

2024 Regular Session

SENATE BILL NO. 427

BY SENATOR MIGUEZ

HORSE RACING. Provides for historical horse racing. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 4:143(4), 148, 211(6), 213(A)(2), 214(L) and (M), 216(E),
3 217(E), and the introductory paragraph to 218.1, relative to historic horse racing; to
4 provide for definitions; to provide for rules, regulations, and conditions; to provide
5 for offtrack wagering facilities; to provide for commissions on wagers; to provide
6 for purse supplements; to provide for fee authorization; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 4:143(4), 148, 211(6), 213(A)(2), 214(L) and (M), 216(E), 217(E),
10 and the introductory paragraph to 218.1 are hereby amended and reenacted to read as
11 follows:

12 §143. Definitions

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

15 * * *

16 (4) "~~Historical~~ **Historic** horse racing" means a form of horse racing that
17 creates pari-mutuel pools from wagers placed on horse races previously run at a

1 pari-mutuel facility licensed in the United States; concluded with official results; and
2 concluded without scratches, disqualifications, or dead-heat finishes through
3 machines permitted and authorized by the commission.

4 * * *

5 §148. Rules, regulations, and conditions

6 The commission shall make rules, regulations, and conditions for the holding,
7 conducting, and operating of all race tracks, race meets, and races held in this state,
8 ~~historical~~ **historic** horse racing, and for the conduct of the racing industry of this
9 state under this Part. Special rules, regulations, and conditions may be promulgated
10 separately for thoroughbred racing and for quarter horse racing. The rules,
11 regulations, and conditions shall be consistent with this Part and provide for and deal
12 with all matters necessary to the holding of such race meetings and pari-mutuel
13 wagering.

14 * * *

15 §211. Definitions

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

18 * * *

19 (6) "Net commission" means the commission retained by a licensee on
20 pari-mutuel wagers on ~~historical~~ **historic** horse races, less breakage, settlements, and
21 taxes applicable to such wagers.

22 * * *

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

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

28 * * *

29 (2) ~~Historical~~ **Historic** horse racing on the premises of offtrack wagering

1 facilities via dedicated machines or personal mobile devices.

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 * * *

7 L.(1) No primary licensee may operate more than five offtrack wagering
8 facilities in which ~~historical~~ **historic** horse racing is permitted.

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

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

25 (4) In addition to the requirements of Paragraph (3) of this Subsection, an
26 application from an eligible facility to conduct ~~historical~~ **historic** horse racing in
27 Orleans Parish may be approved by the commission only after the Amended and
28 Renegotiated Casino Operating Contract entered into pursuant to R.S. 27:201 et seq.
29 on October 30, 1998, as amended, is amended to provide that the conducting of

1 ~~historical~~ **historic** horse racing at the eligible facility in Orleans Parish shall not
2 constitute an exclusivity violation or prohibited land-based gaming as defined in
3 such contract and such amendment to the contract is approved by the Joint
4 Legislative Committee on the Budget as required by the provisions of Section 3.B
5 of Act No. 1 of the 2001 First Extraordinary Session of the Legislature.

6 M.(1) ~~Historical~~ **Historic** horse racing shall not be conducted via a machine
7 or website or mobile application beyond the property of the pari-mutuel facility or
8 offtrack wagering facility.

9 (2) ~~Historical~~ **Historic** horse racing shall not be conducted at an offtrack
10 wagering facility located in a sports book lounge.

11 (3) The commission shall promulgate rules relative to the enforcement of the
12 restrictions provided for in this Subsection.

13 * * *

14 §216. Commissions on wagers

15 * * *

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

18 (1) Commissions on wagers on ~~historical~~ **historic** horse races made at
19 offtrack wagering facilities shall not exceed twelve percent of all wagers and shall
20 be set by the licensee and approved by the commission. The offtrack wagering
21 facility where the wager is made may either retain the breakage on such wagers or
22 include the breakage in the applicable ~~historical~~ **historic** horse racing pari-mutuel
23 pool or pools. Commissions shall be deducted and retained by the licensee of the
24 offtrack wagering facility where the wager is made.

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

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

* * *

§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~~ **historic** 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 dollars per state fiscal year and the settlement amount as set forth therein.

* * *

§218.1. ~~Historical~~ **Historic** horse racing fee authorization

The commission shall collect a license fee of one and one-half percent of the total amount wagered at each offtrack wagering facility on ~~historical~~ **historic** horse racing. The fee shall be allocated as follows:

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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

SB 427 Original DIGEST 2024 Regular Session Miguez

Present law provides for "historical horse racing" as a form of horse racing that creates pari-mutuel pools from wagers placed on horse races previously run at a pari-mutuel facility licensed in the United States; concluded with official results; and concluded without scratches, disqualifications, or dead-heat finishes through machines permitted and authorized by the commission.

Proposed law makes technical changes by replacing all references from "historical" to "historic".

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

(Amends R.S. 4:143(4), 148, 211(6), 213(A)(2), 214(L) and (M), 216(E), 217(E), and 218.1(intro para))