

1 Introduced March 26, 2024, by Councilman
2 Tamborella, seconded by Councilwoman
3 Haggerty, (by request of Administration)

4 **RESOLUTION R24-11**

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6 A resolution supporting action by the Louisiana Legislature to statutorily
7 recognize that historical horse racing operations may not be licensed, permitted, or
8 conducted in the City of Slidell or St. Tammany Parish and expressly prohibiting such
9 operations anywhere in St. Tammany Parish, absent an affirmative vote of the Parish
10 electorate in accord with applicable law.

11 WHEREAS pursuant to a 1996 vote of the St. Tammany Parish electorate,
12 video poker machines and riverboat gaming operations are not allowed in St. Tammany
13 Parish, Louisiana.

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15 WHEREAS pursuant to a 2021 vote of the St. Tammany Parish electorate, the
16 proposed placement and operation of a casino in East St. Tammany was overwhelmingly
17 rejected.
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21 WHEREAS in 2021, through Act 437, the Louisiana Legislature amended
22 certain state laws to purportedly allow historical horse racing at licensed offtrack wagering
23 facilities.
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26 WHEREAS historical horse racing machines appear practically indecipherable
27 from modern-day slot machines.
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29 WHEREAS Louisiana Constitution article 12, section 6(c)(1)(a), which acts as
30 a limit on the power of legislative bodies, provides: "No law authorizing a new form of
31 gaming, gambling, or wagering not specifically authorized by law prior to the effective date
32 of this Paragraph [i.e. October 15, 1996] shall be effective nor shall such gaming,
33 gambling, or wagering be licensed or permitted to be conducted in a parish unless a
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2 **RESOLUTION R24-11**
3 **PAGE 2**

4 referendum election on a proposition to allow such gaming, gambling, or wagering is held
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6 in the parish and the proposition is approved by a majority of those voting thereon.”

7 WHEREAS historical horse racing is not a form of gaming that existed prior to
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9 October 15, 1996, let alone was authorized by law prior to that date.

10 WHEREAS historical horse racing machines are a more recent invention of the
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12 gaming industry.

13 WHEREAS the first patent on any machine used in connection with historical
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15 horse racing was not even applied for until 1998, and no state even had historical horse
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17 racing until 2000, when it first appeared at Oakland Park in Arkansas.

18 WHEREAS the electorate of St. Tammany Parish, Louisiana, has never been
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20 presented in an election with the question of whether to allow historical horse racing
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22 operations.

23 WHEREAS historical horse racing does not involve placing a wager on a
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25 prospective or live horse race whose results are unknown at the time of the wager; rather,
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27 wagers are allegedly placed on random past races, and there is no pari-mutuel pool of
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29 wagers on any common race.

30 WHEREAS if historical horse racing was the same thing as offtrack
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32 wagering—which it is not—it would not need to have been “authorized” by the Louisiana
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34 Legislature to begin with.
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2 **RESOLUTION R24-11**
3 **PAGE 3**

4 WHEREAS consistent with the above facts, in the case entitled and captioned
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6 *Donovan Fremin, et al. V. Boyd Racing, LLC, et al.*, C-725,007 Div. 26, 19th JDC, Parish of
7 East Baton Rouge, State of Louisiana, Judge Richard "Chip" Moore recently ruled that:
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- 10 1. Historical horse racing is a new form of gaming which was not specifically
11 authorized by law prior to October 15, 1996, nor previously conducted prior
12 to October 15, 1996;
 - 13 2. No historical horse racing may be conducted in any parish of this state
14 unless and until voters in that parish where historical horse racing is to be
15 conducted approve such gaming by a majority vote pursuant to Article 12,
16 Section 6 of the Louisiana Constitution; and
 - 17 3. Act 437 of the 2021 legislative session is unconstitutional. [OBJ]
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19 WHEREAS in connection with his ruling, Judge Moore found that both the
20 passage of Act No. 437 in 2021 and the actions by off-track betting facilities in permitting
21 wagering on historical horse races are directly contrary to the overall purpose of Article 12,
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23 Section 6 of the Louisiana Constitution, as amended — to prevent overall expansion of
24 gaming without a vote of the people.
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27 WHEREAS the City of Slidell denied a building permit application of CMH
28 Slidell, LLC and Churchill Downs Louisiana Horseracing Company, L.L.C. for a site in
29 Slidell based on application deficiencies under state and local law that were never fully
30 and/or properly addressed by the applicant(s).
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33 WHEREAS the noted building permit application included documents
34 indicating an intent by the Churchill entities to conduct video poker and/or historical horse
35 racing operations in Slidell, despite the lack of authorization for same by public vote and
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2 **RESOLUTION R24-11**
3 **PAGE 4**

4 despite the intended location for such operations being within one mile of a school and
5 area residences.
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7 WHEREAS Churchill chose to initiate litigation against Slidell and Slidell
8 officials in January of 2023, such litigation being dismissed by the Louisiana First Circuit
9 Court of Appeal, and thereafter refiled by Churchill subsequent to a suit for declaratory and
10 injunctive relief by Slidell, St. Tammany Parish, and three citizen voters of the Parish.
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13 WHEREAS there is no pending referendum or request for a referendum on the
14 issue of whether to allow historical horse racing operations in St. Tammany Parish.
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17 WHEREAS the City of Slidell desires that that Louisiana Legislature, in its
18 current legislative session, address and correct the unconstitutionally premature provisions
19 of Act 437 of the 2021 legislative session, as indicated in the decision of Judge Moore, so
20 that no confusion may persist on this important issue.
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23 NOW THEREFORE, BE IT RESOLVED by the Slidell City Council, in legal
24 session convened, that it urges the Louisiana Legislature to adopt whatever statutory
25 revisions may be necessary to make clear that historical horse racing operations may not
26 be licensed, permitted, or conducted in the City of Slidell or St. Tammany Parish and to
27 expressly prohibit such operations anywhere in St. Tammany Parish, absent an affirmative
28 vote of the Parish electorate in accord with applicable law.
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2 **RESOLUTION R24-11**
3 **PAGE 5**

4 **ADOPTED** this 26th day of March, 2024.
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7 
8 Kenny Tamborella
9 President of the Council
10 Councilman, District E

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12 Thomas P. Reeves
13 Council Administrator
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