

SENATE BILL NO. 272

BY SENATOR CORTEZ

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AN ACT

To amend and reenact R.S. 4:149, 211, 213, 214, and 226(B)(1) and R.S. 27:602(13) and to enact R.S. 4:147(7), 164, 215(D), and 228(H) and R.S. 27:361(E)(3), 393.1, 602(18.1), 607(H), and 629, relative to horse racing; to provide for pari-mutuel wagering; to provide relative to offtrack wagering facilities; to authorize pari-mutuel wagering in a sports book lounge of certain licensed entities as offtrack wagering facilities; to require certain agreements or plans of operations; to provide for required terms of the agreement or plan and approval; to provide for requirements and exceptions; to provide relative to restrictions and prohibitions; to provide relative to revenue from slot machines to support horse racing industry; to provide for facility maintenance and improvement funds; to provide for minimum standards and infrastructure investments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:149, 211, 213, 214, and 226(B)(1) are hereby amended and reenacted and R.S. 4:147(7), 164, 215(D), and 228(H) are hereby enacted to read as follows:

§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 applicable to offtrack wagering facility licensees for pari-mutuel wagering that occurs in a sports book lounge of an 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 mutuel 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, if the requirements of this Chapter are met.

\* \* \*

**§164. Facility maintenance and improvement fund**

**A. Each association shall establish and maintain a facility maintenance and improvement fund for the sole purpose of complying with the commission's rules regarding minimum standards and required infrastructure investments. This fund shall be subject to audit by the commission and the legislative auditor.**

**B. For purposes of this Section, the following terms shall have the following meanings:**

**(1) "Gross profits" means the amount of taxable net slot machine proceeds less the amount of state taxes paid.**

**(2) "State tax" means the license tax on taxable net slot machine proceeds as provided in R.S. 27:393.**

1                   **(3) "Taxable net slot machine proceeds" shall have the same meaning as**  
2                   **that term is defined in R.S. 27:353.**

3                   **C.(1) After July 1, 2023, ten percent of gross profits shall be deposited**  
4                   **into the fund until such time that all commission-required facility maintenance**  
5                   **and improvements have been completed as determined by the commission. Such**  
6                   **deposits shall be made at the same time as the state tax is paid.**

7                   **(2) Once the initial facility maintenance and improvements are**  
8                   **completed to the satisfaction of the commission, each association shall continue**  
9                   **to maintain a minimum fund balance of three million dollars.**

10                   **D.(1) For the purposes of the initial maintenance and improvements, the**  
11                   **following deadlines shall apply:**

12                   **(a) The commission shall promulgate rules establishing minimum**  
13                   **standards of facilities and infrastructure investments no later than October 1,**  
14                   **2022.**

15                   **(b) Each association shall submit a plan for compliance to the**  
16                   **commission no later than December 1, 2022.**

17                   **(c) The commission shall approve or specify deficiencies in each**  
18                   **association's plan no later than February 1, 2023.**

19                   **(d) Each association shall complete the required maintenance and**  
20                   **improvements to its facilities no later than December 31, 2023.**

21                   **(2) Any of the deadlines described in Paragraph (1) of this Subsection**  
22                   **may be extended by a majority vote of the membership of the commission for**  
23                   **extenuating circumstances including force majeure.**

24                   **(3) Failure of an association to meet deadlines provided in**  
25                   **Subparagraphs (1)(b) and (d) of this Subsection shall constitute grounds for just**  
26                   **cause for commission action as provided by R.S. 4:152.**

27                   **E.(1) If the commission determines that an association is in compliance**  
28                   **with the commission's minimum standards and infrastructure investments, the**  
29                   **commission may, by a two-thirds vote of the membership, authorize any of the**  
30                   **following:**



1                    ~~(5)~~ "Host track" means the Louisiana track at which the race is run.

2                    ~~(4)~~~~(6)~~ "Net commission" means the commission retained by a licensee on  
 3 pari-mutuel wagers on historical horse races, less breakage, settlements, and taxes  
 4 applicable to such wagers.

5                    ~~(5)~~~~(7)~~ "Offtrack wagering facility" means the licensed and authorized  
 6 location where offtrack wagers may be accepted.

7                    **(8) "Offtrack wagering facility licensee" means an association that has**  
 8 **been licensed by the Louisiana State Racing Commission to operate an offtrack**  
 9 **wagering facility.**

10                    ~~(6)~~~~(9)~~ "Pari-mutuel facility" means any pari-mutuel race track conducting  
 11 race meetings during the 1986-87 racing season and licensed prior to ~~the effective~~  
 12 ~~date of this Part~~ **June 30, 1987.**

13                    ~~(7)~~~~(10)~~ "Parish seat" means the facility, courthouse, meeting hall, etc., at  
 14 which the parish governing authority meets on a regular basis in an official capacity.

15                    ~~(8)~~~~(11)~~ "Primary licensee" means the licensed association conducting the  
 16 majority of race days at a pari-mutuel facility.

17                    \*           \*           \*

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

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

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

30                    **B.(1) In addition to Subsection A of this Section, any association licensed**

1 by the commission may also conduct pari-mutuel wagering and engage in  
2 necessary activities to establish appropriate offtrack wagering in a sports book  
3 lounge of a host entity, if the sports book lounge of the host entity is  
4 geographically located in a parish that has approved, by public referendum, the  
5 conduct of pari-mutuel wagering in that parish.

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

10 (3) The commission shall promulgate rules establishing the regulations  
11 and conditions for the conduct of offtrack pari-mutuel wagering in a sports  
12 book lounge of a host entity. The rules shall require an agreement between the  
13 association licensed by the commission and the host entity licensed for sports  
14 wagering by the Louisiana Gaming Control Board and its retail sports wagering  
15 operator, if applicable. The agreement shall include but not be limited to the  
16 following terms:

17 (a) Pari-mutuel wagering shall be restricted to the host entity's retail  
18 sports book lounge.

19 (b) Pari-mutuel wagering shall be conducted in accordance with the  
20 provisions of this Chapter.

21 (c) All pari-mutuel wagers shall be maintained and accounted separate  
22 and distinct from all other sports wagers placed in the sports book lounge.

23 (d) The gaming division of the office of state police shall have access to  
24 all files, records, documents, film, tape, including surveillance tape, and any  
25 other information and personnel necessary to determine compliance with all  
26 gaming laws, rules, and regulations on gaming activities and operations under  
27 the commission's jurisdiction or the Louisiana Gaming Control Board's  
28 jurisdiction.

29 (e) In consideration for hosting, the offtrack wagering facility licensee  
30 shall make compensation payments to the host entity of thirty percent of the

1 audited net profits on the total amount wagered at its facility. The agreement  
2 shall specify the calculation and periodic payments.

3 (f) Unless otherwise provided by law, all commissions and fees and their  
4 distribution shall be as provided by this Chapter.

5 C.(1) An offtrack wagering facility licensee that is also the holder of a  
6 license, as defined in R.S. 27:353 and provided for in Chapter 7 of Title 27 of the  
7 Louisiana Revised Statutes of 1950, may conduct pari-mutuel wagering and  
8 engage in necessary activities to establish appropriate offtrack wagering in its  
9 retail sports book lounge.

10 (2) The conduct of offtrack wagering in a sports book lounge shall be  
11 pursuant to a plan of operation, and the plan shall be subject to approval by the  
12 commission and by the Louisiana Gaming Control Board.

13 (3) The commission shall promulgate rules establishing the regulations  
14 and conditions for the conduct of offtrack pari-mutuel wagering in a sports  
15 book lounge of a holder of a license as defined in R.S. 27:353. The rules shall  
16 require the plan of operation to include but not be limited to the following  
17 provisions:

18 (a) Pari-mutuel wagering shall be conducted in accordance with the  
19 provisions of this Chapter.

20 (b) All pari-mutuel wagers placed in the sports book lounge shall be  
21 maintained and accounted separate and distinct from all other sports wagers  
22 placed in the sports book lounge.

23 (c) The gaming division of the office of state police shall have access to  
24 all files, records, documents, film, tape, including surveillance tape, and any  
25 other information and personnel necessary to determine compliance with all  
26 gaming laws, rules, and regulations on gaming activities and operations under  
27 the commission's jurisdiction or the Louisiana Gaming Control Board's  
28 jurisdiction.

29 §214. Offtrack wagering facilities; licensing; criteria; management; appeal of license  
30 suspension or revocation; limitation on facilities with historical horse

1 racing

2 A. License Except for offtrack wagering conducted in a sports book  
 3 lounge, license approval shall be subject to the criteria established by R.S. 4:159.

4 B. Licensure for all offtrack wagering facilities shall be subject to the  
 5 following conditions:

6 (1)(a) Only the primary licensee operating at a pari-mutuel facility may apply  
 7 for a license to operate offtrack wagering facilities in this state and only such  
 8 primary licensees shall be licensed to operate offtrack wagering facilities under this  
 9 Part.

10 (b) An association applying for a license to operate an offtrack wagering  
 11 facility to be located in a sports book lounge shall provide its agreement with the  
 12 host entity or plan of operation as part of its application.

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

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

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

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

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

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

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

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

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

15 (c)(i) Except as provided in ~~R.S. 4:214(A)(2)(c)(ii)~~ **Item (ii) of this**  
 16 **Subparagraph**, the collection and distribution of license fees as provided in R.S.  
 17 4:218 shall not be affected by this Paragraph.

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

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

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

3                   (4)~~(a)~~ Not more than two offtrack wagering facilities may be licensed in any  
 4                   parish, except for Orleans and Jefferson.

5                   **(b)** For the purposes of this Paragraph, a pari-mutuel facility as that term is  
 6                   defined in R.S. 4:211 shall not be included in the count of licensed offtrack wagering  
 7                   facilities for the parish in which it is located.

8                   **(c) For the purposes of this Paragraph, an offtrack wagering facility**  
 9                   **located in a sports book lounge of an entity licensed pursuant to Chapter 10 of**  
 10                   **Title 27 of the Louisiana Revised Statutes of 1950, shall not be included in the**  
 11                   **count of licensed offtrack wagering facilities for the parish in which it is located.**

12                   (5) ~~Final~~ **Except for an offtrack wagering facility located in the sports**  
 13                   **book lounge, final** license approval is subject to local governing authority facility  
 14                   citing requirements.

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

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

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

30                   (2) In the event a primary licensee is granted approval by the Louisiana State

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

5 ~~C.D.~~ License applications shall be accompanied by a good faith deposit of  
 6 one thousand dollars.

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

11 ~~E.F.~~ There shall be no penalty for closing a licensed offtrack wagering  
 12 facility provided the licensee submits written notice to the commission at least thirty  
 13 days prior to closure. The commission shall notify all eligible applicants of the notice  
 14 of closure. Ownership of an offtrack wagering facility may be transferred to other  
 15 eligible applicants subject to all licensing requirements except as provided in ~~R.S.~~  
 16 ~~4:214(A)(2)~~ **Paragraph (B)(2) of this Section.**

17 ~~F.G.~~ Nothing in this Part shall be construed as preventing licensees from  
 18 jointly owning or contracting for the management of any or all licensed offtrack  
 19 wagering facilities.

20 ~~G. In no case may~~ **H. An** offtrack wagering facilities **facility shall not** accept  
 21 wagers on races run at any track without a contract with the licensee operating the  
 22 host track. This contract shall include all terms and conditions for use of races run  
 23 at the host track by the offtrack wagering facility, including compensation of the host  
 24 track for such use. This contract shall be filed with the commission. No host track  
 25 may deny the use of its races by any other offtrack wagering facility in Louisiana  
 26 under the same terms and conditions.

27 ~~H. In no case shall an~~ **I.(1) An** offtrack wagering facility **shall not** allow the  
 28 admission of any person less than eighteen years old. However, the provisions of this  
 29 Paragraph shall not apply to any offtrack wagering facility located on the premises  
 30 of a pari-mutuel facility as defined in R.S. 4:211(5).

1                   **(2) An offtrack wagering facility located in a sports book lounge shall not**  
 2                   **allow the admission of any person less than twenty-one years old.**

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

12                  ~~J.~~**K.**(1) Should the commission suspend or revoke the license of a primary  
 13                  licensee, the licensee may, within ten days of the notification of the commission's  
 14                  decision take a suspensive appeal to the district court having jurisdiction over the  
 15                  licensee's offtrack wagering facility. The appeal shall be filed in the district court in  
 16                  the same manner as an original suit is instituted thereon. Each appeal shall be tried  
 17                  de novo. Either party may amend and supplement his pleadings and additional  
 18                  witnesses may be called and heard.

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

24                  (3) All proceedings in the district and appellate courts arising under this Part  
 25                  are civil in nature and shall be heard summarily by the court, without a jury, shall  
 26                  take precedence over other civil cases, and shall be tried in chambers or in open  
 27                  court, and in or out of term.

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

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

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

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

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

24 ~~E. No historical~~ **M.(1) Historical** horse racing ~~may~~ **shall not** be conducted  
25 via a machine or website or mobile application beyond the property of the pari-  
26 mutuel facility or offtrack wagering facility.

27 **(2) Historical horse racing shall not be conducted at an offtrack wagering**  
28 **facility located in a sports book lounge.**

29 **(3) The commission shall promulgate rules relative to the enforcement of this**  
30 **restriction the restrictions provided for in this Subsection.**

1 \* \* \*

2 §215. Offtrack wagering facilities, ownership

3 \* \* \*

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

6 \* \* \*

7 §226. Grounds for denial or termination of license to operate an offtrack wagering  
8 facility

9 \* \* \*

10 B. Those things constituting just cause are:

11 (1) Any action by a licensee contrary to the provisions of this Part **or an**  
12 **agreement or plan of operation for an offtrack wagering facility located in a**  
13 **sports book lounge.**

14 \* \* \*

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

17 \* \* \*

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

20 Section 2. R.S. 27:602(13) is hereby amended and reenacted and R.S. 27:361(E)(3),  
21 393.1, 602(18.1), 607(H), and 629 are hereby enacted to read as follows:

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

23 \* \* \*

24 E. \* \* \*

25 **(3)(a) Notwithstanding Paragraph (1) of this Subsection, upon**  
26 **notification from the Louisiana State Racing Commission that the licensed**  
27 **eligible facility is not in compliance with R.S. 4:164 but is cooperating with the**  
28 **commission and working towards compliance, the board may grant or renew**  
29 **a license for a probationary period not to exceed one year. Barring extenuating**  
30 **circumstances as determined by the board, the probationary period shall not be**

1 extended beyond one year. After the probationary period, the board shall either  
2 grant or renew the license pursuant to Paragraph (1) of this Subsection for the  
3 remainder of the term or revoke the license.

4 (b) Nothing in Subparagraph (a) of this Paragraph shall prevent the  
5 board from denying or revoking a license for reasons other than R.S. 4:164.

6 \* \* \*

7 §393.1. Facility maintenance and improvement fund

8 A. Each licensed eligible facility or licensee shall establish and maintain  
9 a facility maintenance and improvement fund as provided in R.S. 4:164 and  
10 shall make deposits as required therein.

11 B. The establishment, required deposits, and maintenance of a facility  
12 maintenance and improvement fund as well as compliance with the minimum  
13 standards and required infrastructure investments as determined by the  
14 Louisiana State Racing Commission shall be a condition of licensing and shall  
15 be required by the owner of the licensed eligible facility or the licensee to  
16 maintain continued authority to conduct slot machines gaming at the licensed  
17 eligible facility. The provisions of this Subsection shall be applicable to any new  
18 license or the renewal of any existing license issued by the board on and after  
19 July 1, 2022.

20 C. Except as provided in R.S. 27:361(E)(3), the board shall not issue a  
21 new or renewed license to any eligible facility unless it receives certification  
22 from the Louisiana State Racing Commission that the applicant eligible facility  
23 is in compliance with the requirements of R.S. 4:164.

24 \* \* \*

25 §602. Definitions

26 For purposes of this Chapter, the following terms shall have the following  
27 meanings ascribed to them unless the context clearly indicates otherwise:

28 \* \* \*

29 (13) "Net gaming proceeds" means the amount equal to the total gross  
30 revenue of all wagers placed by patrons less the total amount of all winnings paid out

1 to patrons and the amount of eligible promotional play determined pursuant to R.S.  
2 27:627. "Net gaming proceeds" shall not include wagers placed by patrons on  
3 racehorse wagering, or winnings paid out to patrons on racehorse wagering.

4 \* \* \*

5 (18.1) "Racehorse wagering" means wagers placed on horse racing  
6 conducted under the pari-mutuel form of wagering that are accepted by an  
7 offtrack wagering facility licensee as defined in R.S. 4:211 in accordance with  
8 the provisions of Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950,  
9 and a board and Louisiana State Racing Commission approved agreement  
10 between the licensee and the offtrack wagering facility licensee or a board and  
11 Louisiana State Racing Commission approved plan of operation.

12 \* \* \*

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

14 \* \* \*

15 H.(1) A sports wagering licensee and its retail sports wagering operator  
16 may contract with an offtrack wagering facility licensee as defined in R.S. 4:211  
17 to conduct racehorse wagering in its sports book lounge if the terms of the  
18 agreement have been approved by the board and the Louisiana State Racing  
19 Commission as required by R.S. 4:213(B) and the pari-mutuel wagering is  
20 conducted in accordance with the agreement.

21 (2) A sports wagering licensee that is an association as defined in R.S.  
22 4:143 and is also the holder of a license as defined in R.S. 27:353 and provided  
23 for in Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950, may  
24 conduct pari-mutuel wagering in its retail sports book lounge if the pari-mutuel  
25 wagering is conducted in accordance with a board and Louisiana State Racing  
26 Commission approved plan of operation as required in R.S. 4:213(C).

27 (3) The board may reconsider and withdraw its approval of an  
28 agreement or plan of operation upon a finding of noncompliance with the terms  
29 of the agreement or plan.

30 \* \* \*

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

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

5            Section 3. The provisions of this Act enacting R.S. 4:164 and R.S. 27:393.1 shall  
6            supercede the conflicting provisions of the Act which originated as House Bill No. 1055 of  
7            the 2022 Regular Session enacting R.S. 4:164 and R.S. 27:393.1.

8            Section 4. This Act shall become effective upon signature by the governor or, if not  
9            signed by the governor, upon expiration of the time for bills to become law without signature  
10           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
11           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
12           effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_