

HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 153 by Senator Martiny

1 AMENDMENT NO. 1

2 On page 1, line 3, after "15(B)(1)," and before "29(F)," insert "(D), and (E),"

3 AMENDMENT NO. 2

4 On page 1, line 5, after "375(D)," and before "and to enact" insert "and R.S. 46:1816(B)(8)"

5 AMENDMENT NO. 3

6 On page 1, at the end of line 7, change "608," to "610,"

7 AMENDMENT NO. 4

8 On page 1, line 10, after "certificates;" and before "to provide" insert the following:

9 "to provide relative to the distribution of net sports wagering proceeds to
10 pari-mutuel wagering facilities and the horse breeding industry;"

11 AMENDMENT NO. 5

12 On page 1, line 12, after "wagers;" and before "to provide" insert the following:

13 "to provide relative to civil penalties; to provide relative to the time period
14 for claiming winnings; to provide for the use of funds that are unclaimed
15 winnings;"

16 AMENDMENT NO. 6

17 On page 1, line 15, after "15(B)(1)," and before "29(F)," insert "(D), and (E),"

18 AMENDMENT NO. 7

19 On page 2, line 2, change "through 608," to "through 610,"

20 AMENDMENT NO. 8

21 On page 3, between lines 10 and 11, insert the following:

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
30 in 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

1 Act, the Sports Wagering Control Act, this Chapter, or any rule or
 2 regulation of the board. Payment of the civil penalty shall be a requirement
 3 for the retention of any permit, certificate, or license held by the entity which
 4 violated any such provisions. If the licensee, certificate holder, or
 5 permittee contests the imposition of the civil penalty, the penalty shall be
 6 imposed only after an adjudicatory hearing is conducted pursuant to R.S.
 7 27:25 and a basis for imposition of the penalty is determined to exist.

8 E. The board by rule may adopt a schedule of penalties for violations
 9 of the Louisiana Riverboat Economic Development and Gaming Control Act,
 10 the Louisiana Economic Development and Gaming Corporation Act, the
 11 Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming
 12 Control Act, the Sports Wagering Control Act, this Chapter, or any rule or
 13 regulation of the board. Any such rules shall be adopted pursuant to the
 14 Administrative Procedure Act and as otherwise provided in this Chapter.

15 * * *

16 AMENDMENT NO. 9

17 On page 15, line 13, after "machine" delete the remainder of the line and insert "or kiosk,
 18 or window,"

19 AMENDMENT NO. 10

20 On page 15, delete line 19 in its entirety, and insert "B. In any parish in which sports
 21 wagering"

22 AMENDMENT NO. 11

23 On page 17, line 17, change "casino's or eligible facility's" to "riverboat's, eligible
 24 facility's, or official gaming establishment's"

25 AMENDMENT NO. 12

26 On page 17, line 23, after "in the" delete the remainder of the line, delete line 24 in its
 27 entirety and insert the following:

28 "riverboat, eligible facility, or official gaming establishment is not obstructed
 29 in any way that could interfere with the ability"

30 AMENDMENT NO. 13

31 On page 17, line 28, change "casino's or eligible facility's" to "riverboat's, eligible
 32 facility's, or official gaming establishment's"

33 AMENDMENT NO. 14

34 On page 19, between lines 6 and 7, insert the following:

35 "§608. Ninety-day time period to claim winnings; collection and use of
 36 funds

37 A. The holder of a sports wager receipt evidencing the right to a
 38 payment shall present the receipt for payment within ninety days after
 39 the date of the conclusion of the sports event. The failure to present such
 40 receipt within the prescribed time shall constitute a waiver of the right
 41 to the payment. Thereafter, the holder of the receipt shall have no right
 42 to enforce payment of the wager receipt.

43 B. The funds held by any certificate holder or service provider for
 44 the payment of outstanding sports wager receipts shall be retained by

such certificate holder or service provider for such purpose until the expiration of ninety days after the conclusion of the sports event.

C. After such time, the certificate holder or service provider shall each day accumulate the amount equal to the sum of any unclaimed monies, less the amount of state tax paid by the certificate holder or service provider on the unclaimed monies that expire that day. On or before the fifteenth day of the first month following the end of a calendar-year quarter, the certificate holder or service provider shall remit to the state treasurer for deposit into the Crime Victims Reparations Fund, as provided for in R.S. 46:1816(B)(8), an amount equal to the accumulated total for the previous calendar-year quarter. The funds shall be used exclusively to pay the expenses associated with health care services of victims of sexually-oriented criminal offenses, including forensic medical examinations as defined in R.S. 15:622."

AMENDMENT NO. 15

On page 19, at the beginning of line 7, change "§608." to "§609."

AMENDMENT NO. 16

On page 19, delete lines 16 through 27 in their entirety and insert the following:

"C. After complying with the provisions of Subsection B of this Section, each fiscal year, the state treasurer shall disburse the monies collected pursuant to this Section from sports wagering service providers or sports wagering certificate holders as follows:

(1) One percent of the monies collected pursuant to this Section, not to exceed seven hundred fifty thousand dollars, shall be credited to the Compulsive and Problem Gaming Fund established by R.S. 28:842. If the amount collected pursuant to this Paragraph exceeds seven hundred fifty thousand dollars, after payment to the Compulsive and Problem Gaming Fund, as required by this Paragraph, the remaining monies collected pursuant to this Paragraph shall be credited to the Louisiana Early Childhood Education Fund as established by R.S. 17:407.30.

(2) Ten percent of the monies collected pursuant to this Section shall be credited to the Louisiana Early Childhood Education Fund as established by R.S. 17:407.30.

(3) Two percent of the monies collected pursuant to this Section shall be remitted, by proportionate distribution, to each parish governing authority in which the taxable conduct occurred.

§610. Sports wagering at certain facilities

A. The holder of a license as defined in R.S. 27:353 who has been issued a sports wagering certificate, or its sports wagering service provider permittee, in order to contribute to the support of pari-mutuel wagering facilities in the state and the horse breeding industry, shall pay annually from the annual net sports wagering proceeds:

(1) A fixed percentage of five percent to supplement purses as follows:

(a) Seventy percent to supplement purses for thoroughbred races at that eligible facility or any eligible facility licensed by the Louisiana State Racing Commission to conduct additional or substitute races or race days as authorized by R.S. 4:147.1, thirty percent of which shall be for the Louisiana-bred thoroughbred horses. Four percent of this amount shall go to the Horsemen's Benevolent and Protective Association.

(b) Thirty percent to supplement purses for quarter horse races at that eligible facility or any eligible facility licensed by the Louisiana State Racing Commission to conduct additional or substitute race or race days as authorized by R.S. 4:147.1, sixty percent of which shall be for Louisiana-bred quarter

1 horses. Four percent of this amount shall go to the Horsemen's Benevolent and
2 Protective Association.

3 (2) A fixed percentage of two-thirds of one percent to the Executive
4 Committee of the Louisiana Thoroughbred Breeders' Association. The
5 Executive Committee shall distribute the amount according to a schedule or
6 formula and within a time period which shall be established by the committee
7 for special breeder awards to the breeders of accredited Louisiana-bred
8 thoroughbred horses.

9 (3) A fixed percentage of one-third of one percent to the Executive
10 Committee of the Louisiana Quarter Horse Breeders' Association. The
11 Executive Committee shall distribute the amount according to a schedule or
12 formula and within a time period which shall be established by the committee
13 for special breeders' awards to the breeders of accredited Louisiana-bred
14 quarter horses.

15 B. The Horsemen's Benevolent and Protective Association shall be
16 deemed to hold a perfected security interest in and to its portion of the percent
17 of the annual net sports gaming proceeds as provided in Paragraph (A)(1) of
18 this Section until the purse supplements have been distributed as purses or
19 distributed to the Horsemen's Benevolent and Protective Association. All purse
20 supplements shall be deemed to be held in trust for the benefit of the
21 Horsemen's Benevolent and Protective Association by the eligible facility until
22 the time the monies are distributed. Each eligible facility shall have a fiduciary
23 duty to the Horsemen's Benevolent and Protective Association to preserve and
24 account for such purse supplements."

25 AMENDMENT NO. 17

26 On page 22, between lines 23 and 24, insert the following:

27 "Section 5. R.S. 46:1816(B)(8) is hereby amended and reenacted to read as follows:
28 §1816. Crime Victims Reparations Fund; creation; sources and use of funds

29 * * *
30 B. The fund shall be composed of:

31 * * *
32 (8) Monies deposited by the state treasurer from the collection of unclaimed
33 prize money as provided for in R.S. 4:176 and R.S. 27:94, 252, ~~and 394~~, and 608
34 which shall be used exclusively to pay the expenses associated with health care
35 services of victims of sexually-oriented criminal offenses, including forensic medical
36 examinations as defined in R.S. 15:622.

37 * * *"

38 AMENDMENT NO. 18

39 On page 22, delete line 24 in its entirety and insert "Section 6. Sections 1, 2, 3, and 5 of this
40 Act shall become effective if"

41 AMENDMENT NO. 19

42 On page 22, line 25, after "become" and before "effective" delete "operative and"

43 AMENDMENT NO. 20

44 On page 22, delete line 27 in its entirety and insert "Section 7. This Section and Sections
45 4, 6, and 8 of this Act shall become effective upon"

46 AMENDMENT NO. 21

47 On page 23, after line 2, insert the following:

1 "Section 8. If House Bill No. 587 of the 2019 Regular Session of the
2 Legislature becomes effective, the provisions of R.S. 27:609 and 610 as enacted by
3 the Act which originated as House Bill No. 587 of the 2019 Regular Session of the
4 Legislature shall supersede the provisions of R.S. 27:609 as enacted by this Act, and
5 R.S. 27:609 as provided in this Act shall not become effective."