
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.