

FOR OFFICE USE ONLY	

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Connick to Engrossed House Bill No. 1223 by Representative Connick

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 27:353(8)" to "R.S. 27:15(D), 352, and 353(8)"

3 AMENDMENT NO. 2

4 On page 1, line 6, after "Commission;" and before "and to" insert "to provide for adherence
5 to the stated policy for which slot machine gaming was authorized at horse racing facilities;
6 to provide civil penalties and enforcement thereof;

7 AMENDMENT NO. 3

8 On page 1, line 8, change "R.S. 27:353(8) is" to "R.S. 27:15(D), 352, and 353(8) are"

9 AMENDMENT NO. 4

10 On page 1, between lines 9 and 10, insert the following:

11 §15. Board's authority, responsibilities

12 * * *

13 D.(1) In addition to or in lieu of the revocation or suspension of a license or
14 permit issued pursuant to the provisions of the Louisiana Riverboat Economic
15 Development and Gaming Control Act, the Louisiana Economic Development and
16 Gaming Corporation Act, the Pari-mutuel Live Racing Facility Economic
17 Redevelopment and Gaming Control Act, and this Chapter, the board may impose
18 upon the casino gaming operator or the holder of a license as defined in R.S.
19 27:44(14), or R.S. 27:353(5), or a permittee a civil penalty not to exceed one hundred
20 thousand dollars for each violation of any provision of the Louisiana Riverboat
21 Economic Development and Gaming Control Act, the Louisiana Economic
22 Development and Gaming Corporation Act, the Louisiana Pari-mutuel Live Racing
23 Facility Economic Redevelopment and Gaming Control Act, this Chapter, or any
24 rule or regulation of the board. Payment of the civil penalty shall be a requirement
25 for the retention of any permit, certificate, or license held by the entity which
26 violated any such provisions. If the licensee contests the imposition of the civil
27 penalty, the penalty shall be imposed only after an adjudicatory hearing is conducted
28 pursuant to R.S. 27:25 and a basis for imposition of the penalty is determined to
29 exist.

30 (2)(a) In addition to the provisions of Paragraph (1) of this Subsection, the
31 board may impose upon a licensee as defined in R.S. 27:353(6) an additional civil
32 penalty not to exceed ten thousand dollars, per day, upon receipt of and concurrence
33 with a resolution by the Louisiana Racing Commission indicating that the
34 commission has made a finding of fact as to any of the following:

35 (I) The live horse racing facility is not being properly maintained in a
36 manner necessary to continue the operation of such facility in accordance with the
37 applicable criteria, standards, and guidelines contained in R.S. 4:159, or with the
38 policies set forth in R.S. 27:352.

1 (ii) The licensee has failed to comply with or account for the expenditure of
2 gaming proceeds required pursuant to R.S. 27:361(B)(5).

3 (iii) The licensee has intentionally ceased operation of a live horse racing
4 facility or a part of such facility, without prior approval of the Louisiana Racing
5 Commission, during the period covered by its current license to conduct live horse
6 racing.

7 (b) The resolution by the Louisiana Racing Commission indicating that the
8 commission has made a finding of fact as to conduct or condition contained in Items
9 (I), (ii), or (iii) of this Subparagraph, is prima facie proof of such conduct or
10 condition.

11 (c) Upon concurrence with the resolution of the commission, the board shall
12 issue a resolution reciting the findings of the Louisiana Racing Commission and
13 specifying the civil penalties to be imposed against the licensee.

14 (d) If the licensee contests the imposition of the civil penalty, the penalty
15 shall be imposed only after an adjudicatory hearing is conducted pursuant to R.S.
16 27:25 and a basis for imposition of the penalty is determined to exist.

17 (e) Upon failure of the licensee to pay any civil penalty imposed pursuant to
18 Subparagraph (2)(a) of this Paragraph, the board may file a certified copy of its
19 resolution levying the penalty with the recorder of mortgages, and the same, when
20 so filed and recorded, shall operate as a lien and privilege in favor of the board
21 against the facility. If within three months after the perfecting of the lien by virtue
22 of recordation, the licensee fails to pay such lien, the board, in addition to other
23 remedies at law, shall have the authority to do either of the following:

24 (i) Direct the tax assessor of the parish to offer for sale and subsequently sell
25 or otherwise convey such facility. The procedure for notice, advertisement, and sale
26 of the facility shall be governed by the law applicable to the sale of real property for
27 delinquent parish taxes.

28 (ii) Enforce the privilege and lien against the subject facility in the district
29 court pursuant to the Code of Civil Procedure.

30 * * *

31 §352. Policy and legislative findings

32 The legislature hereby finds and declares it to be the public policy of this
33 state that:

34 (1) Horse racing has an extensive historical and cultural significance to the
35 state of Louisiana. Horse racing has been conducted in Louisiana for over one
36 hundred twenty years. The racing industry has contributed millions of dollars to the
37 state of Louisiana and has established the ownership, breeding and racing of quality
38 racing horse in this state. The state of Louisiana has a compelling interest in
39 maintaining the proper racing facilities which are essential to the economy of the
40 state as well as protecting the health and safety of the jockeys, trainers, breeders,
41 horsemen, patrons, as well as the horses.

42 ~~(1)(2)~~ Pari-mutuel wagering facilities which offer live horse racing have
43 historically made great contributions to the economic development of the state at
44 large and particularly the agricultural and horse breeding industries.

45 ~~(2)(3)~~ Recent legalization of additional forms of wagering other than pari-
46 mutuel wagering on horse races such as lottery, riverboat gaming, and land-
47 based casino gaming have, and will continue to have, a substantial negative and detrimental
48 effect upon live horse racing, live horse racing facilities, as well as the thoroughbred
49 and quarterhorse industries in general.

50 ~~(3)(4)~~ Authorization of certain specified gaming activities, such as the
51 competitive offering of slot machine gaming at specifically defined eligible live
52 racing facilities, will revitalize and rehabilitate those facilities within strategically
53 located geographic areas of the state, and will further result in overall economic
54 development and additional revenues to the state and parishes where those facilities
55 are located, provided that revenues gained from such gaming activities are not
56 diverted from the funds needed for proper maintenance of the live horse racing
57 facilities.

58 (5) Due to the historical, cultural, and economic benefits live horse racing
59 has brought to the state over the past century and by virtue of the state granting pari-

1 mutuel or slot machine gaming licenses, or both, to entities operating such live horse
2 racing facilities, the state, pursuant to its statutory and regulatory duties and
3 responsibilities and through enforcement by the Louisiana Gaming Control Board
4 and the Louisiana Racing Commission, has a duty to ensure that such facilities are
5 properly maintained and utilized for the conduct of live horse racing for the
6 continued safe and profitable operations of such facilities and for the economic well-
7 being of this state.
8 (6) In order to facilitate the policy stated herein, the powers, duties, and
9 findings of the Louisiana Gaming Control Board and the Louisiana Racing
10 Commission shall be liberally construed, broadly interpreted, and given great
11 evidentiary value.