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## LOUISIANA STATE RACING COMMISSION

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Charles A. Gardiner III  
Executive Director

May 10, 2023

The Honorable Clay Schexnayder  
Speaker of the House  
Post Office Box 94062  
Baton Rouge, LA 70804-9062

The Honorable Patrick Page Cortez  
President of the Senate  
Post Office Box 94183  
Baton Rouge, LA 70804-9183

Dear Senator Cortez and Representative Schexnayder:

Pursuant La. R.S. 49:966(D)(1)(b), the Louisiana State Racing Commission hereby announces its plan to proceed with rule-making regarding the March 20, 2023 Notice of Intent of LAC 35:V.7907 "Horses Disqualified for a Foul" that was promulgated on pages 533 through 534 of the *Louisiana Register*. The LSRC tentatively plans to vote for formal adoption of the rules 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 rule LAC 35:V.7907, along with the proposed rule to LAC 35:V.6335, loosens the restrictions on entries by allowing the uncoupling of same owner entries in order to help increase field sizes in Louisiana horse races and to help Louisiana racing compete with multiple state racing jurisdictions that already allow uncoupling of same owner entries.

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 blue ink, reading "Charles A. Gardiner III".

Charles A. Gardiner III  
Executive Director

CAG: tm  
Enclosures

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

proposed Rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

#### Public Comments

Interested persons should submit written comments on the proposed Rules to Stephanie Le Grange through the close of business on April 26, 2023 at Department of Economic Development, 617 North Third Street, 11th Floor, Baton Rouge, LA 70802 or via email to Stephanie.LeGrange@la.gov.

#### Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 10 a.m. on April 27, 2023 in the Griffon Conference Room at the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Brenda C. Guess  
Assistant Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Small Business Innovation Recruitment Fund Program

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

The proposed rule establishes program guidelines for the Small Business Innovation Recruitment (SBIR) Program authorized by Act 477 of the 2022 Regular Session.

Beginning in FY 26, the Department of Economic Development (LED) expects to receive up to \$105,000 per year to administer the program. These funds should be sufficient to administer the program as outlined in law and proposed rules.

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

The program is expected to have a negligible impact on future revenue collections at both the state and local levels.

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

The program will directly benefit out of state businesses that are recipients of federal Phase II SBIR or Small Business Technology Transfer (STTR) grants who receive awards from the Louisiana Small Business Innovation Recruitment Fund Program, by providing them with additional grant funding from the State as a result of relocation to the state of Louisiana. These businesses will be subject to additional application and compliance requirements, but these requirements should not be significant and should be outweighed by the benefits received.

There is also an expectation that small businesses near the relocation would benefit from additional sales and services to those employed by the business.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Program award recipients may enjoy competitive benefits over any competitors who do not receive awards, due to having additional funding. Employment may increase negligibly if award recipients hire additional personnel due to receiving award funding.

Anne G. Villa  
Undersecretary  
2303#046

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

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

#### Horses Disqualified for a Foul (LAC 35:V.7907)

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:V.7907. The proposed amendment, along with the proposed amendment to LAC 35:V.6335, loosens the restrictions on entries by allowing the uncoupling of same owner entries in order to help increase field sizes in Louisiana horse races and to help Louisiana racing compete with multiple state racing jurisdictions that already allow uncoupling of same owner entries.

#### Title 35

#### HORSE RACING

#### Part V. Racing Procedures

#### Chapter 79. Post to Finish

#### §7907. Horses Disqualified for a Foul

A. If a horse is disqualified for a foul, any horse or horses of the same ownership or interest, whether coupled as an entry or not, may also be disqualified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978), LR 49:

#### 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, LA 70119-5100.

Charles A. Gardiner III  
Executive Director



**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Horses Disqualified for a Foul**

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

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed amendment, along with the proposed amendment to LAC 35:V.6335, loosens the restrictions on entries by allowing the uncoupling of same owner entries in order to help increase field sizes in Louisiana horse races and to help Louisiana racing compete with multiple state racing jurisdictions that already allow uncoupling of same owner entries.

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

The proposed rule change will not affect revenue collections for 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 may result in an indeterminable economic benefit to licensed racetracks in Louisiana by allowing them to fill more horse races with less restrictive coupling rules, which may help increase pari-mutuel wagering activity at their properties. The proposed administrative rule may result in an indeterminable economic benefit to licensed owners, who would be able to enter their horses to compete in more races for possible purse winnings.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

The effect on competition and employment as a result of the proposed rule changes is indeterminable.

Charles A. Gardiner, III  
Executive Director  
2304#007

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

**Owner's Entry of More Than One Horse (LAC 35:V.6335)**

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**Title 35  
HORSE RACING  
Part V. Racing Procedures**

**Chapter 63. Entries**

**§6335. Owner's Entry of More Than One Horse**

A. Not more than two horses of the same ownership or interest may be entered in an overnight race, unless the race is divided. In divided races, the starters in the separate divisions shall be determined by lot. If a race is divided, an

additional conditional entry may be accepted from any interest.

B. In overnight races, the stewards may allow no more than two horses of the same ownership or interest to race as separate wagering interests, but in no case may two horses of the same ownership or interest start to the exclusion of a single entry should the number of entries exceed the starting gate capacity.

C. When making a double or joint entry in overnight races, the owner or trainer must express a preference to start should the number of entries exceed the starting gate capacity.

D. In stakes races, the stewards may allow two or more horses of the same ownership or interest to race as separate wagering interests.

E. The stewards may require horses entered in any race to be coupled for wagering interests if a majority of the stewards find it necessary in the public interest.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148.

**HISTORICAL NOTE:** Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 38:3168 (December 2012), LR 49:

**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.

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Charles A. Gardiner III  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Owner's Entry of More Than One Horse**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
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