

First Extraordinary Session, 2005

HOUSE BILL NO. 78

BY REPRESENTATIVES MARTINY, PINAC, JOHNS, AND HEATON

GAMBLING: Provides for definition of eligible facility during force majeure

1 AN ACT

2 To amend and reenact R.S. 27:353(4) and 354, relative to slot machine gaming at live horse
3 racing facilities; to amend the definition of an eligible facility to provide that the
4 Louisiana State Racing Commission can approve less than eighty days within a
5 twenty-week period in certain emergencies or disasters or other such occurrences;
6 to provide for the effect of this determination; to provide relative to the powers and
7 authority of the Louisiana State Racing Commission; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 27:353(4) and 354 are hereby amended and reenacted to read as
11 follows:

12 §353. Definitions

13 When used in this Chapter, the following terms shall have these meanings:

14 * * *

15 (4) "Eligible facility" means no more than one facility in St. Landry Parish,
16 Bossier Parish, Orleans Parish, and Calcasieu Parish at which the Louisiana State
17 Racing Commission has licensed the conduct or at which the commission has
18 approved the future licensing of the conduct of not less than eighty days within a
19 consecutive twenty-week period each year of live horse race meetings, unless the
20 commission approves the conduct of less than eighty days within a consecutive

1 twenty-week period or a different consecutive or nonconsecutive period, whenever
2 an eligible facility is prevented from conducting live racing as a result of a natural
3 disaster, an act of God, force majeure, a catastrophe, or such other occurrence over
4 which the eligible facility has no control. Such a determination by the commission
5 shall not adversely affect the status of the eligible facility to conduct slot machine
6 gaming. For the 2005 racing season, "eligible facility" shall also include the facility
7 in St. Landry Parish that will not be able to meet such requirements due to repairs or
8 construction to the racetrack which are necessary in order to protect the safety of
9 riders and thoroughbred racehorses and to preserve the revenues to be received and
10 distributed to the state and local governments at such facility or as otherwise
11 provided in R.S. 4:214.1.

12 §354. Power of Louisiana State Racing Commission

13 Nothing in this Chapter shall be construed to abrogate, limit, or ~~affect~~
14 diminish in any way the powers granted to the Louisiana State Racing Commission,
15 including but not limited to the discretion to approve the conduct of less than eighty
16 days within a consecutive twenty-week period or a different consecutive or
17 nonconsecutive period, whenever an eligible facility is prevented from live racing
18 as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such
19 other occurrence over which the eligible facility has no control.

20 Section 2. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 effective on the day following such approval.

DIGEST

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

Martiny

HB No. 78

Abstract: Amends the definition of an eligible facility to provide for conducting less than 80 racing days in a consecutive 20-week period for force majeure.

Present law provides that for the purposes of slot machine gaming an "eligible facility" means no more than one facility in St. Landry Parish, Bossier Parish, Orleans Parish, and Calcasieu Parish at which the Louisiana State Racing Commission has licensed the conduct or at which the commission has approved the future licensing of the conduct of not less than 80 days within a consecutive 20-week period each year of live horse race meetings.

Proposed law retains the provisions of present law and further provides that if the Louisiana State Racing Commission approves the conducting of less than 80 days within a 20-week period or a different consecutive or nonconsecutive period, whenever an eligible facility is prevented from conducting live racing as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the eligible facility has no control that facility is still within the definition of an "eligible facility".

Proposed law further provides that this determination by the commission shall not adversely affect the status of the eligible facility to conduct slot machine gaming.

Present law provides that the nothing in the present law provisions of slot machine gaming shall be construed to abrogate, limit, or affect in any way the powers granted to the commission.

Proposed law retains these provisions of present law and adds that these powers include but are not limited to the discretion to approve the conducting of less than 80 days within a 20-week period, whenever an eligible facility is prevented from live racing as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the eligible facility has no control.

Proposed law further provides that nothing in present law diminishes the authority of the commission.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 27:353(4) and 354)