

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. 4:147.1, relative to live horse racing; to provide relative to the required  
3 number of live racing days; to provide for the authority of the Louisiana State Racing  
4 Commission to approve additional races or race days and locations, transfer proceeds  
5 and purse supplements, all as made necessary by damage to existing facilities due  
6 to a disaster, emergency, or force majeure, or other such occurrence; to provide for  
7 definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 4:147.1 is hereby enacted to read as follows:

10 §147.1. Commission; purse supplements; additional or substitute races and race  
11 days; force majeure

12 A. For the purposes of this Section, "eligible facility" has the same meaning  
13 as that term defined in R.S. 27:353(4).

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

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

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

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

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

26          Section 2. The provisions of this Act shall have retroactive application to August 29,  
27          2005.

28          Section 3. If any provision of this Act or the application thereof is held invalid, such  
29          invalidity shall not affect other provisions or applications of this Act which can be given

1 effect without the invalid provisions or applications, and to this end the provisions of this  
2 Act are hereby declared severable.

3 Section 4. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 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.

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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 "eligible facility".

Proposed law provides if the Louisiana State Racing 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 and those other monies received which are dedicated by law to purses 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. 4:147.1)

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 Aug. 29, 2005.
2. Provides that the racing commission shall meet subsequent to Nov. 10, 2005.
3. Adds section providing for severability of provisions.

House Floor Amendments to the engrossed bill.

1. Enacts proposed law in Title 4 provisions applicable to horse racing.
2. Defines "eligible facility".
3. Clarifies that monies which are dedicated by law to purses at the affected licensed eligible facility shall also be transferred to the other facility.