

First Extraordinary Session, 1998

HOUSE BILL NO. 69

BY REPRESENTATIVE PERKINS

GAMBLING/CASINO: Repeals the La. Economic Development and Gaming Corp. (land-based casino) Act of 1992

1 AN ACT

2 To amend and reenact R.S. 14:90.3(F), R.S. 27:2(B), 13(C)(2), (3), (4), (6),
3 and (7)(b), 14(A), 15(B)(1), 20(C), 24(A)(4) and (B)(1), and 25(D) and
4 to repeal R.S. 14:90(E) and R.S. 27:201 through 286, relative to the
5 Louisiana Economic Development and Gaming Corporation Act; to
6 repeal the authority and procedure for the conducting of land-based
7 casino gaming operations and activities, and the exception of such
8 operations and activities from the crime of gambling; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 27:2(B), 13(C)(2), (3), (4), (6), and (7)(b), 14(A),
12 15(B)(1), 20(C), 24(A)(4) and (B)(1), and 25(D) are hereby amended and
13 reenacted, all to read as follows:

14 §2. Public policy of state concerning gaming; status of licenses,
15 contracts, and permits

16 * * *

17 B. It is the express intent, desire, and policy of the legislature
18 that no gaming operator, nor any applicant for a license, permit, or

1 other thing existing, issued, or let as a result of this Title, shall have any
 2 right of action to obtain any license, ~~casino operating contract~~, permit,
 3 or the granting of the approval or affirmative board action sought
 4 except as provided for and authorized by this Title. Any license, ~~casino~~
 5 ~~operating contract~~, permit, approval, or thing obtained or issued
 6 pursuant to the provisions of this Title or any other law relative to the
 7 jurisdiction of the board is expressly declared by the legislature to be
 8 a pure and absolute revocable privilege and not a right, property or
 9 otherwise, under the constitution of the United States or of the state of
 10 Louisiana. Further, the legislature declares that no recipient of any
 11 such license, ~~casino operating contract~~, permit, any other thing, or
 12 affirmative board action or approval acquires any vested interest or
 13 right therein or thereunder.

14 * * *

15 §13. Standards of conduct

16 * * *

17 C. The provisions of this Subsection shall apply to the board
 18 and its employees in addition to the Code of Governmental Ethics. The
 19 board shall adopt rules to implement this Subsection. The board shall
 20 adopt rules as additional ethical rules for members and employees
 21 which shall include at a minimum the following:

22 * * *

23 (2) No board member or employee shall solicit or accept
 24 employment ~~from a casino operator~~ or from any licensee or permittee
 25 of the board, or any holding, intermediary, or subsidiary company of
 26 ~~an operator~~, a licensee or a permittee, for a period of five years after
 27 termination of service on the board or employment by the board.

1 (3) No immediate family member of a board member shall be
 2 employed by ~~the casino operator~~; a licensee or a permittee under this
 3 Title, or any holding, intermediary, or subsidiary company of ~~an~~
 4 ~~operator~~; a licensee or a permittee.

5 (4) No board member or board employee nor a member of the
 6 immediate family of any board member or employee shall acquire a
 7 future direct or indirect pecuniary interest in ~~the gaming casino~~
 8 ~~operator~~ or any ~~other~~ gaming licensee or permittee, or a holding,
 9 intermediary, or subsidiary company of ~~an operator~~; a licensee or a
 10 permittee, during the term of office or employment of the member or
 11 employee.

12 * * *

13 (6) No member or board employee nor a member of the
 14 immediate family of a board member or board employee nor ~~any casino~~
 15 ~~operator~~ or any ~~other~~ licensee or permittee shall make a contribution or
 16 loan to, or expenditure on behalf of, a candidate or committee.

17 (7)

18 * * *

19 (b) A consultant or person under contract for services to the
 20 board may not represent the interests of any individual or entity, other
 21 than the board's interests, before the board nor may such consultant or
 22 person under contract for services act as a consultant to or for or have
 23 a contract for services with ~~the casino operator~~ or any ~~other~~ licensee or
 24 permittee, or any holding, intermediary, or subsidiary company of ~~an~~
 25 ~~operator~~; a licensee or permittee, during the term of any agreement
 26 with the board.

27 * * *

1 §14. Compensation

2 A. No board member shall be engaged in any other form of
3 public employment. Income resulting from investment or savings is
4 permitted during service as a board member provided that no such
5 income results from investment in any entity that has or is seeking a
6 license, permit, ~~casino contract~~, or action or approval from the board.

7 * * *

8 §15. Board's authority, responsibilities

9 * * *

10 B. The board shall:

11 (1) Have all regulatory authority, control, and jurisdiction,
12 including investigation, licensing, and enforcement, and all power
13 incidental or necessary to such regulatory authority, control, and
14 jurisdiction over all aspects of gaming activities and operations as
15 authorized pursuant to the provisions of the Louisiana Riverboat
16 Economic Development and Gaming Control Act ~~the Louisiana~~
17 ~~Economic Development and Gaming Corporation Act~~, and the Video
18 Draw Poker Devices Control Law, except as otherwise specified in this
19 Title. Further, the board shall have all regulatory, enforcement, and
20 supervisory authority which exists in the state as to gaming on Indian
21 lands as provided in the provisions of Act No. 888 of the 1990 Regular
22 Session of the Legislature and Act No. 817 of the 1993 Regular Session
23 of the Legislature.

24 * * *

25 §20. Department of Public Safety and Corrections, office of state
26 police

27 * * *

1 C. The office of state police may initiate any administrative
2 action against any entity that has a license, permit, ~~casino contract,~~
3 action, or approval.

4 * * *

5 §24. Rulemaking authority; fees and fines, collection

6 A. The board, in accordance with the Administrative Procedure
7 Act and R.S. 27:15(B)(8), shall promulgate all rules and regulations
8 necessary to carry out the provisions of this Title, including but not
9 limited to the following:

10 * * *

11 (4) Enforcement of this Title, gaming laws administered by the
12 board, and rules of the board, including imposition and collection of
13 fines, penalties, and other sanctions which may be imposed by the
14 board against a ~~casino operator or any other~~ licensee or permittee of the
15 board.

16 B.(1) Subject to the provisions of Article VII, Section 2.1 of the
17 Constitution of Louisiana, and in accordance with the Administrative
18 Procedure Act, the board may assess and provide for the imposition and
19 collection of such fees as may be necessary to defray administrative
20 costs associated with the application for and the investigation, granting,
21 or renewal of licenses and permits. ~~or the casino operating contract.~~

22 * * *

23 §25. Hearing officer; duties

24 * * *

25 D. In addition to rules for the hearings provided for in
26 Subsection B of this Section, the Louisiana gaming control hearing
27 officer shall establish rules for the conduct of a short-form hearing to

1 permit ~~the casino operator~~ or any other licensee or permittee of the
 2 board who is accused of a violation for which a fine may be imposed
 3 to show cause why such fine should not be imposed. Such a hearing
 4 may be waived by the violator. If such a hearing is held, it shall be
 5 held within fifteen days of notification to the ~~casino operator~~, licensee
 6 or permittee of the violation. The hearing officer shall uphold the
 7 imposition of the penalty except upon a clear and convincing showing
 8 that either the penalty should not be imposed or that the matter is
 9 sufficiently disputed to require a full hearing.

10 Section 2. R.S. 14:90.3(F) is hereby amended and reenacted to read as
 11 follows:

12 §90.3. Gambling by computer

13 * * *

14 F. The conducting or assisting in the conducting of gaming
 15 activities or operations upon a riverboat, ~~at the official gaming~~
 16 ~~establishment~~, by operating an electronic video draw poker device, by
 17 a charitable gaming licensee, or at a pari-mutuel wagering facility or
 18 the operation of a state lottery which is licensed for operation and
 19 regulated under the provisions of Chapter 4 of Title 4, Chapters 4 5,
 20 and 6 of Title 27, or Part V-A of Chapter 14 of Title 33 or Subtitle XI
 21 of Title 47 of the Louisiana Revised Statutes of 1950, shall not be
 22 considered gambling by computer for the purposes of this Section, so
 23 long as the wagering is done on the premises of the licensed
 24 establishment.

25 * * *

26 Section 3. R.S. 14:90(E) and R.S. 27:201 through 286 are hereby
 27 repealed in their entirety.

1 Section 4. This Act shall become effective on June 30, 1998; if vetoed
2 by the governor and subsequently approved by the legislature, this Act shall
3 become effective on June 30, 1998, or on the day following such approval by
4 the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Perkins

HB No. 69

Repeals the La. Economic Development and Gaming Corporation Act of 1992, which authorized and provided the conditions, requirements, and procedure for the conducting of casino gaming operations and activities at a single land-based casino establishment on the site of the Rivergate Convention Center in Orleans Parish. Deletes references to the casino which appear in other statutes.

Effective June 30, 1998.

(Amends R.S. 14:90.3(F), R.S. 27:2(B), 13(C)(2), (3), (4), (6), and (7)(b), 14(A), 15(B)(1), 20(C), 24(A)(4) and (B)(1), and 25(D); Repeals R.S. 14:90(E) and R.S. 27:201-286)