SLS 18RS-386

ORIGINAL

2018 Regular Session

SENATE BILL NO. 323

BY SENATOR MARTINY

GAMING. Provides for the deduction of fees attributable to qualified wagers from net gaming proceeds. (8/1/18)

1	AN ACT
2	To amend and reenact R.S. 27:44(21) through (25) and to enact R.S. 27:44(26) and 95,
3	relative to the Louisiana Riverboat Economic Development and Gaming Control
4	Act; to define qualified wager and qualified wagering; to provide for the portion of
5	license and franchise fees charged to riverboat gaming licensees attributable to
6	qualified wagering; to provide for a baseline amount; to provide for a deduction from
7	net gaming proceeds; to allow a licensee to reapply for a new baseline amount; to
8	provide for the Louisiana Gaming Control Board; to provide for rulemaking; to
9	provide for limitations; to provide for an effective date; to provide for restrictions;
10	to provide for definitions; and to provide for related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 27:44(21) through (25) are hereby amended and reenacted and R.S.
13	27:44(26) and 95 are hereby enacted to read as follows:
14	§44. Definitions
15	* * *
16	(21) "Qualified wager" or "qualified wagering" means wagers placed by
17	patrons using noncashable vouchers, promotional chips, coupons, electronic

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1	credits, electronic promotions, scrips, or any other cash equivalent that is
2	provided to the patron by the licensee.
3	(21)(22) "Racehorse wagering" means wagers placed on horse racing
4	conducted under the pari-mutuel form of wagering at licensed racing facilities that
5	is accepted by a licensed racehorse wagering operator under the provisions of this
6	Chapter.
7	(22)(23) "Racehorse wagering operator" means the licensed racing
8	association whose facility is located closest to the licensed berth of the riverboat on
9	which gaming activities are approved.
10	(23)(24) "Riverboat" means a vessel which:
11	(a) Carries a valid Certificate of Inspection issued by the United States Coast
12	Guard with regard to the carriage of passengers on designated rivers or waterways
13	within or contiguous to the boundaries of the state of Louisiana.
14	(b) Carries a valid Certificate of Inspection from the United States Coast
15	Guard for the carriage of a minimum of six hundred passengers and crew.
16	(c) Has a minimum length of one hundred fifty feet.
17	(d) Is of such type and design so as to replicate as nearly as practicable
18	historic Louisiana river borne steamboat passenger vessels of the nineteenth century
19	era. It shall not, however, be a requirement that the vessel be steam-propelled or
20	maintain overnight facilities for its passengers.
21	(e) Is paddlewheel driven.
22	(24)(25) "Slot machine" means any mechanical, electrical, or other device,
23	contrivance, or machine which, upon insertion of a coin, token, or similar object
24	therein or upon payment of any consideration whatsoever, is available to play or
25	operate, the play or operation of which, whether by reason of the skill of the operator
26	or application of the element of chance, or both, may deliver or entitle the person
27	playing or operating the machine to receive cash, premiums, merchandise, tokens,
28	or anything of value, whether the payoff is made automatically from the machine or
29	in any other manner.

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1	(25)(26) "Supervisor" means the person in charge of the division.
2	* * *
3	§95. Deduction of qualified wagers from net gaming proceeds; procedures;
4	limitations
5	A. On and after July 1, 2020, a licensee may apply to the board to
6	establish a baseline amount of license and franchise fees paid on the portion of
7	net gaming proceeds attributable to qualified wagering. The license and
8	franchise fees paid pursuant to R.S. 27:91(B)(2) and (C) shall be used to
9	determine the baseline amount.
10	B. In any subsequent year and on an annual basis, if the portion of the
11	license and franchise fees attributable to qualified wagering exceeds the baseline
12	amount, a licensee may deduct the difference of the amount of the license and
13	franchise fees paid on qualified wagering and the baseline amount from that
14	year's net gaming proceeds.
15	C. In any subsequent year, if a licensee is unable to utilize the deduction
16	provided in Subsection B, the licensee may reapply to the board to establish a
17	new baseline amount.
18	D. The board shall prescribe the form and manner of the deduction and
19	shall promulgate rules in accordance with the Administrative Procedure Act to
20	implement the provisions of this Section.

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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Martiny

<u>Proposed law</u>, regarding riverboat gaming, defines "qualified wager" or "qualified wagering" as wagers placed by patrons using noncashable vouchers, promotional chips, coupons, electronic credits, electronic promotions, scrips, or any other cash equivalent that is provided to the patron by the licensee.

<u>Present law</u> defines "net gaming proceeds" as the total of all cash and property received by the licensee from gaming operations, less the total of all cash paid out as winnings to patrons.

<u>Present law</u> provides for license and franchise fees to be charged to all riverboat gaming licensees for the right to conduct gaming activities on a riverboat. Further provides for the

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fees to be a percentage of the net gaming proceeds.

Proposed law retains present law.

<u>Proposed law</u> provides that on or after July 1, 2020, a riverboat gaming licensee may apply to the board to establish a baseline amount of license and franchise fees paid on the portion of net gaming proceeds attributable to qualified wagering.

<u>Proposed law</u> provides that in any subsequent year, if the portion of the license and franchise fees attributable to qualified wagering exceeds the baseline amount, a licensee may deduct the difference of the amount of the license and franchise fees paid on qualified wagering and the baseline amount from that year's net gaming proceeds.

<u>Proposed law</u> provides that in any subsequent year if the license and franchise fees paid on qualified wagering do not exceed the baseline amount, the licensee may reapply to the board to establish a new baseline amount.

<u>Proposed law</u> provides that the board shall prescribe the form and manner of the deduction and shall promulgate rules to implement the provisions of <u>proposed law</u>.

Effective August 1, 2018.

(Amends R.S. 27:44(21) - (25); adds R.S. 27:44(26) and 95)