

2020 Regular Session

HOUSE BILL NO. 357

BY REPRESENTATIVE MAGEE

GAMING: Provides for a proposition election to authorize sports wagering in Louisiana

1 AN ACT

2 To amend and reenact R.S. 27:15(B)(1) and to enact R.S. 14:90(E) and 90.3(K) and Chapter  
3 10 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.  
4 27:601 through 605, relative to sports wagering; to create the Louisiana Sports  
5 Wagering Control Act; to provide for a proposition election to authorize sports  
6 wagering in a parish; to provide for definitions; to provide for the duties of the  
7 Louisiana Gaming Control Board with respect to the regulation of sports wagering;  
8 to provide relative to effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 27:601 through 603 is hereby enacted to read as follows:

12 CHAPTER 10. SPORTS WAGERING CONTROL ACT

13 §601. Title

14 This Chapter shall be cited and referred to as the "Louisiana Sports Wagering  
15 Control Act".

16 §602. Definitions

17 For purposes of this Chapter, the following terms shall have these meanings:

18 (1) "Board" has the same meaning as that term has in R.S. 27:3.

19 (2) "Division" has the same meaning as that term has in R.S. 27:3.

20 (3) "Game" means a wager on a sports event or sporting event approved by  
21 the board.

1           (4)(a) "Sports event" or "sporting event" means any professional sport or  
2           athletic event, any Olympic or international sports competition event, any collegiate  
3           sport or athletic event, or any portions thereof, including but not limited to the  
4           individual performance statistics of athletes in a sports event or combination of  
5           sports event. "Sports event" or "sporting event" shall not include a prohibited event  
6           or fantasy sports activity. A prohibited event shall include any high school sports  
7           event.

8           (b) "Professional sport or athletic event" as used in Subparagraph (a) of this  
9           Paragraph means an event at which two or more persons participate in a sport or  
10           athletic event and receive compensation in excess of actual expenses for their  
11           participation in such event.

12           (5)(a) "Sports wagering" means the business of accepting wagers on a sports  
13           event approved by the board, provided all of the following conditions are met:

14           (i) The outcome of the sports event can be verified.

15           (ii) The outcome of the sports event can be generated by a reliable and  
16           independent process.

17           (iii) The outcome of the sports event is not affected by any wager placed.

18           (iv) The sports event is conducted in conformity with applicable laws.

19           (v) The wager shall only be accepted from persons twenty-one years of age  
20           or older.

21           (b) The term "sports wagering" may also include proposition wagers on  
22           novelty occurrences or nonoccurrences, or individual players over a broad spectrum  
23           of possibilities within a sports event that are not dependent on the final outcome of  
24           the sports event as approved by the board.

25           §603. Election on sports wagering

26           A. Notwithstanding any provision of law to the contrary, no sports wagering  
27           shall be allowed in any parish unless first approved at an election held for such  
28           purpose pursuant to the provisions of this Section.

1            B.(1) At the statewide election occurring on November 3, 2020, a  
2            proposition shall appear on the ballot in every parish to determine whether sports  
3            wagering shall be permitted in the parish.

4            (2) The ballot for the election shall state as follows:

5            "PROPOSITION TO AUTHORIZE SPORTS WAGERING.

6            Shall sports wagering be permitted in the parish of \_\_\_\_\_ ?

7            YES ( ) NO ( )"

8            C.(1) The voters shall vote for or against the proposition. A vote for the  
9            proposition being a "YES" vote, and a vote against the proposition being a "NO"  
10           vote.

11           (2) If a majority of the qualified electors in the parish voting on the  
12           proposition vote for the proposition, then sports wagering shall be permitted in such  
13           parish subject to the enactment of laws for the licensing, regulation, and taxation of  
14           such activity.

15           (3) If a majority of the qualified electors in the parish voting on the  
16           proposition vote against the proposition, then sports wagering shall not be permitted  
17           in the parish.

18           D. The secretary of state shall prepare the ballot for the election as set forth  
19           in the provisions of this Section.

20           E. Except as otherwise provided by this Section, the election shall be  
21           conducted in accordance with the Louisiana Election Code.

22           Section 2. R.S. 27:15(B)(1) is hereby amended and reenacted and R.S. 27:604 is  
23 hereby enacted to read as follows:

24           §15. Board's authority; responsibilities

25                                         \*       \*       \*

26           B. The board shall:

27           (1) Have all regulatory authority, control, and jurisdiction, including  
28           investigation, licensing, and enforcement, and all power incidental or necessary to  
29           such regulatory authority, control, and jurisdiction over all aspects of gaming

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 activities and operations as authorized pursuant to the provisions of the Louisiana  
 2 Riverboat Economic Development and Gaming Control Act, the Louisiana  
 3 Economic Development and Gaming Corporation Act, the Video Draw Poker  
 4 Devices Control Law, the Sports Wagering Control Act, and the Louisiana Fantasy  
 5 Sports Contests Act, except as otherwise specified in this Title. Further, the board  
 6 shall have all regulatory, enforcement, and supervisory authority which exists in the  
 7 state as to gaming on Indian lands as provided in the provisions of Act No. 888 of  
 8 the 1990 Regular Session of the Legislature and Act No. 817 of the 1993 Regular  
 9 Session of the Legislature.

10 \* \* \*

11 §604. Gaming Control Board; duties and powers

12 A. The board shall perform the duties and functions as authorized by the  
 13 provisions of this Chapter and the regulatory authority with respect to the regulation  
 14 of sports wagering as provided by R.S. 27:15.

15 B. The board shall adopt, pursuant to the Administrative Procedure Act, all  
 16 rules necessary to implement, administer, and regulate sports wagering as authorized  
 17 in this Chapter.

18 Section 3. R.S. 14:90(E) and 90.3(K) are hereby enacted to read as follows:

19 §90. Gambling

20 \* \* \*

21 E. Except as provided in R.S. 27:605, participation in sports wagering as  
 22 defined by R.S. 27:602 shall not be considered gambling for the purposes of this  
 23 Section.

24 \* \* \*

25 §90.3. Gambling by computer

26 \* \* \*

27 K. Except as provided in R.S. 27:605, participation in sports wagering as  
 28 defined by R.S. 27:602 shall not be considered gambling by computer for the  
 29 purposes of this Section.

1 Section 4. R.S. 27:605 is hereby enacted to read as follows:

2 §605. Sports wagering prohibited in certain parishes

3 Notwithstanding any provision of law to the contrary, sports wagering shall  
4 not be permitted in any parish in which, at the election held pursuant to R.S. 27:603,  
5 a majority of the qualified electors in the parish voting on the proposition to  
6 authorize sports wagering in the parish voted against the proposition.

7 Section 5. This Section and Sections 1, 6, and 7 of this Act shall become effective  
8 on August 1, 2020.

9 Section 6. Section 2 of this Act shall become effective on November 4, 2020, if in  
10 the statewide election held on November 3, 2020, a majority of the qualified electors in at  
11 least one parish in the state vote to approve the proposition to permit sports wagering in such  
12 parish.

13 Section 7. Sections 3 and 4 of this Act shall become effective upon the enactment  
14 of laws relative to the licensing, regulation, and taxation of revenue relative to sports  
15 wagering and the adoption of rules by the Louisiana Gaming Control Board to implement,  
16 administer, and regulate sports wagering as provided by this Act.

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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)]

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HB 357 Original

2020 Regular Session

Magee

**Abstract:** Creates the Louisiana Sports Wagering Control Act, requires a proposition election to determine whether sports wagering shall be permitted in each parish, and provides for the regulation of sports wagering.

Proposed law creates the "Louisiana Sports Wagering Control Act" and provides for a proposition election to be held on Nov. 3, 2020, to determine whether sports wagering shall be permitted in a particular parish. For purposes of proposed law, "sports wagering" means the business of accepting wagers on a sports event approved by the La. Gaming Control Board, provided all of the following conditions are met:

- (1) The outcome of the sports event can be verified.
- (2) The outcome of the sports event can be generated by a reliable and independent process.
- (3) The outcome of the sports event is not affected by any wager placed.

- (4) The sports event is conducted in conformity with applicable laws.
- (5) The wager shall only be accepted from persons 21 years of age or older.

Proposed law further provides that the term "sports wagering" may also include proposition wagers on novelty occurrences or nonoccurrences, or individual players over a broad spectrum of possibilities within a sports event that are not dependent on the final outcome of the sports event as approved by the board.

If a majority of the qualified electors in at least one parish in the state vote to approve the proposition to permit sports wagering in such parish, proposed law requires the La. Gaming Control Board to adopt all rules necessary to implement, administer, and regulate sports wagering as provided by proposed law.

Upon adoption of rules by the La. Gaming Control Board and the enactment of laws to provide for the licensing, regulation, and taxation of revenue relative to sports wagering, proposed law does all of the following:

- (1) Authorizes sports wagering in only those parishes in which a majority of qualified electors in the parish voting on the proposition voted for the proposition to permit sports wagering in the parish.
- (2) Provides an exception to the present law crimes of gambling (R.S. 14:90) and gambling by computer (R.S. 14:90.3) for sports wagering.

(Amends R.S. 27:15(B)(1); Adds R.S. 14:90(E) and 90.3(K) and R.S. 27:601-605)