

Regular Session, 2014

SENATE BILL NO. 53

BY SENATORS CORTEZ AND LAFLEUR

HORSE RACING. Provides relative to horse racing. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 4:143(1), 155, 158, the introductory paragraph of 160, and 225
3 and to enact R.S. 4:158.1 and 160(7), (8), (9), and (10), relative to horse racing; to
4 provide for certain terms, conditions, and procedures; to provide for definitions; to
5 provide for the term of certain licenses; to provide for fines, suspension, denial, or
6 termination of racing privileges of an association; to require a written report be
7 submitted by certain licensees; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 4:143(1), 155, 158, the introductory paragraph of 160, and 225 are
10 hereby amended and reenacted and R.S. 4:158.1 and 160(7), (8), (9), and (10) are hereby
11 enacted to read as follows:

12 §143. Definitions

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

15 (1) "Association" means any person ~~or persons, associations, or corporations~~
16 **association, or corporation** licensed by the commission to conduct horse racing
17 within the State of Louisiana for any stakes, purse, or reward.

* * *

§155. Commission authority, fines, suspensions, revocations, forfeitures and disciplinary actions

A. The commission may impose upon ~~a licensee~~ **any licensee listed in R.S. 4:169** a fine not exceeding ten thousand dollars and may suspend a licensee indefinitely, or both. Any commission action taken herein shall be consistent with the provisions of this Part.

B. The commission may impose upon any licensed association as defined in R.S. 4:143(1) a fine not to exceed one hundred thousand dollars and may suspend a license indefinitely, or both. Any commission action taken herein shall be consistent with the provisions of this Part.

* * *

§158. ~~License~~ **One-year license** or permit to conduct race meetings, ~~one-year and ten-year licenses~~

~~A.~~ On or before the fifteenth of April of each year and on or before the fifteenth of August of each year any person possessing the qualifications prescribed in this Part may apply to the commission for a **one-year** license to conduct race meetings. On or before the first of May and the first of September of each year, after receipt of the applications the commission shall convene to consider the refusal or granting of the permits or licenses applied for. An application filed prior to any one of the two deadlines shall request dates for racing to commence not sooner than four months from said deadlines. The permits or licenses granted shall set forth the name of the licensee, the location of the race track, the duration of the race meeting, and the kind of racing desired to be conducted, and shall recite the receipt by the commission of the license fee provided for in this Part. The license is not transferable nor does it apply to any place, track, or enclosure except the one specified in the license. Should the commission, after due proceedings had in conformity with this Part, suspend or revoke an association's license or terminate the racing privileges granted to an association, said association may within ten days of

1 the notification of the commission's decision take a suspensive appeal to the district
2 court having jurisdiction over the association's track. Such appeals shall be filed in
3 the district court in the same manner as original suits are instituted therein. The
4 appeals ~~should~~ **shall** be tried de novo. Either party may amend and supplement his
5 pleadings and additional witnesses may be called and heard.

6 Within ten calendar days of the signing of the judgment by the district court
7 in any such appeal case, the commission or the applicant for a license or licensee, as
8 the case may be, may suspensively appeal the judgment to the appellate court of
9 proper jurisdiction. These appeals shall be perfected in the manner provided for in
10 civil cases and shall be suspensive or devolutive in the discretion of the court.

11 All proceedings in the district and appellate courts arising under this Part are
12 civil in nature and shall be heard summarily by the court, without a jury, shall take
13 precedence over other civil cases, and shall be tried in chambers or in open court,
14 and in or out of term.

15 ~~B. The provisions of this Part to the contrary, notwithstanding, the~~
16 ~~commission may contract with any licensee for a permit to operate a track for a~~
17 ~~period of ten years. Such permit shall conform to all the requirements as set out in~~
18 ~~Subsection (A) of this section; however, any licensee applying for a ten-year license~~
19 ~~under this section shall also agree in writing to expend the sum of no less than~~
20 ~~\$10,000.00 per year or \$100,000.00 during said ten-year period for the purpose of~~
21 ~~repairs and improvements to the track and its facilities, said sum to be expended~~
22 ~~during said ten-year period.~~

23 ~~The commission may approve an application for racing dates for a period not~~
24 ~~exceeding three racing years, when a contract has been entered into in accordance~~
25 ~~with this section.~~

26 **§158.1. Written report; required**

27 **Beginning January 1, 2015, the commission may require a licensed**
28 **association to submit a written report that may include the following**
29 **information:**

(1) The plan of operation for each fiscal year. The plan of operation may include but not be limited to customer service, marketing and promotions relative to horse racing, capital improvement, and facility maintenance. "Facility maintenance" may include but not be limited to track surface, barns, grand stands, and paddocks.

(2) A summary of the implementation and status of the prior year's plan.

B. The commission may adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Section, including, as appropriate, standard forms to be used for the annual report and plan of operation.

* * *

§160. Grounds for fines, suspension, denial, or termination of racing privileges to an association

A. The commission may fine, refuse, suspend, or withdraw licenses, permits and privileges granted by it or terminate racing privileges, for just cause. Those things constituting just cause are:

* * *

(7) Failure to meet criteria for licensing as provided in R.S. 4:159.

(8) Failure to maintain suitable racing surfaces as determined by the commission.

(9) Failure or inability to conduct racing in a manner that is in the best interest of racing as determined by the commission.

(10) Failure to provide responses to inquiries made by the commission regarding the status or progress of any matter related to racing.

B. Notwithstanding any other provision of law to the contrary, the provisions of this Section shall apply to any licensee or association, regardless of the date on which the license was issued to the licensee or association.

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§225. Commission authority, fines, suspensions, revocations, forfeitures and disciplinary actions

A. The commission may impose upon ~~a licensee~~ **any licensee listed in R.S. 4:169** a fine not exceeding ten thousand dollars and may suspend a licensee indefinitely, or both. Any commission action taken herein shall be consistent with the provisions of this Part.

B. **The commission may impose on any licensed association as defined in R.S. 4:143(1) a fine not to exceed one hundred thousand dollars and may suspend a license indefinitely, or both. Any commission action taken herein shall be consistent with the provisions of this Part.**

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Cortez (SB 53)

Present law provides relative to the La. State Racing Commission.

Present law provides for definitions, including "association".

Proposed law makes technical changes to the definition of association.

Present law provides that the commission may impose fines for certain violations.

Proposed law retains present law and adds that the commission may impose upon any licensed association a fine not to exceed \$100,000 and may suspend a license indefinitely, or both.

Present law provides for a one-year and 10 year license or permit to conduct racing meetings.

Present law provides that an association may appeal the commission's decision to suspend or revoke its license or terminate their racing privileges. Provides that the appeal must be tried de novo.

Proposed law retains present law but states that the appeals shall be tried de novo.

Proposed law removes the authority of the commission to issue a 10 year license or permit.

Proposed law provides that beginning January 1, 2015, the commission may require a licensed association to submit a written report that may include the following information:

- (1) The plan of operation for each fiscal year. The plan of operation may include but not be limited to customer service, marketing and promotions relative to horse racing, capital improvement, and facility maintenance. "Facility maintenance" may include but not be limited to track surface, barns, grand stands, and paddocks.

- (2) A summary of the implementation and status of the prior year's plan.

Proposed law provides that the commission may adopt rules in accordance with the Administrative Procedure Act to implement the provisions of proposed law, including, as appropriate, standard forms to be used for the annual report and plan of operation.

Present law provides that the commission may refuse, suspend, or withdraw licenses, permits and privileges granted by it or terminate racing privileges, under certain circumstances and for just cause.

Proposed law retains present law and authorizes the commission to impose fines. Further adds the following acts which constitute just cause:

- (1) Failure to meet criteria for licensing as provided in R.S. 4:159.
- (2) Failure to maintain suitable racing surfaces as determined by the commission.
- (3) Failure or inability to conduct racing in a manner that is in the best interest of racing as determined by the commission.
- (4) Failure to provide responses to inquiries made by the commission regarding the status or progress of any matter related to racing.

Proposed law shall apply to any licensee or association, regardless of this date on which the license was issued to the licensee or association.

Effective August 1, 2014.

(Amends R.S. 4:143(1), 155, 158, 160 (intro para), 225; adds R.S. 4:158.1 and 160(7), (8), (9), and (10))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Removes the authority of the La. State Racing Commission ("commission") to issue a 10 year license.
2. Provides for the issuance of fines.
3. Requires certain licensees to submit a written report to the commission each year.
4. Provides for additional grounds for fines, suspension, denial, or termination of racing privileges.

Senate Floor Amendments to engrossed bill

1. Makes technical corrections.
2. Requires appeals shall be tried de novo.

3. Changes from mandatory to discretionary, the authority of the commission to require a licensed association to submit a written report with specific information. Also, changes from mandatory to discretionary, the type of information to be included in the plan of operation portion of the report.
4. Adds that the provisions of proposed law will apply to any licensee or association.