

Regular Session, 2014

HOUSE BILL NO. 1230

BY REPRESENTATIVE MORENO

RACING/HORSE: Provides relative to funds distributed to the Horsemen's Benevolent and Protective Association

1 AN ACT

2 To amend and reenact R.S. 4:183.2 and to enact R.S. 27:361(B)(4)(a)(iii) and 428(B)(5),
3 relative to funds distributed to the Horsemen's Benevolent and Protective
4 Association; to provide relative to the deposit and disposition of accrued interest on
5 undistributed monies at a race meeting; to provide relative to the device revenues
6 that supplement purses for horsemen; to provide relative slot revenue paid to
7 supplement purses; to provide relative to the duties of persons licensed to conduct
8 a horse race meeting or meetings and licensed eligible facilities; to provide for a
9 security interest for the Horsemen's Benevolent and Protective Association; and to
10 provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 4:183.2 is hereby amended and reenacted to read as follows:

13 §183.2. Disposition of accrued interest on undistributed monies at a race meeting

14 A. Monies designated for purses under R.S. 4:183(A)~~(2)~~ shall be deposited
15 by the licensee in a separate interest_ bearing account when earned and shall remain
16 in that account until the first day of the next race meeting of the appropriate breed.
17 Monies earned as interest on that account shall be added to those designated for
18 purses under R.S. 4:183(A) and shall be considered part of the gross purses as
19 defined therein.

1 B.(1) Monies required to be deposited into the interest-bearing account
2 provided for in Subsection A of this Section shall be deemed earned when the race
3 on which the wagers are placed is run. Such monies shall be deposited into such
4 interest-bearing account within fifteen days of being earned; however, the amounts
5 earned pursuant to R.S. 4:217 shall be deposited into the account provided for in
6 Subsection A of this Section within fifteen days of the date on which the monies are
7 received by the licensee.

8 (2) Until all monies have been distributed in accordance with R.S.
9 4:183(A)(4), the Horsemen's Benevolent and Protective Association shall be deemed
10 to hold a perfected security interest in and to all funds that are deemed to have been
11 earned pursuant to this Section and that have not yet been distributed in accordance
12 with R.S. 4:183.4(A)(4). All earned purse money not yet distributed as purses shall
13 be deemed to be held in trust for the benefit of the Horsemen's Benevolent and
14 Protective Association by the licensee until such time as such monies are distributed
15 in accordance with law. A licensee shall have a fiduciary duty to the Horsemen's
16 Benevolent and Protective Association to preserve and account for such monies.

17 Section 2. R.S. 27:361(B)(4)(a)(iii) and 438(B)(5) are hereby enacted to read as
18 follows:

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

20 * * *

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

24 * * *

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

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

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

4 * * *

5 (iii) The Horsemen's Benevolent and Protective Association shall be deemed
6 to hold a perfected security interest in and to the fifteen percent of the annual net slot
7 machine proceeds received from slot machine gaming operations at the licensed
8 eligible facility that is required to supplement purses until such purse supplements
9 have been distributed as purses or distributed to the Horsemen's Benevolent and
10 Protective Association in accordance with law. All such purse supplements shall be
11 deemed to be held in trust for the benefit of the Horsemen's Benevolent and
12 Protective Association by the licensee until such time as such monies are distributed
13 in accordance with law. A licensee shall have a fiduciary duty to the Horsemen's
14 Benevolent and Protective Association to preserve and account for such purse
15 supplements.

16 * * *

17 §438. Distribution of device revenues; particular licensed establishments; pari-
18 mutuel wagering facilities

19 * * *

20 B. Revenues earned for purse supplements under Subsection A shall be
21 disbursed, accounted for, and used as follows:

22 * * *

23 (5) The Horsemen's Benevolent and Protective Association shall be deemed
24 to hold a perfected security interest in and to all revenues earned for purse
25 supplements pursuant to Subsection A of this Section until such revenues have been
26 distributed in accordance with Paragraph (4) of this Subsection. All purse
27 supplements to be distributed to the Horsemen's Benevolent and Protective
28 Association shall be deemed to be held in trust for the Horsemen's Benevolent and
29 Protective Association by the licensee until disbursed in accordance with this

Proposed law provides that the HBPA shall be deemed to hold a perfected security interest in and to the 15% of the annual net slot machine proceeds received from slot machine gaming operations at the licensed eligible facility that is required to supplement purses until such purse supplements have been distributed as purses or distributed to the HBPA in accordance with present law.

Proposed law provides that all such purse supplements shall be deemed to be held in trust for the benefit of the HBPA by the licensee until such time as such monies are distributed in accordance with law. Requires a licensee to have a fiduciary duty to the HBPA to preserve and account for such purse supplements.

Present law provides that the owner of a licensed establishment shall pay 20% of the net device revenue derived from the operation of devices at that licensed establishment to be used to supplement purses for horsemen.

Proposed law provides that the HBPA shall be deemed to hold a perfected security interest in and to all revenues earned for purse supplements pursuant to proposed law until such revenues have been distributed in accordance with present law.

Proposed law provides that all purse supplements to be distributed the HBPA shall be deemed to be held in trust for the HBPA by the licensee until disbursed in accordance with present law. Requires a licensee to have a fiduciary duty to the HBPA to preserve and account for such purse supplements.

(Amends R.S. 4:183.2; Adds R.S. 27:361(B)(4)(a)(iii) and 428(B)(5))