

SENATE BILL NO. 53

BY SENATORS CORTEZ AND LAFLEUR AND REPRESENTATIVE THIBAUT

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 4:143(1), 155, 158, 160, and 225 are hereby amended and reenacted
10 and R.S. 4:158.1 is hereby enacted to read as follows:

11 §143. Definitions

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

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

17 * * *

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

20 **A.** The commission may impose upon a licensee **any licensee listed in R.S.**
21 **4:169** a fine not exceeding ten thousand dollars and may suspend a licensee
22 indefinitely, or both. Any commission action taken herein shall be consistent with
23 the provisions of this Part.

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

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§158. License ~~or permit~~ to operate a horse racing track; license to conduct race meetings, ~~one-year and ten-year licenses~~

A. Any person or corporation may apply to the commission for a license to operate a track to conduct horse racing within the State of Louisiana. The commission may grant such a license for a period up to and including ten years. Nothing in this Subsection shall limit the authority of the commission granted by state law to fine or suspend an association or terminate racing privileges granted to an association.

B.(1) On or before the fifteenth of April of each year and on or before the fifteenth of August of each year any person or corporation possessing the qualifications prescribed in this Part may apply to the commission for a license or licenses to conduct race meetings.

(2) 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~~ any licenses to conduct race meetings applied for.

(3) 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~~

C.(1) Any licenses granted pursuant to this Section, when applicable, 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.

(2) ~~The license is not transferable nor does it~~ Any license granted pursuant to this Section shall be nontransferable and shall only apply to ~~any~~ the place, track, or enclosure ~~except the one~~ specified in the license.

D.(1) 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 licenses granted pursuant to this Section, the association may within ten days of the notification of the commission's decision take

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

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

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

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

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

27 **§158.1. Written report; required**

28 **Beginning January 1, 2015, the commission may require a licensed**
29 **association to submit a written report that may include the following**
30 **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.

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§160. Grounds for fin~~es, 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:

(1) Any actions by a licensed or permittee contrary to the provisions of this Part and the Rules of Racing.

(2) Corrupt practice.

(3) Violations of the Rules of Racing.

(4) Intentional falsification ~~and/or~~ intentional misstatement of a material fact in an application for racing privileges.

(5) Material false statement to a racing official, other than a Commissioner, ~~and/or~~ the commission.

(6) Continued failure or inability to meet its financial obligations connected with fulfillment of the purposes for which its license was issued.

(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 per occurrence and may suspend a license indefinitely, or both. Any commission action taken herein shall be consistent with the provisions of this Part.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: