

1 PUBLIC PROTECTION CABINET

2 Kentucky Horse Racing Commission

3 (New Administrative Regulation)

4 810 KAR 2:050. Judges and Standardbred Racing Officials.

5 RELATES TO: KRS 230.215(2), 230.240(1), 230.260(1), 230.290, 230.310

6 STATUTORY AUTHORITY: KRS 230.215(2), 230.240(1), 230.260(8)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.240(1) authorizes the commission to
8 prescribe by administrative regulation the required officials for horse racing and their official
9 duties. KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative
10 regulations prescribing conditions under which all horse racing is conducted. This administrative
11 regulation sets forth the required officials and describes their functions and duties.

12 Section 1. Racing Officials. (1) Officials at a race meeting shall include the following:

13 (a) Presiding judge;

14 (b) Two (2) associate judges;

15 (c) Racing secretary;

16 (d) Paddock judge;

17 (e) Horse identifier;

18 (f) Clerk of the course;

19 (g) Official starter;

20 (h) Official charter;

- 1 (i) Official timer;
- 2 (j) Photo finish technician;
- 3 (k) Patrol judge;
- 4 (l) Program director;
- 5 (m) Official commission veterinarian; and
- 6 (n) Any other person designated by the commission who is necessary to effectively conduct
- 7 the race meeting.

8 (2) At a matinee or county fair, there shall be at least one (1) judge approved by the
9 commission in the judges' stand. At any meeting at which races are charted, the association shall
10 provide both a licensed charter and a licensed clerk of the course.

11 Section 2. Employment of Judges. (1)The commission shall employ and compensate two (2)
12 of the three (3) judges for each race meeting, including the presiding judge.

13 (2) A racing association shall nominate one (1) of the three (3) judges for each race meeting
14 for approval by the commission and shall be responsible for that person's compensation as a
15 judge.

16 (a) The name of the association nominee shall be submitted when an association applies
17 for a license if possible, but in no event later than thirty (30) days before commencement of a
18 race meeting, and shall be accompanied by biographical data describing the experience and
19 qualifications of the nominee.

20 (b) The association shall submit successive nominees until one (1) person is approved by
21 the commission as qualified to serve as a judge.

1 Section 3. Judge Qualifications. To qualify for employment or approval by the commission
2 as a judge, a person shall have:

- 3 (a) Attended an accreditation school or program approved by the commission;
- 4 (b) Satisfactorily passed a written and oral examination given by the school or program; and
- 5 (c) Possess the requisite knowledge of the duties expected of the position and the rules of
6 harness racing.

7 Section 4. Judge Prohibitions. (1) No person shall serve as a judge:

- 8 (a) Until approved by the commission; or
- 9 (b) While under suspension or ejection by the United States Trotting Association,
10 Standardbred Canada, or any racing jurisdiction.

11 Section 5. An association shall submit to the commission, at least thirty (30) days prior to
12 the opening of a race meeting, a written list of racing officials and applicable employees.

13 Section 6. Officials at Extended Meetings. (1) The officials listed in Section 1(1) of this
14 administrative regulation shall not serve at an extended pari-mutuel meeting without a valid
15 commission license.

16 (2) A person shall not be employed for more than one (1) official race position at a meeting
17 unless specifically approved by the commission.

18 (3) The commission shall employ or approve all officials listed in Section 1(1) of this
19 administrative regulation prior to each harness racing meeting, based on standard qualifications
20 for racing officials.

21 (4) A refusal to grant a license to a person may be reviewed by the commission in
22 accordance with 810 KAR 3:050.

1 Section 7. Prohibited Practices. A racing official, his or her assistants, or any other employee
2 in the racing secretary's office shall not engage in the following activities while serving in an
3 official capacity at a race meeting:

- 4 (1) Have an ownership interest in any horse that is racing at the meeting;
- 5 (2) Participate in the sale or purchase of any horse that is racing at the meeting;
- 6 (3) Sell or solicit horse insurance on any horse racing at the meeting;
- 7 (4) Be licensed in any other capacity without permission of the commission;
- 8 (5) Directly or indirectly wager on the outcome of any live race which the person is
9 officiating; or
- 10 (6) Refuse to submit to a breath, blood, or urine test if directed to do so by the commission
11 or its designee.

12 Section 8. Location of Judge's Stand. (1) The judge's stand shall be located and constructed
13 so as to afford an unobstructed view of the entire track.

14 (2) Anything that might obscure or otherwise impede an official's vision of any portion of a
15 track during a race shall not be permitted on the track.

16 Section 9. Judge's Stand Occupants. From fifteen (15) minutes before the first race until ten
17 (10) minutes after the last race, the occupants of the judge's stand shall be limited to:

- 18 (1) Judges;
- 19 (2) Clerk of the course;
- 20 (3) Secretary;
- 21 (4) Starter;
- 22 (5) Timers;

- 1 (6) Official announcer;
- 2 (7) Runner who posts the photo finish;
- 3 (8) Officials of the commission; and
- 4 (9) Other persons specifically authorized by the presiding judge.

5 Section 10. Appointment of Substitute Officials. If a vacancy exists among the association
6 racing officials, the association shall fill the vacancy immediately with a temporary appointment.
7 The appointment shall be effective until the vacancy is filled in accordance with this
8 administrative regulation. A temporary or emergency appointment shall be approved by the
9 executive director of the commission or the presiding judge.

10 Section 11. Appointment of Substitute Judge. If a judge is absent at race time, the presiding
11 judge shall appoint a substitute. If a substitute is appointed, the commission shall be notified
12 immediately by the presiding judge.

13 Section 12. Presiding Judge. The presiding judge shall:

- 14 (1) Supervise the following persons:
 - 15 (a) Associate judges;
 - 16 (b) Patrol judges;
 - 17 (c) Starters;
 - 18 (d) Paddock judges;
 - 19 (e) Photo finish judge;
 - 20 (f) Clerk of the course;
 - 21 (g) Timers;
 - 22 (h) Charters;

- 1 (i) Racing secretary;
- 2 (j) Official announcer; and
- 3 (k) Other licensed personnel directly responsible for conducting the racing program;
- 4 (2) Promptly notify owners, trainers, drivers and grooms of penalties imposed;
- 5 (3) Promptly submit a detailed written report to the commission of violations of the rules
- 6 by an association, its officers, or race officials;
- 7 (4) Make other reports required by the commission;
- 8 (5) Sign each sheet of the judge's book, verifying the correctness of all information, and
- 9 forward the sheets to the United States Trotting Association no later than the day following the
- 10 contesting of the race; and
- 11 (6) Be responsible for the maintenance of the records of the meeting and for forwarding
- 12 them to the commission.

13 Section 13. Authority and Procedure of Judges. A presiding judge shall:

- 14 (1) Levy fines and penalties, as provided by KRS Chapter 230 and 810 KAR Chapter 5 and
- 15 810 KAR Chapter 8;
- 16 (2) Determine questions of fact relating to the race;
- 17 (3) Decide any differences between parties to the race, or any contingent matter which
- 18 arises, that are not otherwise provided for in this administrative regulation;
- 19 (4) Declare pools and bets "off" in cases of fraud;
- 20 (a) A decision regarding pools and bets shall be made by the presiding judge at the
- 21 conclusion of the race, and prior to the result of the race being announced as official, based upon
- 22 the:

1 1. Observation of the presiding judge; and

2 2. Facts determined upon immediate investigation.

3 (b) After the official placing at the conclusion of the heat or dash, a reversal or change of
4 decision shall not affect the distribution of betting pools made on the official placing.

5 (c) If pools and bets are declared "off" for fraud, the party who commits the fraud shall be
6 charged pursuant to Section 27(2) of this administrative regulation;

7 (5) Control the horses, drivers, and assistants by citing any drivers or assistants who fail to
8 obey their orders or 810 KAR Chapter 5 or 810 KAR Chapter 8;

9 (6) Examine under oath any party connected with a race regarding a wrong or complaint;

10 (7) Compel by written notice the appearance of a person whose testimony is necessary to
11 the proper conduct of a hearing;

12 (8) Consider complaints of foul only from the patrol judges, owners, trainers, or drivers in
13 the race;

14 (9) Make decisions in the public interest and in the best interest of racing that are required
15 by extraordinary circumstances not covered by Title 810 KAR; and

16 (10) Declare a dash or heat "no contest" if the track is thrown into darkness during the
17 progress of a race because of a failure of electricity or any other unforeseen incident.

18 Section 14. Judges' Duties. (1)(a) A presiding judge shall exclude from the race a horse that
19 in the judge's opinion is improperly equipped, dangerous, or unfit to race, including a horse that
20 is sick, weak, or extremely lame.

21 (b) A horse shall not race:

- 1 1. With a tube in its throat, or with the assistance of any other medical device, unless the
2 approval of the presiding judge and the commission veterinarian are obtained prior to the race;
- 3 2. If it does not have unimpaired vision in at least (1) eye; or
- 4 3. If it is infected with Equine Infectious Anemia or is a carrier of that disease.
- 5 (2) A presiding judge shall investigate any:
- 6 (a) Apparent or possible interference, or other violation of 810 KAR 5:070, Section 1,
7 whether or not a complaint has been made by a driver; or
- 8 (b) Act of cruelty to a race horse that is seen by, or reported to, him by any person during a
9 meeting at which he officiates. If a judge finds that an act of cruelty has been committed, he shall
10 charge the offender pursuant to Section 25(1) of this administrative regulation;
- 11 (3) The executive director of the commission, or the designated representative of the
12 commission:
- 13 (a) Shall have the same authority as that conferred upon judges by the provisions of this
14 section;
- 15 (b) May impose a penalty for an act of cruelty or neglect of a horse committed by any
16 person, whether the act was performed on or off the premises of a race track; and
- 17 (c) Shall report any suspected criminal act to the appropriate law enforcement authorities.
- 18 (4)(a) A presiding judge shall conduct an investigation of an accident to determine its cause
19 on the day of a race or immediately thereafter; and
- 20 (b) At the time of an accident the:
- 21 1. Inquiry sign shall be posted; and

1 2. The race shall not be declared official until the presiding judge has conferred with the
2 patrol judge, if one (1) is present, and the starter.

3 (5) A presiding judge shall exhaust all means to safeguard the contestants and the public.

4 Section 15. An association shall not:

5 (1) Rescind or modify a fine imposed by a presiding judge;

6 (2) Review an order of suspension or expulsion; or

7 (3) Interfere with any official in the performance of his or her duties.

8 Section 16. Judges' Procedure. (1) The judges shall:

9 (a) Be in the stand:

10 1. Fifteen (15) minutes before the first race;

11 2. For ten (10) minutes after the last race; and

12 3. Whenever the horses are upon the track;

13 (b) Observe the preliminary warming up of horses and scoring, noting:

14 1. Behavior of horses;

15 2. Lameness;

16 3. Equipment;

17 4. Conduct of the drivers;

18 5. Changes in odds at pari-mutuel meetings;

19 6. Unusual incidents pertaining to horses or drivers participating in races; and

20 7. Any apparent or possible interference or other violation of 810 KAR 1:070, Section 1; and

21 (c) Designate one (1) of the judges to lock the pari-mutuel machines immediately upon the
22 horse reaching the official starting point.

- 1 (2) The presiding judge shall:
- 2 (a) Approve the post time for each race;
- 3 (b) Call the horses at a time sufficient to preclude excessive delay after the completion of
- 4 two (2) scores; and
- 5 (c) Be in communication with the starter from the time the starter picks up the horses until
- 6 the finish of the race.
- 7 (3) A patrol judge or starter who witnesses a violation of KRS Chapter 230 or 810 KAR
- 8 Chapter 5 or 810 KAR Chapter 8 shall immediately report the violation to the presiding judge.
- 9 (4) At least one (1) judge shall observe the drivers throughout the stretch, and specifically
- 10 note:
- 11 (a) Changing course;
- 12 (b) Any driving offenses or instances of interference with a race;
- 13 (c) Improper use of whips;
- 14 (d) Breaks; and
- 15 (e) Failure to contest the race to the finish.
- 16 (5) Photo sign.
- 17 (a) The photo sign shall be displayed if:
- 18 1. The order of finish among the contending horses is less than a half-length; or
- 19 2. A contending horse is on a break at the finish.
- 20 (b) After the finish:
- 21 1. The photo shall be examined;
- 22 2. A decision shall be made;

1 3. The photo shall be checked by the presiding judge for accuracy; and

2 4. The photo shall be posted for public inspection after the race has been declared official.

3 (6) The judges shall decide the order of finish if:

4 (a) The photo finish camera suffers electrical or mechanical failure; or

5 (b) A distorted, deceptive, or otherwise inadequate picture is developed.

6 (7)(a) The judges shall cause a horse to be examined by the commission veterinarian if it
7 falls or runs loose and uncontrolled:

8 1. During warm up;

9 2. Prior to the race; or

10 3. Going to the post.

11 (b) If the commission veterinarian determines that the horse is unfit, the presiding judge
12 shall order the horse scratched.

13 (c) If the trainer believes his or her horse is unfit to race, the trainer shall so advise the
14 judge. The judge shall then determine if the horse is unfit to race.

15 Section 17. Patrol Judges. (1) At the discretion of the judges, patrol judges may be appointed
16 by the association.

17 (2) Appointment of patrol judges shall require the approval of the presiding judge.

18 (3) Patrol judges shall be supervised by the presiding judge.

19 (4) Patrol judges shall observe activity on the race track in their area during the race
20 program.

21 (5) Patrol judges shall immediately report to the presiding judge any fouls or improper
22 conduct, including:

- 1 (a) Action on the track which could improperly affect the result of a race;
- 2 (b) A violation of KRS Chapter 230, 810 KAR Chapter 5, or 810 KAR Chapter 8;
- 3 (c) A violation of the rules of decorum;
- 4 (d) The lameness or unfitness of a horse; or
- 5 (e) A lack of proper racing equipment.
- 6 (6) Patrol judges shall be in constant communication with the judges during the course of a
- 7 race.
- 8 (7) Patrol judges shall attend hearings or inquiries on violations, if requested by the
- 9 presiding judge, and testify under oath.
- 10 (8) If patrol judges have been appointed, results of a heat or dash shall not be announced
- 11 until the reports of the patrol judges have been received.

12 Section 18. Starter. (1) Subject to the approval of the commission, the starter shall be:

- 13 (a) Designated by the association; and
- 14 (b) Licensed as a starter by the commission.
- 15 (2) The starter shall be in the starting gate fifteen (15) minutes before the first race.
- 16 (3) The starter shall have control over the horses from the formation of the post parade
- 17 until the word "go" is given.
- 18 (4) A starter may recommend disciplinary action to a presiding or associate judge.
- 19 (5) If requested by the judges, the starter may assist in placing the horses.
- 20 (6) A starter shall be licensed by the United States Trotting Association as a prerequisite to
- 21 approval by the commission to serve as a starter.

22 Section 19. Clerk Duties; Clerk of the Course. The clerk of the course shall:

- 1 (1) Assist in drawing positions if requested by the judges;
- 2 (2) Keep the judge's book and record, containing:
 - 3 (a) All horses entered without electronic eligibility certificates;
 - 4 (b) Names of owners, drivers, and license numbers of drivers;
 - 5 (c) The charter lines at pari-mutuel meetings;
 - 6 (d) Money won by a horse at that track during that race meeting;
 - 7 (e) Drawn or ruled out horses;
 - 8 (f) The performance time of horses in minutes, seconds, and fifths of seconds; and
 - 9 (g) Information related to the finish of the race, including the position of a horse in the race
- 10 if it was charted;
- 11 (3) Verify the correctness of the judge's book, including race time, placing and money
- 12 winnings, and reasons for disqualification, if any;
- 13 (4) Verify that the book is properly signed; and
- 14 (5) Upon request, assist judges in placing horses.

15 Section 20. Timers. (1) If an electronic or electric timing device is used, the device shall be
16 approved by the commission.

17 (2) Time shall be announced and recorded in fifths of seconds.

18 (3)(a) If an electronic or electric timing device is used, there shall be one (1) timer in the
19 judge's or timer's stand.

20 (b) If an electronic or electric timing device is not used, there shall be three (3) timers in the
21 judge's or timer's stand.

1 (4)(a) The timers shall be in the stand fifteen (15) minutes before the first heat or dash is to
2 be contested.

3 (b) Timers shall start their watches when the first horse leaves the point from which the
4 distance of the race is measured.

5 (c) The time of the leading horse at the quarter, half, three-quarters, and the finish shall be
6 taken.

7 (d) If odd distances are raced, the fractions shall be noted accordingly.

8 Section 21. Paddock Judge. (1) Under the direction and supervision of the presiding judge,
9 the paddock judge shall be in complete charge of paddock activities as specified in 810 KAR 2:080,
10 Section 8.

11 (2) The paddock judge shall be approved by the commission, pursuant to Section 6(3) of
12 this administrative regulation.

13 (3) The paddock judge shall:

14 (a) Ensure that the fields are on the track for the post parade in accordance with the
15 schedule provided by the presiding judge;

16 (b) Check for changes in equipment, broken or faulty equipment, head numbers, or saddle
17 pads;

18 (c) Supervise paddock gate personnel; and

19 (d) Check in and check out horses and drivers. Check in and check out shall include the
20 identification of all horses coming into the paddock, by the freeze brand, tattoo number, or other
21 uniform or standardized means of identification approved by the commission.

22 (4) The paddock judge shall:

- 1 (a) Direct the activities of the paddock farrier;
- 2 (b) Immediately notify the presiding judge of any circumstances that could change, delay,
3 or otherwise affect the racing program;
- 4 (c) Report to the presiding judge any incident of cruelty to a horse that he or she observes
5 or is aware of;
- 6 (d) Ensure that only properly authorized persons are permitted in the paddock;
- 7 (e) Notify the presiding judge of a change of racing equipment or shoes before the race;
- 8 (f) Inspect and supervise the maintenance of emergency equipment kept in the paddock;
- 9 and
- 10 (g) Notify judges of any trainers, drivers, or grooms who leave the paddock in an emergency.

11 Section 22. Identifier. (1) An association shall employ an identifier, licensed by the
12 commission and the United States Trotting Association, at an extended pari-mutuel meeting.

13 (2) The identifier shall:

14 (a) Check the identification of horses coming into the paddock, including the tattoo number,
15 freeze brand or other commission-approved means of identification, color, and markings; and

16 (b) Be under the immediate supervision of the paddock judge, and the general supervision
17 of the presiding judge.

18 (3)(a) The identifier shall immediately report to the paddock judge a discrepancy that is
19 detected in the tattoo number or freeze brand, or other commission-approved means of
20 identification, or the color or markings of a horse; and

21 (b) The paddock judge shall immediately notify the presiding judge of the discrepancy.

1 Section 23. Program Director. (1) Subject to the approval of the commission an association
2 conducting an extended pari-mutuel meeting shall designate a program director, pursuant to
3 Section 6(3) of this administrative regulation.

4 (2) The program director shall be responsible for furnishing the public with complete and
5 accurate past performance information as required by 810 KAR 5:010, Section 3.

6 (3) A person shall not act as a program director at an extended pari-mutuel meeting unless
7 that person has secured a license from the United States Trotting Association.

8 Section 24. Licensed Charter. (1) At an extended pari-mutuel meeting and a grand circuit
9 meeting, a race shall be chartered by a licensed charter hired by the track.

10 (2) The charter shall be subject to the approval of the commission, pursuant to Section 6(3)
11 of this administrative regulation, and shall be licensed by the United States Trotting Association.

12 (3) The charter shall be responsible for providing a complete and accurate chart which shall
13 include the following:

14 (a) The name of the horse;

15 (b) The name of the driver;

16 (c) Date and place of race;

17 (d) Size of track;

18 (e) Track condition and temperature;

19 (f) Type of race (trot or pace);

20 (g) Classification of race;

21 (h) Distance;

22 (i) The fractional times of the leading horse, including the race time;

1 (j) Post position, position at the quarter (1/4), half (1/2), three quarters (3/4), head of the
2 stretch with lengths behind the leader, and finish with lengths behind the leader;

3 (k) Official order of finish;

4 (l) Individual time of each horse;

5 (m) Closing dollar odds if applicable (with favorite designated by an asterisk);

6 (n) The standard symbols for breaks, park outs, and free legged pacers if applicable;

7 (o) The price for which the horse is entered to be claimed less allowances for age and sex if
8 the race is a claiming race; and

9 (p) Notations of placings, disqualifications, and claimed horses.

10 (4) Horses who are more than twenty-five (25) lengths off the leader may be noted in charts
11 as distanced ("dis").

12 Section 25. Any variance from commonly-accepted equipment shall be approved by the
13 presiding judge.

14 Section 26. Duties of the Race Secretary. The race secretary of an association shall be
15 licensed and approved by the commission, pursuant to Section 6(3) of this administrative
16 regulation. The race secretary shall:

17 (1) Ensure that all horses racing during the meet have electronic eligibility certificates;

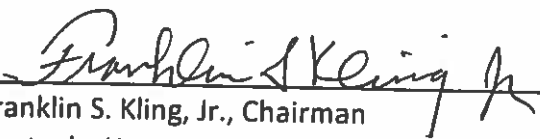
18 (2) Be familiar with the age, class, and competitive ability of horses racing at the track;

19 (3) Classify and reclassify horses at the meet in accordance with the required conditions of
20 the race;

- 1 (4) List horses in the categories for which they qualify, and ensure that the lists are current
- 2 and properly displayed in the room in which the declaration box is located for examination by
- 3 horsemen and others;
- 4 (5) Provide for the listing of horses in the daily program;
- 5 (6) Verify the information contained in entry blanks and declarations;
- 6 (7) Select the horses to start and also the eligible horses from the declarations in accordance
- 7 with the conditions of the race; and
- 8 (8) Examine nominations and declarations in early closing events, late closing events, and
- 9 stake events, to verify the eligibility of all declarations and nominations, and to compile lists for
- 10 publication.

810 KAR 2:050


READ AND APPROVED:



Franklin S. Kling, Jr., Chairman
Kentucky Horse Racing Commission

11/12/18

Date



K. Gail Russell, Acting Secretary
Public Protection Cabinet

11/13/18

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 27, 2018 at 1:30 p.m., at the office of the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify the Kentucky Horse Racing Commission in writing by five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m., December 31, 2018. Please send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: John L. Forgy
General Counsel
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, KY 40511
Phone: (859) 246-2040
Facsimile: (859) 246-2039
Email: John.Forgy@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No.: 810 KAR 2:050
Contact Person: John L. Forgy, General Counsel, Kentucky Horse Racing Commission;
Telephone: (859) 246-2040; Email: John.Forgy@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the duties, responsibilities, and powers of the judges who preside over standardbred horse races under the jurisdiction of the Commission. This administrative regulation also sets forth the duties of the association racing officials who perform various duties in conducting standardbred horse races.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to enable the judges to effectively govern standardbred race meetings under the jurisdiction of the Commission, and to prescribe the duties of association racing officials who assist in conducting horse races.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation confers upon the judges the authority to ensure that race meetings are conducted in a fair and efficient manner, and prescribes the duties of association racing officials who perform various functions in conducting races.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by granting the judges the authority to preside over race meetings under the jurisdiction of the Commission, and by establishing the duties of association racing officials who assist in conducting horse races.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statute: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Commission is affected by this administrative regulation, and any licensed participant in horse racing is potentially affected by this administrative regulation. In the year 2017, the Commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Licensed standardbred racing associations, and the racing officials employed by them, are required to comply with the duties set forth concerning the functions of various racing officials participating in horse races. No particular action will be required of other licensed participants in horse racing to comply with this administrative regulation, except to the extent participants are subject to the authority, direction, and rulings of the stewards.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Racing associations are required to employ the racing officials whose duties are set forth in this administrative regulation. No other significant costs are associated with performing the prescribed duties.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3)? Licensed Standardbred racing officials, and the Standardbred judges, will benefit from having their various duties and regulatory guidelines clearly defined.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no initial administrative cost to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding will be used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees or increase any current fees to participate.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used.) Tiering is not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No.: 810 KAR 2:050
Contact Person: John L. Forgy, General Counsel, Kentucky Horse Racing Commission;
Telephone: (859) 246-2240; Email: John.Forgy@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Horse Racing Commission.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 230.215, 230.240, 230.260, 230.280, 230.290, 230.310, 230.320, 230.370.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? No funds will be required to administer this regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral
Expenditures (+/-): Neutral
Other Explanation: None