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HOUSE FLOOR AMENDMENTS

2021 Regular Session

Amendments proposed by Representative Stefanski to Engrossed Senate Bill No. 209 by Senator Smith

1 AMENDMENT NO. 1

2 Delete the set of amendments by the House Committee on Commerce (#3532)

3 AMENDMENT NO. 2

4 Delete the set of amendments by the Legislative Bureau (#2755)

5 AMENDMENT NO. 3

6 On page 1, line 2, after "reenact" delete "R.S. 4:166.7" and insert "R.S. 4:143(7), 148, 149,
7 166.7, 213, and 214(A)(4) and to enact R.S. 4:143(17) through (19), 211(8), 214(K) and (L),
8 216(E), 217(E) and 228"

9 AMENDMENT NO. 4

10 On page 1, line 3, after "pari-mutuel wagering;" insert "to provide for definitions; to provide
11 for rules, regulations, and conditions;"

12 AMENDMENT NO. 5

13 On page 1, line 4, after "conditions;" insert "to provide for offtrack wagering facilities; to
14 provide for historical horse racing; to provide for commissions on wagers; to provide for
15 purse supplements; to provide for limitations of offtrack wagering facility locations;"

16 AMENDMENT NO. 6

17 On page 1, line 7, after "Section 1." delete the remainder of the line and insert "R.S.
18 4:143(7), 148, 149, 166.7, 213 and 214(A)(4) are hereby amended and reenacted and R.S.
19 4:143(17) through (19), 211(8), 214(K) and (L), 216(E), 217(E) and 228 are hereby enacted
20 to read as follows:"

21 AMENDMENT NO. 7

22 On page 1, between lines 7 and 8, insert the following:

23 "§143. Definitions

24 Unless the context indicates otherwise, the following terms shall have the
25 meaning ascribed to them below:

26 * * *

27 (7) "Meeting or race meeting" means the whole consecutive period (Sundays
28 excluded) for which a license to ~~race~~ **conduct live races** has been granted to any one
29 association by the commission.

30 * * *

31 **(17) "Historical horse racing" means a form of horse racing that creates**
32 **pari-mutuel pools from wagers placed on horse races previously run at a**
33 **pari-mutuel facility licensed in the United States; concluded with official results;**

1 and concluded without scratches, disqualifications, or dead-heat finishes
2 through machines permitted and authorized by the commission.

3 (18) "Pari-mutuel wagering", "pari-mutuel system of wagering", or
4 "mutuel wagering" means any method of wagering previously or hereafter
5 approved by the commission in which one or more patrons wager on a horse
6 race or races, whether live, simulcast, or previously run. Wagers shall be placed
7 in one or more wagering pools, and wagers on different races or sets of races
8 may be pooled together. Patrons may establish odds or payouts, and winning
9 patrons share in amounts wagered including any carryover amounts, plus any
10 amounts provided by an association less any deductions required, as approved
11 by the commission and permitted by law. Pools may be paid out incrementally
12 over time as approved by the commission.

13 (19) "Races" or "racing" means live racing conducted by a licensee in
14 this state, unless otherwise specifically described.

15 * * *

16 §148. Rules, regulations and conditions

17 The commission shall make rules, regulations and conditions for the holding,
18 conducting and operating of all race tracks, race meets and races held in this state,
19 historical horse racing, and for the conduct of the racing industry of this state
20 under this Part. Special rules, regulations and conditions may be promulgated
21 separately for thoroughbred racing and for quarter horse racing. The rules,
22 regulations and conditions shall be consistent with this Part and provide for and deal
23 with all matters necessary to the holding of such race meetings and pari-mutuel
24 wagering.

25 * * *

26 §149. Wagering; rules and regulations

27 The commission may prescribe rules and regulations under which shall be
28 conducted all horse races upon the results of which there is wagering. The
29 commission shall, as may be necessary, prescribe additional special rules and
30 regulations applicable separately to thoroughbreds and quarter horses. The
31 commission shall make rules governing, permitting, and regulating the wagering on
32 horse races under the form of mutuel wagering by patrons, known as pari-mutuel
33 wagering, whether on live or historical horse races. Only those persons receiving
34 a license from the commission may conduct this type of wagering, and shall restrict
35 this form of wagering to a space within the race meeting grounds or an offtrack
36 wagering facility. All other forms of wagering on the result of horse races are
37 ~~illegal, and all wagering on horse races outside the enclosure where horse races have~~
38 ~~been licensed by the commission is illegal.~~

39 * * *

40 AMENDMENT NO. 8

41 On page 2, between lines 4 and 5, insert the following:

42 ** * *

43 §211. Definitions

44 Unless the context indicates otherwise, the following terms shall have the
45 meaning ascribed to them below:

46 * * *

47 (8) "Net Commission" means the commission retained by a licensee on
48 pari-mutuel wagers on historical horse races, less breakage, settlements, and
49 taxes applicable to such wagers.

50 * * *

51 §213. Offtrack wagering facilities; establishment

52 In addition to the rights granted in R.S. 4:149.2, any association licensed by
53 the commission may ~~accept and transmit wagers as provided in this Chapter~~ conduct
54 pari-mutuel wagering and engage in all necessary activities to establish appropriate
55 offtrack wagering facilities to accomplish this purpose. Such activities shall include,
56 but not be limited to:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

- 1 (1) Live simulcast of races from the host track.
- 2 (2) Historical horse racing on the premises of offtrack wagering facilities
- 3 via dedicated machines or personal mobile devices.
- 4 (3) Construction or leasing of offtrack wagering facilities.
- 5 ~~(3)~~ (4) Sale of goods and beverages.
- 6 ~~(4)~~ (5) Advertising and promotion.
- 7 ~~(5)~~ (6) All other related activities.

8

9 §214. Offtrack wagering facilities; licensing; criteria; management; appeal of

10 license suspension or revocation; limitation on facilities with

11 historical horse racing

12 A. License approval shall be subject to the criteria established by R.S. 4:159.

13 Licensure shall be subject to the following conditions:

14 * * *

15 (4) Not more than two offtrack wagering facilities may be licensed in any

16 parish, except for Orleans and Jefferson. For the purposes of this Paragraph, a

17 pari-mutuel facility as that term is defined in R.S. 4:211 shall not be included

18 in the count of licensed offtrack wagering facilities for the parish in which it is

19 located.

20 * * *

21 K.(1) No primary licensee may operate more than five offtrack wagering

22 facilities in which historical horse racing is permitted.

23 (2) Notwithstanding Paragraph (1) of this Subsection, any primary

24 licensee that operates more than five offtrack wagering facilities as of July 1,

25 2021, may conduct historical horse racing at all of its licensed facilities.

26 However, historical horse racing shall not be authorized at any future offtrack

27 wagering facility for that primary licensee if the primary licensee is operating

28 more than five offtrack wagering facilities. If any of the primary licensee's

29 existing licensed offtrack wagering facilities on July 1, 2021, cease to be a

30 licensed offtrack wagering facility for reasons other than force majeure, the

31 number of offtrack wagering facilities allowed to conduct historical horse racing

32 for that primary licensee shall be reduced by the number of its offtrack

33 wagering facilities that cease to be licensed until such time as the primary

34 licensee is reduced to no more than five licensed offtrack wagering facilities

35 allowed to conduct historical horse racing.

36 (3) Each primary licensee or licensed offtrack wagering facility shall not

37 place more than fifty historical horse racing machines into service at any given

38 time.

39 (4) In addition to the requirements of Paragraph (3) of this Subsection,

40 an application from an eligible facility to conduct historical horse racing in

41 Orleans Parish may be approved by the commission only after the Amended

42 and Renegotiated Casino Operating Contract entered into pursuant to R.S.

43 27:201 et seq., on October 30, 1998, as amended, is amended to provide that the

44 conducting of historical horse racing at the eligible facility in Orleans Parish

45 shall not constitute an exclusivity violation or prohibited land-based gaming as

46 defined in such contract and such amendment to the contract is approved by the

47 Joint Legislative Committee on the Budget as required by the provisions of

48 Section B of Act No. 1 of the 2001 First Extraordinary Session.

49 L. No historical horse racing may be conducted via a machine or website

50 or mobile application beyond the property of the pari-mutuel facility or offtrack

51 wagering facility. The commission shall promulgate rules relative to the

52 enforcement of this restriction.

53 * * *

54 §216. Commissions on wagers

55 * * *

56 E. Notwithstanding, and in lieu of, any other provisions of law, historical

57 horse races and wagers thereon shall be subject to the following provisions:

58 (1) Commissions on wagers on historical horse races made at offtrack

59 wagering facilities shall not exceed twelve percent of all wagers and shall be set

1 by the licensee and approved by the commission. The offtrack wagering facility
 2 where the wager is made may either retain the breakage on such wagers or
 3 include the breakage in the applicable historical horse racing pari-mutuel pool
 4 or pools. Commissions shall be deducted and retained by the licensee of the
 5 offtrack wagering facility where the wager is made.

6 (2) The licensee shall disburse twenty percent of the net commission to
 7 supplement horsemen's purses in accordance with the provisions of R.S.
 8 4:217(E).

9 (3) R.S. 4:149.3, 149.5, 161, 161.1, 161.2, 162, 163.1, 165, 166, 166.1
 10 through 166.7, 167, 177, 183, 218, and 220 shall not apply to historical racing or
 11 the licensee with respect to historical racing.

12 §217. Purse supplements; designation and distribution

13 * * *

14 E. Notwithstanding, and in lieu of, any other provision of law, the monies
 15 designated for purses under the provisions of R.S. 4:216(E) from wagers placed
 16 at offtrack wagering facilities on historical horse races shall be distributed in
 17 the same manner as set forth in R.S. 27:438(B) as in effect at the time of any
 18 such distribution, and if R.S. 27:438(B)(2)(a) becomes effective, any such
 19 quarter horse purse supplements shall be included in the calculation of the
 20 applicable maximum of one million dollars per state fiscal year and the
 21 settlement amount as set forth therein.

22 * * *

23 §228. Offtrack wagering facility locations; prohibited distances; prohibited
 24 structures

25 A. No license shall be granted to any offtrack wagering facility located,
 26 at the time application is made for a license to operate offtrack wagering
 27 facilities, within one mile from any property on the National Register of Historic
 28 Places, any public playground, any residential property, or a building used
 29 primarily as a church, synagogue, public library, or school. The measurement
 30 of the distance shall be a straight line from the nearest point of the proposed
 31 offtrack wagering facility to the nearest point of the property on the National
 32 Register of Historic Places, the public playground, residential property, or a
 33 building used primarily as a church, synagogue, public library, or school.

34 B. After an application is filed with the commission, the subsequent
 35 construction, erection, development, or movement of a property identified in
 36 Subsection A of this Section which causes the location of a offtrack wagering
 37 facility to be within the prohibited distance shall not be cause for denial of an
 38 initial or renewal application or revocation of a license.

39 C. The prohibition in Subsection A of this Section shall not apply to the
 40 location of an offtrack wagering facility which applied for a license or was
 41 issued a license on or before July 1, 2021, or which applied for or was issued a
 42 valid building permit on or before July 1, 2021, and subsequently issued a
 43 license. Such location shall be eligible for an offtrack wagering facility license
 44 without reference to the prohibition in Subsection A of this Section unless after
 45 having obtained a license, an offtrack wagering facility has not been licensed at
 46 that location for thirty-six consecutive months and application for licensing is
 47 not made within that thirty-six-month period.

48 D.(1) For locations on which an offtrack wagering facility has not been
 49 completely constructed, if application for licensing was made on or before July
 50 1, 2021, the prohibited distance shall be one mile from any property on the
 51 National Register of Historic Places, any public playground, residential
 52 property, or a building used primarily as a church, synagogue, public library,
 53 or school.

54 (2) The measurement of the distances shall be a straight line from the
 55 nearest point of the offtrack wagering facility to the nearest point of the
 56 property on the National Register of Historic Places, the public playground,
 57 residential property, or a building used primarily as a church, synagogue,
 58 public library, or school.

1 E. If a parish or municipality does not have a zoning ordinance which
2 designates certain property within its jurisdiction as residential property, the
3 governing authority of the parish or municipality shall have the authority to
4 designate to certain areas of its jurisdiction as residential districts for the
5 purpose of this Section.

6 F. If application for licensing is made after July 1, 2021, the prohibition
7 in Subsection A of this Section shall apply.

8 G. "Residential property" shall mean any property which is wholly or
9 partly used for or intended to be used for living or sleeping by human occupants
10 and which includes one or more rooms, including a bathroom and complete
11 kitchen facilities. Residential property shall include a mobile home or
12 manufactured housing, if it has been in its present location for at least sixty
13 days. Residential property shall not include any hotel or motel.

14 Section 2. The Louisiana State Law Institute is hereby authorized and directed to
15 arrange in alphabetical order and renumber the definitions provided for in R.S. 4:143."

16 AMENDMENT NO. 9

17 On page 2, line 5, change "Section 2." to "Section 3."