SENATE COMMITTEE AMENDMENTS
2022 Regular Session
Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 272
by Senator Cortez

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S." delete "4:214(G) and (L)," and insert "4:149, 211, 213, and
3 214 and R.S. 27:602(13) and to enact R.S. 4:147(7), 215(D), and 228(H) and R.S.
4 27:602(18.1), 607(H), and 629,"

5 AMENDMENT NO. 2

6 On page 1, line 3, after "facilities;" insert "to authorize pari-mutuel wagering in a sports
7 book lounge of certain licensed entities as offtrack wagering facilities; to require certain
8 agreements or plans of operations; to provide for required terms of the agreement or plan and
9 approval; to provide for requirements and exceptions;"

10 AMENDMENT NO. 3

11 On page 1, delete line 6, and insert "Section 1. R.S. 4:149, 211, 213, and 214 are hereby
12 amended and reenacted and R.S. 4:147(7), 215(D), and 228(H) are hereby enacted to read
13 as"

14 AMENDMENT NO. 4

15 On page 1, between lines 7 and 8 insert:

"§147. Specific duties of commission

The commission shall carry out the provisions of this Part, including
the following specific duties:*

(7) To make rules and regulations for pari-mutuel wagering in a
sports book lounge of a host entity licensed by the Louisiana Gaming
Control Board to conduct sports wagering pursuant to Chapter 10 of
Title 27 of the Louisiana Revised Statutes of 1950.

* * * *

§149. Wagering; rules and regulations

A. The commission may prescribe rules and regulations under which
shall be conducted all horse races upon the results of which there is
wagering. The commission shall, as may be necessary, prescribe additional
special rules and regulations applicable separately to thoroughbreds and
quarter horses. The commission shall make rules governing, permitting, and
regulating the wagering on horse races under the form of mutual wagering
by patrons, known as pari-mutuel wagering, whether on live or historical
horse races. Only those persons receiving a license from the commission may
conduct this type of wagering, and shall restrict this form of wagering to a
space within the race meeting grounds or an offtrack wagering facility. All
other forms of wagering on the result of horse races are illegal.

B. Notwithstanding the space restriction provided in Subsection
A of this Section, pari-mutuel wagering on the result of horse races may
also be conducted in the sports book lounge of a host entity licensed for
sports wagering by the Louisiana Gaming Control Board pursuant to
Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950,
provided the requirements of this Chapter are met.

* * * *

§211. Definitions

Unless the context indicates otherwise, the following terms shall have
the meaning ascribed to them below:
"Audited net profits" means the total commissions retained by an association on pari-mutual wagers placed at a specific offtrack wagering facility, less direct costs, breakage, settlements, and taxes applicable to such wagers.

"Eligible applicants" means the primary licensee fulfilling the licensure criteria described in this Part.

"Exotic wagers" or "exotic wagering pools" include all pari-mutuel pools except the win, place, or show pools conducted at each race meeting in the state. Examples of exotic wagering pools in common usage are daily double pools, exacta pools, trifecta pools, twin trifecta pools, pick-six pools, and quinella pools.

"Host entity" means an entity licensed by the Louisiana Gaming Control Board to conduct sport wagering in its sports book lounge in accordance with Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950; however, it shall not include an entity that is also the holder of a license as defined in R.S. 27:353 and provided for in Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950.

"Host track" means the Louisiana track at which the race is run.

"Net commission" means the commission retained by a licensee on pari-mutuel wagers on historical horse races, less breakage, settlements, and taxes applicable to such wagers.

"Offtrack wagering facility" means the licensed and authorized location where offtrack wagers may be accepted.

"Pari-mutuel facility" means any pari-mutuel race track conducting race meetings during the 1986-87 racing season and licensed prior to the effective date of this Part June 30, 1987.

"Parish seat" means the facility, courthouse, meeting hall, etc., at which the parish governing authority meets on a regular basis in an official capacity.

"Primary licensee" means the licensed association conducting the majority of race days at a pari-mutuel facility.

§213. Offtrack wagering facilities; establishment; sports book lounge

A. In addition to the rights granted in R.S. 4:149.2, any association licensed by the commission may conduct pari-mutuel wagering and engage in all necessary activities to establish appropriate offtrack wagering facilities to accomplish this purpose. Such activities shall include, but not be limited to:

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

B. In addition to Subsection A of this Section, any association licensed by the commission may also conduct pari-mutuel wagering and engage in necessary activities to establish appropriate offtrack wagering in a sports book lounge of a host entity, provided that the sports book lounge of the host entity is geographically located in a parish that has approved, by public referendum, the conduct of pari-mutuel wagering in that parish.

(1) The conduct of offtrack wagering in a sports book lounge shall be pursuant to an agreement between the licensed association and the host entity and the agreement shall be subject to approval by the commission and by the Louisiana Gaming Control Board.

(2) The commission shall promulgate rules establishing the regulations and conditions for the conduct of offtrack pari-mutuel wagering in a sports book lounge of a host entity. The rules shall require an agreement between the association licensed by the commission and the host entity licensed for sports wagering by the Louisiana Gaming Control Board.
Control Board and its retail sports wagering operator, if applicable. The
agreement shall include but not be limited to the following terms:
(a) Pari-mutuel wagering shall be restricted to the host entity's
retail sports book lounge.
(b) Pari-mutuel wagering shall be conducted in accordance with
the provisions of this Chapter.
(c) All pari-mutuel wagers shall be maintained and accounted
separate and distinct from all other sports wagers placed in the sports
book lounge.
(d) The gaming division of the office of state police shall have
access to all files, records, documents, film, tape, including surveillance
tape, and any other information and personnel necessary to determine
compliance with all gaming laws, rules, and regulations on gaming
activities and operations under the commission's jurisdiction or the
Louisiana Gaming Control Board's jurisdiction.
(e) In consideration for hosting, the association shall make
compensation payments to the host entity of thirty percent of the audited
net profits on the total amount wagered at its facility. The agreement
shall specify the calculation and periodic payments.
(f) Unless otherwise provided by law, all commissions and fees
and their distribution shall be as provided by this Chapter.
C.(1) A primary licensee that is also the holder of a license as
defined in R.S. 27:353 and provided for in Chapter 7 of Title 27 of the
Louisiana Revised Statutes of 1950, may conduct pari-mutuel wagering
and engage in necessary activities to establish appropriate offtrack
wagering in its retail sports book lounge.
(2) The conduct of offtrack wagering in a sports book lounge
shall be pursuant to a plan of operation and the plan shall be subject to
approval by the commission and by the Louisiana Gaming Control
Board.
(3) The commission shall promulgate rules establishing the
regulations and conditions for the conduct of offtrack pari-mutuel
wagering in a sports book lounge of a holder of a license as defined in
R.S. 27:353. The rules shall require the plan of operation to include but
not be limited to the following provisions:
(a) Pari-mutuel wagering shall be conducted in accordance with
the provisions of this Chapter.
(b) All pari-mutuel wagers placed in the sports book lounge shall
be maintained and accounted separate and distinct from all other sports
wagers placed in the sports book lounge.
(c) The gaming division of the office of state police shall have
access to all files, records, documents, film, tape, including surveillance
tape, and any other information and personnel necessary to determine
compliance with all gaming laws, rules, and regulations on gaming
activities and operations under the commission's jurisdiction or the
Louisiana Gaming Control Board's jurisdiction."

AMENDMENT NO. 5
On page 1, delete lines 11 through 17, and on page 2, delete lines 1 through 7, and insert the
following:

"A. License Except for offtrack wagering conducted in a sports
book lounge, license approval shall be subject to the criteria established by
R.S. 4:159.
B. Licensure for all offtrack wagering facilities shall be subject to
the following conditions:
(1) Only the primary licensee operating at a pari-mutuel facility
may apply for a license to operate offtrack wagering facilities in this state
and only such primary licensees shall be licensed to operate offtrack
wagering facilities under this Part.
(b) A primary licensee applying for a license to operate an offtrack wagering facility to be located in a sports book lounge of a host entity shall provide its agreement with the host entity as part of its application.

(2)(a)(i) Before a license is granted for an offtrack wagering facility in any parish, the voters of that parish must have approved the establishment of such a facility within the parish in a referendum election held for that purpose. The commission shall request a referendum by the governing body of a parish only after receipt of an application for licensure of an offtrack wagering facility in that parish by the eligible applicant as provided in R.S. 4:215.

(ii) If the referendum fails to gain voter approval, or if the commission's request to the parish governing authority for a referendum is not granted within six months of such request, then the request therefor is rendered void.

(iii) Any request for an offtrack referendum that is pending on the effective date of this Subparagraph before the governing authority of a parish wherein such a referendum has failed to gain voter approval in a prior election shall be rendered void upon that date.

(iv) Any request for an offtrack referendum that has been pending before a parish governing authority for six months or more upon the effective date of this Subparagraph shall be rendered void upon that date.

(b)(i) After a request by the commission to a parish governing authority for an offtrack referendum is voided for any reason, the original applicant may either:

(aa) Resubmit the application for licensure, and the commission shall submit a new request for an offtrack referendum election to the parish governing authority; or

(bb) Submit a new application to the commission for licensure of an offtrack wagering facility in any city, town, or municipality within the parish, and the commission shall request the governing authority of such city, town, or municipality to hold an offtrack referendum election.

(ii) If the referendum fails to gain voter approval or if the commission's request for a referendum is not granted within six months of such request, the request therefor is rendered void.

(iii) If the offtrack referendum gains voter approval, the commission may license one offtrack wagering facility within the corporation limits of the city, town, or municipality in which the referendum was held. Such license must conform to all applicable licensing criteria as provided in this Part.

(c)(i) Except as provided in R.S. 4:214(A)(2)(c)(ii) Item (ii) of this Subparagraph, the collection and distribution of license fees as provided in R.S. 4:218 shall not be affected by this Paragraph.

(ii) Notwithstanding any provision of R.S. 4:218 to the contrary and except for offtrack wagering conducted in a sports book lounge of a host entity, if an off-track wagering facility is located within the corporate limits of a municipality as a result of a municipal off-track wagering referendum as provided in this Paragraph, called by the municipal governing authority without the assistance of the parish governing authority, the municipal governing authority may impose a license fee not to exceed two percent of the total amount wagered at that facility, and no license fee shall be imposed by the parish, and the municipality shall retain the total license fees collected; otherwise, distribution of the fees shall be in accordance with R.S. 4:218(B).

(3)(a) A license shall not be granted to an offtrack wagering facility to be located within a fifty-five mile radius of a pari-mutuel facility without the prior written permission of the primary licensee of that facility.

(b) Subparagraph (a) of this Paragraph shall not apply to an offtrack wagering facility located in a sports book lounge of a host entity.

(4)(a) Not more than two offtrack wagering facilities may be licensed in any parish, except for Orleans and Jefferson.
(b) For the purposes of this Paragraph, a pari-mutuel facility as that term is defined in R.S. 4:211 shall not be included in the count of licensed offtrack wagering facilities for the parish in which it is located.

(c) For the purposes of this Paragraph, an offtrack wagering facility located in the sports book lounge of a host entity shall not be included in the count of licensed offtrack wagering facilities for the parish in which it is located.

(5) Except for an offtrack wagering facility located in the sports book lounge of a host entity, final license approval is subject to local governing authority facility citing requirements.

(6) Except for an offtrack wagering facility located in the sports book lounge of a host entity, each offtrack wagering facility shall be specifically designed as an entertainment complex. Maximum allowable attendance at each facility shall be one hundred twenty-five percent of the seating capacity at that facility. At least one area for patrons at each offtrack wagering facility shall be designated as a nonsmoking area.

(7) Except for an offtrack wagering facility located in the sports book lounge of a host entity, no person licensed by the commission pursuant to the provisions of this Chapter who shows proof of licensure upon entering an offtrack wagering facility shall be assessed any fees for admission into the facility.

(h)(1) Licenses granted by the commission shall be valid for a ten-year period. In the event of the sale of the pari-mutuel facility, such license may be transferred and remain valid for the balance of the term of the license. If the conditions of the sale do not include the transfer of the offtrack wagering facility license, such license shall be automatically voided upon the completion of the sale.

(2) In the event a primary licensee is granted approval by the Louisiana State Racing Commission to transfer its live racing dates to another pari-mutuel facility, such primary licensee shall retain all the rights, privileges, and obligations relative to offtrack wagering facilities as provided in this Part as though it remained a primary licensee, as defined in R.S. 4:211(7), in its original location.

(c) License applications shall be accompanied by a good faith deposit of one thousand dollars.

(e) All primary licensees are eligible for licensure at their existing horse racing facilities as offtrack wagering facilities. Such primary licensees shall not be subject to the licensing requirements in R.S. 4:214(A)(2) Paragraph (B)(2) of this Section.

(f) There shall be no penalty for closing a licensed offtrack wagering facility provided the licensee submits written notice to the commission at least thirty days prior to closure. The commission shall notify all eligible applicants of the notice of closure. Ownership of an offtrack wagering facility may be transferred to other eligible applicants subject to all licensing requirements except as provided in R.S. 4:214(A)(2) Paragraph (B)(2) of this Section.

(g) Nothing in this Part shall be construed as preventing licensees from jointly owning or contracting for the management of any or all licensed offtrack wagering facilities.

(h) In no case may an offtrack wagering facility shall not accept wagers on races run at any track without a contract with the licensee operating the host track. This contract shall include all terms and conditions for use of races run at the host track by the offtrack wagering facility, including compensation of the host track for such use. This contract shall be filed with the commission. No host track may deny the use of its races by any other offtrack wagering facility in Louisiana under the same terms and conditions.

(i) In no case shall an offtrack wagering facility shall not allow the admission of any person less than eighteen years old. However, the provisions of this Paragraph shall not apply to any offtrack wagering facility located on the premises of a pari-mutuel facility as defined in R.S. 4:211(5).
(2) An offtrack wagering facility located in a sports book lounge shall not allow the admission of any person less than twenty-one years old.

I. Except for an offtrack wagering facility located in the sports book lounge of a host entity, in addition to license fees, each licensee shall pay the fees provided for in this Subsection. Each licensee shall begin paying the fees on the first day of the second year in which the licensee operates the facility. The licensee shall pay to the collector twenty-five cents for each person attending the offtrack wagering facility other than licensed personnel, employees, officials, and working press. These payments shall be made at the conclusion of each calendar week and shall be accompanied by a report under oath showing the total contributions and admissions, and any other information which the commission may require.

J. Should the commission suspend or revoke the license of a primary licensee, the licensee may, within ten days of the notification of the commission's decision take a suspensive appeal to the district court having jurisdiction over the licensee's offtrack wagering facility. The appeal shall be filed in the district court in the same manner as an original suit is instituted thereon. Each appeal shall be tried de novo. Either party may amend and supplement his pleadings and additional witnesses may be called and heard.

K. Within ten calendar days of the signing of the judgment by the district court in any such appeal case, the commission or the applicant for a license or licensee, as the case may be, may suspensively appeal the judgment to the appellate court of proper jurisdiction. The appeal shall be perfected in the manner provided for in civil cases and shall be suspensive or devolutive in the discretion of the court.

L. No primary licensee may operate more than five offtrack wagering facilities in which historical horse racing is permitted.

(2) notwithstanding Paragraph (1) of this Subsection, any primary licensee that operates more than five offtrack wagering facilities as of July 1, 2021, may conduct historical horse racing at all of its licensed facilities. However, historical horse racing shall not be authorized at any future offtrack wagering facility for that primary licensee if the primary licensee is operating more than five offtrack wagering facilities. If any of the primary licensee's existing licensed offtrack wagering facilities on July 1, 2021, cease to be a licensed offtrack wagering facility for reasons other than force majeure, the number of offtrack wagering facilities allowed to conduct historical horse racing for that primary licensee shall be reduced by the number of its offtrack wagering facilities that cease to be licensed until such time as the primary licensee is reduced to no more than five licensed offtrack wagering facilities allowed to conduct historical horse racing.

(3) Each primary licensee or licensed offtrack wagering facility shall not place more than fifty historical horse racing machines into service at any given time.

(4) In addition to the requirements of Paragraph (3) of this Subsection, an application from an eligible facility to conduct historical horse racing in Orleans Parish may be approved by the commission only after the Amended and Renegotiated Casino Operating Contract entered into pursuant to R.S. 27:201 et seq., on October 30, 1998, as amended, is amended to provide that the conducting of historical horse racing at the eligible facility in Orleans Parish shall not constitute an exclusivity violation or prohibited land-based gaming as defined in such contract and such amendment to the contract is approved by the Joint Legislative Committee on the Budget as required by the provisions of Section 3.B of Act No. 1 of the 2001 First Extraordinary Session of the Legislature.

This set of amendment(s) was prepared by W. Celeste Ellis.
1. No historical horse racing may **shall not** be conducted via a machine or website or mobile application beyond the property of the pari-mutuel facility or offtrack wagering facility.

2. No historical horse racing shall be conducted at an offtrack wagering facility located in the sports book lounge of a host entity.

3. The commission shall promulgate rules relative to the enforcement of this restriction the restrictions provided for in this Subsection.

§215. Offtrack wagering facilities, ownership

D. The provisions of this Section shall not apply to an offtrack wagering facility located in the sports book lounge of a host entity.

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

H. The provisions of this Section shall not apply to an offtrack wagering facility located in the sports book lounge of a host entity.

Section 2. R.S. 27:602(13) is hereby amended and reenacted and R.S. 27:602(18.1), 607(H), and 629 are hereby enacted to read as follows:

§602. Definitions

* * *

(13) "Net gaming proceeds" means the amount equal to the total gross revenue of all wagers placed by patrons less the total amount of all winnings paid out to patrons and the amount of eligible promotional play determined pursuant to R.S. 27:627. "Net gaming proceeds" **shall not include wagers placed by patrons on racehorse wagering, or winnings paid out to patrons on racehorse wagering.**

* * *

(18.1) "Racehorse wagering" means wagers placed on horse racing conducted under the pari-mutuel form of wagering at licensed racing facilities that are accepted in accordance with the provisions of Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950, and an approved agreement between the licensee and the association licensed by the Louisiana State Racing Commission to conduct pari-mutuel wagering in a sports book lounge.

* * *

§607. Operators; sports lounge required; responsibilities; pooling

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H.(1) A licensee and its retail sports wagering operator may contract with a primary licensee of the Louisiana State Racing Association as defined in R.S. 4:211 to conduct racehorse wagering in its sports book lounge provided the licensee and its retail sports wagering operator have an approved agreement with a primary licensee as provided in R.S. 4:213(B).

(2) A licensee who is a primary licensee and also the holder of a license as defined in R.S. 27:353 and provided for in Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950, may conduct pari-mutuel wagering in its retail sports book lounge provide it has an approved plan of operation as provided in R.S. 4:213(C).

* * *

§629. Pari-mutuel wagering; commissions, fees, and other deductions

Any commissions, fees, and other deductions on racehorse wagering shall be in accordance with Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950."