

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), 354, and 361(B)(4)(a)(i) and (ii) and to enact R.S.  
3 4:147.2, relative to slot machine gaming at live horse racing facilities; to amend the  
4 definition of an eligible facility to provide that the Louisiana State Racing  
5 Commission can approve less than eighty days within a twenty-week period in  
6 certain emergencies or disasters or other such occurrences; to provide for the effect  
7 of this determination; to provide relative to the powers and authority of the Louisiana  
8 State Racing Commission; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 27:353(4), 354, and 361(B)(4)(a)(i) and (ii) are hereby amended and  
11 reenacted to read as 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    \*       \*       \*

16       §361. Conduct of slot machine gaming; temporary conduct

17    \*       \*       \*

18                B. As a condition of licensing and to maintain continued authority for the  
 19       conduct of slot machine gaming at the licensed eligible facility, the owner of the  
 20       licensed eligible facility shall:

21    \*       \*       \*

22                (4) Contribute to the support of pari-mutuel wagering facilities in the state  
 23       at large and the horse breeding industry by paying annually from the annual net slot  
 24       machine proceeds received from slot machine gaming operations at the licensed  
 25       eligible facility as provided in this Paragraph:

26                (a) The licensed eligible facility shall pay a fixed percentage of fifteen  
 27       percent of the annual net slot machine proceeds received from slot machine gaming  
 28       operations at the licensed eligible facility to supplement purses as follows:

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

7 (ii) Thirty percent to supplement purses for quarter horse races at that facility  
 8 or any facility licensed by the Louisiana State Racing Commission to conduct  
 9 additional or substitute races or race days as authorized by R.S. 4:147.1, sixty  
 10 percent of which shall be for Louisiana-bred quarter horses. Four percent of this  
 11 amount shall go to the Horsemen's Benevolent and Protective Association in  
 12 accordance with law.

13 \* \* \*

14 Section 2. R.S. 4:147.2 is hereby enacted to read as follows:

15 §147.2. Additional powers of commission; force majeure

16 The powers of the commission shall include but not be limited to the  
 17 discretion to approve the conduct of less than eighty days within a consecutive  
 18 twenty-week period or a different consecutive or nonconsecutive period, whenever  
 19 an eligible facility is prevented from live racing as a result of a natural disaster, an  
 20 act of God, force majeure, a catastrophe, or such other occurrence over which the  
 21 licensee has no control.

22 Section 3. This Act shall become effective upon signature by the governor or, if not  
 23 signed by the governor, upon expiration of the time for bills to become law without signature  
 24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 25 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 26 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 nothing in 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 provides that nothing in the present law provisions of slot machine gaming shall be construed to abrogate, limit, or diminish the powers granted to the commission.

Proposed law adds that the powers of the racing commission 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.

Present law provides, as one of the conditions for maintaining a license to conduct slot machine gaming, that the owner of the licensed eligible facility shall contribute to the support of pari-mutuel wagering facilities and the horse breeding industry by paying 15% annually from the annual net slot machine proceeds as follows:

- (1) 70% to supplement purses for thoroughbred races at that facility.
- (2) 30% to supplement purses for quarter horse races at that facility.

Proposed law retains present law and provides that such proceeds may supplement the purses at any facility licensed by the commission to conduct additional or substitute races or race days as authorized by proposed law.

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

(Amends R.S. 27:353(4), 354, and 361(B)(4)(a)(i) and (ii); Adds R.S. 4:147.2)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Makes technical changes to transfer provisions regarding additional powers of the La. State Racing Commission from Title 27 to Title 4 of the Revised Statutes of 1950.
2. Authorizes slot machine proceeds to supplement thoroughbred and quarter horse races at any facility licensed to conduct additional or substitute races or race days in accordance with proposed law.