213 Engrossed

2021 Regular Session

Hewitt

Present law prohibits riverboat gaming activities being conducted upon a riverboat berthed or docked at a facility on that portion of Lake Pontchartrain or any waterway connected thereto located within St. Tammany Parish.

Proposed law adds an exception to present law to provide that if both the Louisiana Gaming Control Board approves and a majority of the electors in St. Tammany Parish vote to approve a ballot proposition authorizing such, riverboat gaming may be conducted in accordance with the Louisiana Riverboat Economic Development and Gaming Control Act on that portion of Lake Pontchartrain or any waterway connected thereto located in St. Tammany Parish at the location specified in the ballot proposition.

Proposed law calls a referendum election in St. Tammany Parish to be held at the election scheduled for October 9, 2021, or on a succeeding appropriate date selected by the parish governing authority.

Proposed law provides for the proposition on the ballot to read: "Shall gaming operations and activities authorized by the Louisiana Riverboat Economic Development and Gaming Control Act be authorized in St. Tammany Parish at a site along those certain waterways in St. Tammany Parish along portions of Lake Pontchartrain that are part of the Lakeshore Marina located south and east of Interstate 10, Exit 261, and shall (Name of licensee approved by the Louisiana Gaming Control Board) or successors and assigns be authorized to relocate from its current location to the location in St. Tammany Parish described above, and to thereon develop a gaming, hotel, and resort operation all in accordance with the Louisiana Gaming Control Law, the Louisiana Gaming Control Board, the Louisiana Election Code, and other relevant constitutional and statutory authority?"

Proposed law provides that if the board approves the new berth or docking facility and a majority of the voters vote in favor of the proposition, the licensee may relocate operations to the approved berth or docking facility in St. Tammany Parish on that portion of Lake Pontchartrain, specifically the waterways that are a part of the Lakeshore Marina located south and east of Interstate 10, Exit 261.

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

Proposed law requires the governing authority of St. Tammany Parish to insert the name of the licensee in the ballot language provided for in proposed law, if the La. Gaming Control Board authorizes a riverboat gaming licensee to conduct riverboat gaming operations or activities at the location in St. Tammany Parish as provided for in proposed law.

Proposed law requires the election to 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 Lake Pontchartrain, specifically the waterways that are a part of the Lakeshore Marina located south and east of Interstate 10, Exit 261 in St. Tammany Parish 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 the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1300.21(I) and R.S. 27:43(B)(1) and 93(A)(1); adds R.S. 18:1300.25)

Summary of Amendments Adopted by Senate

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

1. Adds notice provision that the intent to introduce the bill was locally published.

2. Makes technical changes.
3. Removes the name of the licensee from the ballot language.
4. Adds provision in ballot language to include successors and assigns.
5. Requires the governing authority of St. Tammany Parish to insert the name of the licensee in the ballot language if the Louisiana Gaming Control Board authorizes a riverboat gaming licensee to conduct riverboat gaming operations or activities at a certain location in St. Tammany Parish.