

2022 Regular Session

SENATE BILL NO. 314

BY SENATOR CORTEZ

HORSE RACING. Provides relative to historic horse racing. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 4:213(2), 214(A)(4), (K)(1), (2) and (3), and (L), 216(E)(1),  
3 217(E), and 228(A), (C) and (G), relative to historic horse racing; to provide for  
4 offtrack wagering facilities; to provide for commissions on wagers; to provide for  
5 purse supplements; to provide for prohibitions; to provide for definitions; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 4:213(2), 214(A)(4), (K)(1), (2) and (3), and (L), 216(E)(1), 217(E),  
9 and 228(A), (C) and (G) are hereby amended and reenacted to read as follows:

10 §213. Offtrack wagering facilities; establishment

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

- 15 \* \* \*

16 (2) Historical horse racing on the premises of offtrack wagering facilities via  
17 dedicated machines or personal mobile devices, subject to the geographic

1 **limitation as described in R.S. 4:214(L).**

2 \* \* \*

3 §214. Offtrack wagering facilities; licensing; criteria; management; appeal of license  
4 suspension or revocation; limitation on facilities with historical horse  
5 racing

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

7 Licensure shall be subject to the following conditions:

8 \* \* \*

9 (4) ~~Not~~ **No** more than two offtrack wagering facilities ~~may~~ **shall** be licensed  
10 in any parish, except for Orleans and Jefferson. For the purposes of this Paragraph,  
11 a pari-mutuel facility as that term is defined in R.S. 4:211 shall not be included in the  
12 count of licensed offtrack wagering facilities for the parish in which it is located.

13 \* \* \*

14 K.(1) ~~No~~ **A** primary licensee ~~may~~ **shall not** operate more than five offtrack  
15 wagering facilities in which historical horse racing is permitted.

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

28 (3) ~~Each~~ **No** primary licensee or licensed offtrack wagering facility shall ~~not~~  
29 place more than fifty historical horse racing machines into service at any given time.

\* \* \*

L. ~~No historical~~ **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. The commission shall promulgate rules relative to the enforcement of this restriction.

\* \* \*

§216. Commissions on wagers

\* \* \*

E. Notwithstanding, and in lieu of, any other provisions of law, historical horse races and wagers thereon shall be subject to the following provisions:

(1) ~~Commissions~~ **No commissions** on wagers on historical horse races made at offtrack wagering facilities shall ~~not~~ exceed twelve percent of all wagers and shall be set by the licensee and approved by the commission. The offtrack wagering facility where the wager is made may either retain the breakage on such wagers or include the breakage in the applicable historical horse racing pari-mutuel pool or pools. Commissions shall be deducted and retained by the licensee of the offtrack wagering facility where the wager is made.

\* \* \*

§217. Purse supplements; designation and distribution

\* \* \*

E. Notwithstanding, and in lieu of, any other provision of law, the monies designated for purses under the provisions of R.S. 4:216(E) from wagers placed at offtrack wagering facilities on historical horse races shall be distributed in the same manner as set forth in R.S. 27:438(B) as in effect at the time of any such distribution, and if R.S. 27:438(B)(2)(a) becomes effective, any such quarter horse purse supplements shall **not** be included in the calculation of the applicable maximum of ~~one million~~ **one-million** dollars per state fiscal year and the settlement amount as set forth therein.

\* \* \*

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

2 A. ~~No~~ A license shall **not** be granted to any offtrack wagering facility  
 3 located, at the time application is made for a license to operate offtrack wagering  
 4 facilities, within one mile from any property on the National Register of Historic  
 5 Places, any public playground, any residential property, or a building used primarily  
 6 as a church, synagogue, public library, or school. The measurement of the distance  
 7 shall be a straight line from the nearest point of the proposed offtrack wagering  
 8 facility to the nearest point of the property on the National Register of Historic  
 9 Places, the public playground, residential property, or a building used primarily as  
 10 a church, synagogue, public library, or school.

11 \* \* \*

12 C. The prohibition in Subsection A of this Section shall not apply to the  
 13 location of an offtrack wagering facility which applied for a license or was issued a  
 14 license on or before July 1, 2021, or which applied for or was issued a valid building  
 15 permit on or before July 1, 2021, and subsequently issued a license. Such location  
 16 shall be eligible for an offtrack wagering facility license without reference to the  
 17 prohibition in Subsection A of this Section unless after having obtained a license, an  
 18 offtrack wagering facility has not been licensed at that location for thirty-six  
 19 consecutive months and application for licensing is not made within that ~~thirty-six-~~  
 20 ~~month~~ **thirty-six month** period.

21 \* \* \*

22 G. "Residential property" ~~shall mean~~ **means** any property which is wholly or  
 23 partly used for or intended to be used for living or sleeping by human occupants and  
 24 which includes one or more rooms, including a bathroom and complete kitchen  
 25 facilities. Residential property shall include a mobile home or manufactured housing,  
 26 if it has been in its present location for at least sixty days. Residential property shall  
 27 not include any hotel or motel.

28 Section 2. This Act shall become effective upon signature by the governor or, if not  
 29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 3 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

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SB 314 Engrossed	DIGEST 2022 Regular Session	Cortez
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Present law provides for historic horse racing.

Proposed law makes technical changes.

Present law requires monies designated for purses from the commissions on wagers generated by historical horse racing machines (HHR) at offtrack wagering facilities (OTBs) operated by the association at the eligible facility in Orleans Parish count toward the \$1,000,000 cap as approved in the Soileau v. Churchill Downs settlement.

Proposed law prohibits monies designated for purses from the commissions on wagers generated by HHR at OTBs operated by the association at the eligible facility in Orleans Parish count toward the \$1,000,000 cap as approved in the Soileau v. Churchill Downs settlement.

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

(Amends R.S. 4:213(2), 214(A)(4), (K)(1), (2) and (3), and (L), 216(E)(1), 217(E), and 228(A), (C) and (G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Prohibits purse supplements generated by HHR revenue from counting toward the \$1,000,000 cap as approved in the Soileau v. Churchill Downs settlement.