

First Extraordinary Session, 2005

HOUSE BILL NO. 56

BY REPRESENTATIVES PINAC, MARTINY, JOHNS, AND HEATON

GAMBLING: Provides with respect to slot machine purse supplements during force majeure

1 AN ACT

2 To enact R.S. 27:354.1, relative to slot machine gaming at live horse racing facilities; to
3 provide relative to the required number of live racing days; to provide for the
4 authority of the Louisiana State Racing Commission to approve additional races or
5 race days and locations, transfer proceeds and purse supplements, all as made
6 necessary by damage to existing facilities due to a disaster, emergency, or force
7 majeure, or other such occurrence; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 27:354.1 is hereby enacted to read as follows:

10 §354.1. Purse supplements; eligible facility; impact of disaster or force majeure

11 A. For the purposes of this Section, "commission" means the Louisiana State
12 Racing Commission within the Office of the Governor.

13 B. If the commission determines that a licensed eligible facility is affected
14 and therefore unable to conduct all or part of a scheduled race meet, authorized by
15 the commission, due to a natural disaster, an act of God, force majeure, a
16 catastrophe, or such other occurrence over which the eligible facility has no control,
17 the commission notwithstanding any other law:

18 (1) May authorize additional or substitute races and race days up to the
19 number of races or race days that are unable to be conducted at the affected licensed
20 eligible facility to be conducted at another licensed eligible facility.

1 (2) Upon such authorization of additional or substitute races and race days,
2 the commission shall order the transfer of a prorata portion of the annual net slot
3 machine proceeds received for purses from slot machine gaming operations at the
4 affected licensed eligible facility to the other licensed eligible facility in order to
5 supplement purses for horse races at the other licensed eligible facility conducting
6 the additional or substitute races and race days. The funds so transferred shall be
7 proportional in amount to the number of races held at each of the two eligible
8 facilities during the entirety of the time period of the scheduled race meet, if any, and
9 the time period of the additional or substitute races and race days. The funds
10 transferred pursuant to this Section shall be used exclusively for the purses of the
11 additional or substitute races.

12 (3) Shall meet, subsequent to November 10, 2005, and authorize a revised
13 race meet for the affected licensed eligible facility that reflects the number of races
14 and race days, if any, the commission determines is reasonable under the
15 circumstances.

16 C. Upon notification by the affected licensed eligible facility and verification
17 by the commission, that the affected licensed eligible facility is capable of resuming
18 races in accordance with the revised race meet schedule, if any, the commission shall
19 authorize and order the transfer of races and race days and any remaining transferred
20 purse funds back to the formerly affected licensed eligible facility upon a finding by
21 the commission that said action is reasonable under the circumstances.

22 Section 2. The provisions of this Act shall have retroactive application to August 29,
23 2005.

24 Section 3. If any provision of this Act or the application thereof is held invalid, such
25 invalidity shall not affect other provisions or applications of this Act which can be given
26 effect without the invalid provisions or applications, and to this end the provisions of this
27 Act are hereby declared severable.

28 Section 4. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

- 1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.
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DIGEST

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

Pinac

HB No. 56

Abstract: Provides for the approval of additional or substitute races or race days and transfer of purse money if track is affected by force majeure.

Proposed law defines commission as the Louisiana State Racing Commission within the Office of the Governor.

Proposed law provides if the commission determines that a licensed eligible facility is affected and therefore unable to conduct all or part of a scheduled race meet, authorized by the commission, due to a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence the commission:

- (1) May authorize additional or substitute races and race days up to the number of races or race days that are unable to be conducted at the affected licensed eligible facility to be conducted at another licensed eligible facility; and upon such authorization of additional or substitute races and race days, the racing commission shall order the transfer of a pro rata portion of the annual net slot machine proceeds received for purses from slot machine gaming operations at the affected licensed eligible facility to the other licensed eligible facility in order to supplement purses for horse races at the other licensed eligible facility conducting the additional or substitute races and race days. Such funds so transferred shall be proportional in amount to the number of races held at each of the two eligible facilities during the entirety of the time period of the scheduled race meet, if any, and the time period of the additional or substitute races and race days and shall be used exclusively for the purses of the additional or substitute races.
- (2) Shall meet subsequent to November 10, 2005, and authorize a revised race meet for the affected licensed eligible facility that reflects the number of races and race days, if any, the commission determines is reasonable under the circumstances.

Proposed law provides that upon notification by the affected licensed eligible facility and verification by the commission, that the affected licensed eligible facility is capable of resuming races in accordance with the revised race meet schedule, if any, the commission shall authorize and order the transfer of races and race days and any remaining transferred purse funds back to the formerly affected licensed eligible facility upon a finding by the commission that said action is reasonable under the circumstances.

Provides that the provisions of the bill have retroactive application to August 29, 2005.

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

(Adds R.S. 27:354.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Provides for retroactive application to August 29, 2005.
2. Provides that the racing commission shall meet subsequent to November 10, 2005.
3. Adds section providing for severability of provisions.