

Regular Session, 2008

HOUSE BILL NO. 937

BY REPRESENTATIVES ST. GERMAIN AND AUBERT AND SENATOR
MARIONNEAUX

VETOED
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Veto Message

AN ACT

To amend and reenact R.S. 4:211(5) and R.S. 27:353(4) and to enact R.S. 18:1300.24,
relative to conducting live horse racing and pari-mutuel wagering in Iberville Parish;
to provide for the calling and conducting of certain referendum elections in Iberville
Parish relative to authorizing the conducting of horse racing and pari-mutuel
wagering in the parish, authorizing the operation of an offtrack wagering facility in
Iberville Parish, and authorizing an eligible horse racing facility in Iberville Parish
to conduct slot machine gaming; to provide for the submission of propositions by the
governing authority of Iberville Parish; to provide relative to the approval of the
propositions by the voters; to provide for applicability; to amend the definition of
eligible facility for the purposes of conducting slot machine gaming; to amend the
definition of pari-mutuel facility for the purpose of offtrack wagering; and to provide
for related matters.

Notice of intention to introduce this Act has been published
as provided by Article III, Section 13 of the Constitution of
Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:211(5) is hereby amended and reenacted to read as follows:

§211. Definitions

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

* * *

(5) "Pari-mutuel facility" means any pari-mutuel ~~race track~~ racetrack conducting race meetings ~~during the 1986-87 racing season and licensed prior to the effective date of this Part.~~

* * *

Section 2. R.S. 27:353(4) is hereby amended and reenacted to read as follows:

§353. Definitions

When used in this Chapter, the following terms shall have these meanings:

* * *

(4) "Eligible facility" means no more than one facility in St. Landry Parish, Bossier Parish, Orleans Parish, ~~and~~ Calcasieu Parish, and Iberville Parish at which the Louisiana State Racing Commission has licensed the conduct or at which the commission has approved the future licensing of the conduct of not less than eighty days within a consecutive twenty-week period each year of live horse race meetings, unless the commission approves the conduct of less than eighty days within a consecutive twenty-week period or a different consecutive or nonconsecutive period, whenever an eligible facility is prevented from conducting live racing as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the eligible facility has no control. Such a determination by the commission shall not adversely affect the status of the eligible facility to conduct slot machine gaming. For the 2005 racing season, "eligible facility" shall also include the facility in St. Landry Parish that will not be able to meet such requirements due to repairs or construction to the racetrack which are necessary in order to protect the safety of riders and thoroughbred racehorses and to preserve the revenues to be received and distributed to the state and local governments at such facility or as otherwise provided in R.S. 4:214.1.

* * *

Section 3. R.S. 18:1300.24 is hereby enacted to read as follows:

§1300.24. Parishwide elections regarding horse racing, pari-mutuel wagering, slot machine gaming and offtrack wagering; procedure; Iberville Parish

A. The governing authority of Iberville Parish, by resolution, shall call a referendum election as required by Article XII, Section 6(C)(1)(b) of the Constitution of Louisiana, and authorized by the provisions of R.S. 4:181 to be held in that parish on an appropriate date as specified in R.S. 18:402, to be selected by that parish governing authority, to consider the proposition of whether to allow horse racing and pari-mutuel wagering to be conducted in Iberville Parish. The proposition to be printed on the election ballot shall be:

"Shall the business of horse racing and pari-mutuel wagering be conducted within the parish of Iberville? Yes () No (). (As required by Article XII, Section 6(C)(1)(b) of the Constitution of Louisiana and authorized by R.S. 4:181)"

B. The governing authority of Iberville Parish, by resolution, shall call a referendum election as required by Article XII, Section 6(C)(1)(b) of the Constitution of Louisiana, and by the provisions of R.S. 4:214 to be held in that parish on an appropriate date as specified in R.S. 18:402, to be selected by that parish governing authority, to consider the proposition of whether an offtrack wagering facility shall be established in Iberville Parish. The proposition to be printed on the election ballot shall be:

"Shall an offtrack wagering facility be established in Iberville Parish? Yes () No (). (As required by Article XII, Section 6(C)(1)(b) of the Constitution of Louisiana and by the provisions of R.S. 4:214)"

C. The governing authority of Iberville Parish, by resolution, shall call a referendum election as required by Article XII, Section 6(C)(1)(b) of the Constitution of Louisiana, and the provisions of R.S. 27:381, to be held in that parish on an appropriate date as specified in R.S. 18:402, to be selected by that parish governing authority, to consider the proposition of whether to allow slot machine

gaming at live horse racing facilities to be conducted in Iberville Parish. The proposition to be printed on the election ballot shall be:

"TO AUTHORIZE SLOT MACHINE GAMING AT LIVE
HORSE RACING FACILITIES

Shall the business of slot machine gaming at a live horse racing facility be conducted within the parish of Iberville?
Yes () No (). (As required by Article XII, Section 6(C)(1)(b) of the Constitution of Louisiana and by the provisions of R.S. 27:381)"

D. Except as otherwise provided in this Section, the election shall be conducted as provided in Chapter 6-B of this Title, including but not limited to those provisions providing for the responsibility of the parish governing authority to provide notice to the public as provided by law.

E. The governing authority of Iberville Parish shall call one election for all propositions.

F.(1) If the election authorized by the provisions of Subsection A of this Section is held and if the proposition authorized by that provision is approved by a majority of the electors voting thereon, then a person desiring to conduct horse racing and pari-mutuel wagering shall be subject to the licensing authority of the Louisiana State Racing Commission and to the licensing eligibility, procedure, and criteria provided for in Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950.

(2) If the elections authorized by the provisions of Subsections A and B of this Section are held and if the propositions authorized by those provisions are approved by a majority of the electors voting thereon, then a person desiring to operate an offtrack wagering facility shall be subject to the licensing authority of the Louisiana State Racing Commission and to the licensing eligibility, procedure, and criteria provided for in Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950.

(3) If the elections authorized by the provisions of Subsections A and C of this Section are held and if the propositions authorized by those provisions are approved by a majority of the electors voting thereon, then the owner of a pari-mutuel live horse racing facility licensed by the Louisiana State Racing Commission to conduct live horse race meetings shall be subject to the licensing authority of the Louisiana Gaming Control Board and to the licensing eligibility, procedure, and criteria provided for in Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950.

G. Offtrack wagering shall not be conducted in Iberville Parish unless all of the following occur:

(1) A majority of the electors have approved both horse racing and offtrack wagering in Iberville Parish in the elections authorized by the provisions of this Section.

(2) The Louisiana State Racing Commission has approved horse racing and offtrack wagering in Iberville Parish.

H. Slot machine gaming shall not be conducted in Iberville Parish unless all the following occur:

(1) A majority of the electors have approved both horse racing and slot machine gaming in Iberville Parish in the elections authorized by the provisions of this Section.

(2) The Louisiana State Racing Commission has issued a license to conduct horse racing in Iberville Parish.

(3) The Louisiana Gaming Control Board has issued a license to conduct slot machine gaming at live horse racing facilities in Iberville Parish.

I. For the purposes of this Section, the following words shall have the following meanings:

(1) "Horse racing and pari-mutuel wagering" means the activity provided for in Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950.

1 (2) "Louisiana Gaming Control Board" means the board established in R.S.
2 27:11 having the authority to regulate slot machine gaming in the state of Louisiana
3 as provided for in Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950.
4 (3) "Louisiana State Racing Commission" means the commission within the
5 office of the governor having the authority to regulate horse racing, pari-mutuel
6 wagering, and offtrack wagering in the state of Louisiana as provided for in Chapter
7 4 of Title 4 of the Louisiana Revised Statutes of 1950.
8 (4) "Slot machine gaming" means the activity provided for in Chapter 7 of
9 Title 27 of the Louisiana Revised Statutes of 1950.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

House Bill 937 would require a referendum election to permit a live horse racing facility and slot machine gaming at a facility in Iberville Parish. I am opposed to this legislation because it contemplates the expansion of gaming.

For this reason, I have vetoed House Bill No. 937 and hereby return it to the House of Representatives.