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LOUISIANA STATE RACING COMMISSION

April 4, 2024

The Honorable Phillip R. DeVillier
Speaker of the House
Post Office Box 94062
Baton Rouge, LA 70804-9062

The Honorable Cameron Henry
President of the Senate
Post Office Box 94183
Baton Rouge, LA 70804-9183

Dear Senator Henry and Representative DeVillier:

Pursuant to La. R.S. 49:966(D)(1)(b), the Louisiana State Racing Commission hereby announces its plan to proceed with rule-making regarding the December 20, 2023 Notice of Intent of LAC 35:III.5773 "Association Annual Plan of Operation Report" that was promulgated on pages 2122 through 2123 of the *Louisiana Register*. The LSRC tentatively plans to vote for formal adoption of the rule at the next Public Commission Meeting and, following Commission approval, will submit to the Louisiana Register to be published after the required 90 days following Notice of Intent pursuant to La. R.S. 49:961 will have passed.

The proposed amendment of LAC 35:III.5773 changes the due date of a Racing Associations' Annual Plan of Operation Report from January 30 following the fiscal year end to a date as specified by the Racing Commission, in order to account for different associations' fiscal year ends.

In regard to the proposed rule, this Commission has received no comments after the Notice of Intent was published and therefore has not conducted a hearing pursuant to La. R.S. 49:961(B).

The Commission has made no changes to the proposed rule.

Subject to legislative oversight by either the House Commerce Committee or Senate Commerce Committee, the Louisiana State Racing Commission intends to submit this chapter of Rules to the Office of the State Register for publication following the required time periods set forth in La. R.S. 49:961 *et. seq.* Please contact Brett Bonin at (504) 483-3356 if the commission may be of any assistance to you concerning this rule.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Landry", is written over a horizontal line.

Stephen Landry
Executive Director

SL: tm
Enclosures

cc: Office of the State Register
House Commerce Committee
Senate Commerce Committee

NOI 5773

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Racing Commission**

Association Annual Plan of Operation Report
(LAC 35:III.5773)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission proposes to amend LAC 35:III.5773. The proposed amendment is a technical change that specifies the due date of a Racing Association's Annual Plan of Operation Reports from January 30 following the fiscal year end to a date as specified by the Racing Commission in order to account for different associations' fiscal year ends.

Title 35

HORSE RACING

**Part III. Personnel, Registration and Licensing
Chapter 57. Associations' Duties and Obligations
§5773. Association Annual Plan of Operation Report**

A. An association shall provide an annual report to the commission, due by the date specified by the commission after each fiscal year ends starting with fiscal year 2022, regarding the association's plan of operation for the upcoming fiscal year to include details about:

1. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:148, and R.S. 4:164.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 49:868 (May 2023), amended LR 50:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

The domicile office of the Louisiana State Racing Commission is open from 8:00 a.m. to 4:30 p.m. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments relative to this proposed rule for a period up to 20 days (exclusive of weekends and state holidays) from the date of this

have any effect on provider staffing levels, qualifications, costs, or overall ability of providers to provide the same level of service.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Such comments should be submitted by email or mail to Rikki Nicole David, Division of Administration, Office of the State Americans with Disabilities Act Coordinator, at Rikki.David@la.gov or P.O. Box 94095, Baton Rouge, LA 70804-9095. All written comments must be received on or before January 10, 2024 at 4:30 p.m. If necessary, a public hearing will be scheduled pursuant to R.S. 49:961(B)(1).

Jay Dardenne
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Public Meetings via Electronic Means**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Other than publication costs associated with the proposed rule changes, it is not anticipated that state or local governmental units will incur any costs or savings as a result of this rule. In compliance with Act 393 of the 2023 RS, the Office of the Commissioner proposes to adopt Section 901 (Disability Accommodations) of Part I, Chapter 9 of Title 4 of the Louisiana Administrative Code. Specifically, the rule establishes the framework for teleconferencing or videoconferencing of board meetings. The Office of the Commissioner is already in possession of the equipment necessary to provide teleconference or video conference participation in its meetings; therefore, there are no implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not expected to have an effect on competition and employment.

Jay Dardenne
Commissioner
2312#034

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

publication to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Charles A. Gardiner III
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Association Annual
Plan of Operation Report**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The Louisiana State Racing Commission proposes to amend Section 5772 (Association Annual Plan of Operation Report) of Part III, Chapter 57 of Title 35 (Horse Racing) of the Louisiana Administrative Code. Specifically, the proposed amendment changes the date Racing Associations are to submit their Annual Plan of Operan Report to the Commission from Januayry 30th to a date specified by the Racing Commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
The proposed administrative rule is a technical change that specifies the due date of a Racing Associations' Annual Plan of Operations Report from January 30 following the fiscal year end to date as specified by the Racing Commission in order to account for different associations' fiscal year ends.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The proposed amendment allows for the inclusion of multiple racing associations' fiscal calendars for reporting.

Charles A. Gardiner III
Executive Director
2312#017

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Racing Commission**

**Disability Accommodations
(LAC 35:I.322)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 42:14 and R.S. 42:17.2.1, notice is hereby given that the Racing Commission proposes to adopt LAC 35:I.322 pertaining to it accessibility during open meetings..

Act 393 of the 2023 regular session mandates that the State Racing Commission adopt rules for public participation and member participation for those with a disability recognized by the Americans with Disability Act. The following proposed Rule allows for access to open

meetings held by the State Racing Commission. This proposed Rule will accommodate participation on an individual basis via electronic means by: members of the public with a disability, designated caregivers of such persons, and participant board members with a disability who request accommodation.

**Title 35
HORSE RACING**

Part I. General Provisions

Chapter 3. General Rules

§322. Disability Accommodations

A. People with disabilities are defined as any of the following:

- 1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
- 2. a designated caregiver of such a person; or
- 3. a participant member of the agency with an ADA-qualifying disability.

B. The written public notice for an open meeting, as required by R.S. 42:19 shall, include the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

C. The requestor shall be provided with an accommodation for participation as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

1. Requestor can submit a written letter addressed to executive director prior to the scheduled meeting that:

- a. states requestor's concerns or questions to be addressed by commission;
- b. will be read aloud by executive director during the meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 50:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

The domicile office of the Louisiana State Racing Commission is open from 8:00 a.m. to 4:30 p.m. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments relative to this proposed rule for a period up to 20 days (exclusive of weekends and state holidays) from the date of this publication to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Charles A. Gardiner III
Executive Director