

**HOUSE COMMITTEE AMENDMENTS**

2021 Regular Session

Amendments proposed by House Committee on Commerce to Engrossed Senate Bill No. 209 by Senator Smith

1 AMENDMENT NO. 1

2 On page 1, line 2, after "and reenact" delete "R.S. 4:166.7" and insert "R.S. 4:143, 149.5, and  
3 166.7"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "pari-mutuel wagering;" insert "to provide for definitions; to provide  
6 for account wagering; to provide for wagering on historical races;"

7 AMENDMENT NO. 3

8 On page 1, delete line 7, and insert the following:

9 "Section 1. R.S. 4:143, 149.5, and 166.7 are hereby amended and reenacted to read  
10 as follows:

11 §143. Definitions

12 Unless the context indicates otherwise, the following terms have the meaning  
13 ascribed to them below:

14 **(1) "Account wagering carrier" means an entity approved by the**  
15 **commission to conduct account wagering that is not a licensee.**

16 ~~(1)~~ **(2)** "Association" means any person, association, or corporation licensed  
17 by the commission to conduct horse racing within the State of Louisiana for any  
18 stakes, purse, or reward.

19 ~~(2)~~ **(3)** "Commission" means the Louisiana State Racing Commission within  
20 the office of the governor.

21 ~~(3)~~ **(4)** "Corrupt Practice" means anything which can reasonably be construed  
22 as unlawfully pre-arranging or attempting to unlawfully pre-arrange the order of  
23 finish of a race.

24 **(5) "Historical racing" means a form of account wagering that**  
25 **establishes a pari-mutuel pool from wagers placed on previously conducted**  
26 **horse races.**

27 ~~(4)~~ **(6)** "Horseman" means an owner or trainer of a race horse.

28 ~~(5)~~ **(7)** "Horsemen's Benevolent and Protective Association" means the  
29 Horsemen's Benevolent and Protective Association's successor corporation, the  
30 Louisiana Horsemen's Benevolent and Protective Association 1993, Inc., commonly  
31 known as the HBPA.

32 ~~(6)~~ **(8)** "Licensee" means any person, partnership, corporation or business  
33 entity receiving a license, permit or privilege from the commission to conduct a race  
34 meeting or meetings.

35 ~~(7)~~ **(9)** "Meeting or race meeting" means the whole consecutive period  
36 (Sundays excluded) for which a license to race has been granted to any one  
37 association by the commission.

38 ~~(8)~~ **(10)** "Permittee" means any person, partnership, corporation or business  
39 entity receiving a license, permit or privilege from the commission to engage in a  
40 business, occupation or profession on the grounds of an association licensed to  
41 conduct a race meeting in Louisiana by the commission.

42 ~~(9)~~ **(11)** "Purse" means the amount of money offered by the association for  
43 any given race.

44 ~~(10)~~ **(12)** "Purse supplement" means the amount of money added to the purse  
45 by any interest other than the association.

**(13) "Race" or "racing" means live racing conducted by a licensee in this state unless otherwise specifically described.**

~~(11)~~ **(14) "Racing official" means one of the officials of a race meeting as follows: stewards, placing judges, patrol judges, clerk of scales, starter, handicapper, timer, paddock judge, the racing secretary.**

~~(12)~~ **(15) "Racing secretary" means the racing official who shall (a) write and publish the conditions of each race to be run at any race meeting, and (b) such other duties as may be assigned to him by the Rules of Racing and/or the commission.**

~~(13)~~ **(16) "Racing year" means the fiscal year from July 1 of each year to June 30 of the year next following, or means the calendar year from January 1 to December 31 of each year as may be requested by an applicant seeking a license to operate a race meeting in its application for a license. When an application for a race meeting is granted pursuant thereto, the licensee shall be limited to the maximum number of racing days that may be granted in any one racing year approved by the commission.**

~~(14)~~ **(17) "Rules" mean the rules and regulations of the commission.**

~~(15)~~ **(18) "Secretary" as used herein means the governor through the commissioner of administration.**

**(19) "Simulcast" or "simulcast racing" means a broadcast of a horse race that allows for wagering at two or more sites.**

**(20) "Source market area" means the circular area within the fifty-five mile radius of a licensed racing facility or as determined by the commission.**

**(21) "Source market commission" means all commissions received by any racing association as a result of account wagers being placed with the entity that pays such commission or any entity other than the racing association receiving the commission by persons residing within a defined market area near the racing association and shall include a commission which shall be paid by a licensed racing facility which accepts an account wager to another licensed racing facility whenever the person placing the account wager meets both or the following requirements:**

**(a) Resides within the source market area surrounding the latter licensed racing facility.**

**(b) Does not place the wager in person at the facility accepting the wager. The percentage used to calculate the source market commission shall be, with respect to each account wager accepted on a particular day, equal to the highest source market percentage paid on that day to the licensed racing facility within the source market area by any other account wagering carrier located outside of the state.**

~~(16)~~ **(22) "Stewards" mean the stewards of the meeting or their duly appointed deputies.**

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§149.5. Account wagering

A. As used in this Chapter, "account wagering" means a form of pari-mutuel wagering in which an individual may deposit money in an account with an authorized licensee **or account wagering carrier** and then use the account balance to pay for pari-mutuel wagers **on live, simulcast, or historical races** made in person, by telephone call, or by communication through other electronic means.

B.(1)**(a)** Notwithstanding any other provisions of law to the contrary, the commission shall adopt rules regulating account wagering **and on live, simulcast, and historical races.**

**(b) The commission shall may authorize all forms of account wagering to be conducted by a licensee operating a pari-mutuel live horse racing facility.**

**(c) The commission may authorize an account wagering carrier to conduct account wagering on historical racing if the entity meets certain criteria established by the commission similar to R.S. 4:159 as applicable, and has executed an agreement to pay a source market commission to the Louisiana Horsemen's Benevolent and Protective Association and the Louisiana Thoroughbred Breeder's Association.**

1 (2)(a) Notwithstanding any other provision of law to the contrary, a facility  
 2 authorized to conduct account wagering **on live and simulcast races** shall pay to the  
 3 licensed racing facilities in the state located within the same area as provided for in  
 4 R.S. 4:214(A)(3) the highest source market ~~percentage~~ **commission** paid to the  
 5 licensee by any other account wagering carrier located outside of the state.

6 **(b) For an account wagering carrier conducting historical racing, the**  
 7 **commission shall authorize and set the source market commission that the**  
 8 **carrier shall pay to the licensed racing facilities in the state located within the**  
 9 **source market area.**

10 (3)(a) Any source market commission **on live or simulcast races** outside of  
 11 the area provided for in R.S. 4:214(A)(3) shall be divided equally among active  
 12 account operators residing in the state of Louisiana.

13 **(b) For an account wagering carrier conducting historical racing, the**  
 14 **commission shall authorize and set the source market commission that the**  
 15 **carrier shall pay for wagers placed outside of the source market area, which**  
 16 **shall be divided equally among licensees as directed by the commission.**

17 C. Subject to applicable federal laws, including but not limited to the  
 18 Interstate Horseracing Act of 1978, 15 USCA 3001 et seq., and the Wire  
 19 Communications Act, 18 USCA 1081 and 1084, the commission shall permit an  
 20 authorized licensee to conduct account wagering on any live **or simulcast** horse  
 21 races conducted at his facility and races conducted at other facilities upon which the  
 22 licensee of said facility is lawfully authorized to accept offtrack wagers.

23 D. The licensee may deduct commissions from wagers placed through  
 24 account wagering and make any such commission payable to the person or entity  
 25 conducting the **live or simulcast** race for the privilege of conducting pari-mutuel  
 26 wagering on the race.

27 E.(1) Except as otherwise provided by law, all provisions of law and of the  
 28 rules of the commission governing pari-mutuel wagers on **live, simulcast, or**  
 29 **historical** horse races placed in person within the grounds on which a race meeting  
 30 is licensed to be conducted and the distribution of the pools created by such wagers  
 31 shall apply to account wagering.

32 (2) Each **live, simulcast, or historical** wager placed pursuant to regulations  
 33 authorizing account wagering shall be treated as a wager placed within the enclosure  
 34 at which the licensee is authorized to conduct a race meeting.

35 (3) The provisions of law or contract, if any, governing the distribution of  
 36 shares of the takeout from wagers placed in this state in separate pari-mutuel pools  
 37 on races run in another state **or historical races**, to this state as pari-mutuel taxes,  
 38 or respectively to breeder awards and to purses in this state, shall remain in effect for  
 39 wagers placed through account wagering, as if the wager had been placed at the  
 40 licensee's facility. With the concurrence of the licensee, the Horsemen's Benevolent  
 41 and Protective Association, and the appropriate breeders' organization, the share of  
 42 breeder awards or purses may be modified as long as the modification does not  
 43 impair the interest of any other person or entity entitled or authorized to participate  
 44 directly in the distribution.

45 F. No system of account wagering located outside of this state shall accept  
 46 wagers from residents or other persons located within this state, nor shall residents  
 47 or other persons located within this state place wagers through account wagering  
 48 systems located outside of this state, except with the permission of ~~either~~ one of the  
 49 following:

50 (1) A licensee of race meetings, concerning wagers on races conducted in this  
 51 state by that licensee.

52 (2) A licensee of race meetings authorized to conduct account wagering in  
 53 this state, if the races are not conducted in this state.

54 **(3) The commission, for all historical racing.**

55 **G. For purposes of expeditious implementation of the provisions of this**  
 56 **Section relative to historical racing, the promulgation of the initial**  
 57 **administrative rules pertaining to this Chapter shall be considered to constitute**  
 58 **a matter of imminent peril to public health, safety, and welfare as provided in**  
 59 **R.S. 49:953(B).**

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