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REGULATIONS COMPILER

1 PUBLIC PROTECTION CABINET

2 Kentucky Horse Racing Commission

3 (New Administrative Regulation)

4 810 KAR 2:070. Thoroughbred and Other Flat Racing Associations.

5 RELATES TO: KRS 230.215(2), 230.260(8)

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

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) require the
8 commission to promulgate administrative regulations establishing conditions governing horse
9 racing. This administrative regulation establishes requirements for thoroughbred and other flat
10 racing associations.

11 Section 1. Maintenance of Grounds, Facilities and Uniform Track. (1) The grounds and
12 facilities of an association shall be maintained in a manner that provides for the:

13 (a) Comfort and safety of patrons, employees, and other persons whose business requires
14 their attendance; and

15 (b) Health and safety of horses that are stabled, exercised, or entered to race at the
16 association.

17 (2) The grounds and facilities of an association shall be:

18 (a) Neat and clean;

19 (b) Painted; and

20 (c) In good repair.

1 (3) An association shall have implements adequate to maintain a uniform track, weather
2 conditions permitting.

3 Section 2. Results Boards, Totalizators Required. An association shall provide and maintain
4 mechanically operated totalizators and electronic boards that show odds, results, and other
5 race information in plain view of patrons.

6 Section 3. Starting Gate. (1) An association shall provide and maintain a working starting
7 gate on every day horses are permitted to exercise on its racing strip.

8 (2) An association shall have in attendance one (1) or more persons qualified to keep the
9 starting gates in good working order whenever the gates are in use.

10 (3) An association shall provide for periodic inspections of the starting gates.

11 Section 4. Stabling. (1) An association barn and stall shall be:

12 (a) Constructed of fire-resistant material;

13 (b) Clean, sanitary, and equipped for adequate drainage; and

14 (c) Maintained in good repair.

15 (2)(a) Prior to the opening of a race meeting, the commission shall submit to the racing
16 secretary a list of locations of approved off-track stabling facilities from which horses shall be
17 permitted to race.

18 (b) The locations shall be considered association grounds.

19 Section 5. Stands for Officials. (1) An association shall provide and maintain stands
20 commanding an uninterrupted view of the entire racing strip for racing officials.

21 (2) The stands and their locations shall be approved by the commission.

22 (3) The floor of patrol judge stands shall be at least six (6) feet higher than the track rail.

1 Section 6. Distance Pole Markings. (1) A thoroughbred or other flat racing association
2 shall have:

3 (a) Red and white quarter poles;

4 (b) Green and white eighth poles; and

5 (c) Black and white 16th poles.

6 (2) Permanent markers shall be located at each standard Arabian, quarter horse, paint
7 horse and appaloosa distance as applicable. Distance pole markers and permanent markers shall
8 be located where they can be seen clearly from the stewards' stand. Each post shall be identified
9 by color as follows: 220 yds., white; 250 yds., blue; 300 yds., yellow; 330 yds., green; 350 yds.,
10 red; 400 yds., black; 440 yds., orange; 550 yds., blue and white stripe; 660 yds., yellow and white
11 stripes; 770 yds., green and white stripes; and 870 yds., red and white stripes. In addition, for
12 appaloosa races, markers shall be located at six (6) and six and one-half (6 1/2) furlongs to be
13 painted yellow and white and orange and white, respectively.

14 Section 7. Lighting. (1) An association shall provide and maintain flood lights that provide
15 adequate illumination in the stable area and parking area.

16 (2) If an association conducts night racing, it shall provide adequate track lighting.

17 Section 8. Facilities for Stable Employees. (1) An association shall provide and maintain in
18 good repair adequate living quarters and conveniently located sanitary facilities that shall
19 include showers, toilets, and wash basins for stable employees.

20 (2) Personnel shall not be permitted to sleep in a stall or barn loft.

21 Section 9. Facilities for Jockeys. (1) An association shall provide and maintain adequate
22 facilities for jockeys scheduled to ride each day.

1 (2) The facilities shall include accommodations for rest and recreation of jockeys on racing
2 days, showers, toilets, wash basins, mirrors, arrangements for safekeeping of apparel and
3 personal effects, and snack bar.

4 Section 10. Facilities for Commission. (1) An association shall provide adequate office
5 space for the commission on its grounds.

6 (2) To assist in the conduct of official business, an association shall provide the following
7 to the commission:

8 (a) A season box, marked "Kentucky Horse Racing Commission", of six (6) to eight (8)
9 seats; and

10 (b) A number of parking places sufficient for the commission and commission staff.

11 (3) An association shall honor for access to preferred parking facilities and other areas on
12 its grounds a commission or Association of Racing Commissioners International ring, lapel
13 button, or automobile emblem.

14 Section 11. Sanitary Facilities for Patrons. An association shall, on every racing day,
15 provide sanitary toilets and wash rooms, and free drinking water adequate for the number of
16 patrons and persons having business at the association that comply with applicable statutes,
17 administrative regulations, codes or ordinances.

18 Section 12. Manure Removal. (1) An association shall provide and maintain manure pits of
19 the size and construction adequate to handle refuse from stalls.

20 (2) The contents of the manure pits shall be removed from the stable area as promptly as
21 is possible.

1 Section 13. Photo Finish Cameras. (1) An association shall provide and maintain at the
2 finish line two (2) photo finish cameras for photographing the finish of races.

3 (2) One (1) of the photo finish cameras shall be held in reserve. The photo finish
4 photographer shall promptly furnish to the stewards and placing judges the number of prints of
5 finishes requested.

6 (3) An association shall maintain a one (1) year file of all photo finishes.

7 Section 14. Race Replays. (1) During a race meeting, an association shall provide and
8 maintain personnel and equipment necessary to record and produce race replays that clearly
9 record each race from start to finish.

10 (2) Projection or viewing equipment shall be adequate to permit simultaneous showing of
11 head-on and side-angle views of the running of each race.

12 (3)(a) A race replay shall be:

- 13 1. Retained and secured by an association for at least one (1) year; and
14 2. Made available to the commission and stewards upon demand.

15 (b) Upon order of the stewards, a visual record of a race that has raised a question,
16 dispute, or controversy shall be filed with the commission.

17 (4) Race replays shall be made available:

18 (a) For viewing at the track by licensees who owned, trained, or rode a horse in the race
19 requested to be viewed; and

20 (b) To members of the press.

1 Section 15. Ambulances. (1) An association shall provide and maintain at least one (1)
2 human ambulance and one (1) horse-ambulance whenever horses are permitted to exercise or
3 race.

4 (2) An ambulance shall be:

5 (a) Equipped;

6 (b) Manned;

7 (c) Ready for immediate duty; and

8 (d) Located at an entrance to the racing strip.

9 Section 16. (1) Except as provided by subsection (2) of this section, an association shall
10 equip and maintain a first aid facility that is:

11 (a) Equipped with at least two (2) beds; and

12 (b) Attended by a licensed physician and registered nurse during race hours.

13 (2) An association shall not be required to maintain a first aid facility, if the association has
14 an ambulance on standby on its premises during racing hours which:

15 (a) Can transport an injured individual to a fully-equipped hospital emergency room in five
16 minutes or less; and:

17 (b) Is manned by a certified paramedic and certified emergency medical technician.

18 (3) A paramedic provided pursuant to subsection (2) of this section shall be equipped
19 with:

20 (a) Heart monitor and defibrillator;

21 (b) Cellular phone; and

22 (c) Airways intubation equipment.

1 Section 17. Track Kitchen. An association shall provide a track kitchen within the stable
2 area, maintained in a clean and sanitary manner that complies with applicable statutes,
3 administrative regulations, codes, or ordinances, at all times horses are stabled on association
4 grounds.

5 Section 18. Communication System. An association shall install and maintain in good
6 working service a communication system between the stewards' stand and:

7 (1) Outriders;

8 (2) Pari-mutuel department;

9 (3) Starting gate;

10 (4) Public address announcer; and

11 (5) Clerk of the scales.

12 Section 19. Fire Prevention. (1) An association shall have a fire prevention and suppression
13 program.

14 (2) The commission shall not approve the commencement of a race meeting unless,
15 within fifteen (15) days before commencement of the race meeting, the state or local fire
16 marshal:

17 (a) Has inspected the association; and

18 (b) Certified that the association plant and stable area meets fire safety requirements.

19 (3) An association shall maintain a firefighting unit of trained personnel that has high-
20 expansion foam fire extinguishers and other equipment required by the local fire inspection
21 authority.

22 (4) An association shall prohibit:

- 1 (a) Smoking in stalls, under shed rows, and in feed rooms;
- 2 (b) Open fires and oil or gas lamps in the stable area; and
- 3 (c) Locking of stalls occupied by horses.

4 Section 20. Association Security. (1) An association shall provide and maintain security
5 services, night and day, in and about association grounds.

6 (2) An association shall furnish to the stewards a report on any disturbances or disorderly
7 conduct committed by a person on association grounds.

8 (3) An association shall exclude from association grounds a person designated to be
9 denied access by order of the commission or stewards.

10 (4) An association shall implement security measures to protect a horse on association
11 grounds from being injured by being frightened or tampered with.

12 (5) An association shall exclude from the paddock area, race strip, and winner's entrance a
13 person who:

14 (a) Does not have an immediate connection with the horses entered; and

15 (b) Is not a commission member, racing official, or accredited member of the news media.

16 Section 21. Vendors and Suppliers. (1) A vendor shall comply with procedures and
17 requirements established by an association.

18 (2) An association shall not attempt to control or monopolize sales to owners, trainers, or
19 stable employees.

20 (3) An association shall not grant an exclusive concession to a vendor of feed, racing
21 supplies, or racing services.

1 (4) A vendor of horse feeds or medications shall file with the commission veterinarian a
2 list of products which he or she proposes to sell, including a new preparation or medication.

3 (5) An association shall not permit the sale of an alcoholic beverage except beer within
4 the stable area.

5 Section 22. Ejection or Exclusion From Association Grounds. (1) An association shall for
6 probable cause eject or exclude from association grounds a person:

7 (a) Believed to be engaged in:

8 1. A bookmaking activity;

9 2. Solicitation of bets; or

10 3. Touting;

11 (b) Who as a business or for compensation, either directly or indirectly:

12 1. Accepted anything of value to be wagered, transmitted, or delivered for wager to a
13 pari-mutuel wagering enterprise; or

14 2. Participated in the transaction; or

15 (c) Who attempted to use tax exempt admissions credentials not issued to him by the
16 association.

17 (2) An association shall eject or exclude from its stable area a person who is not:

18 (a) Licensed to conduct an activity that requires his presence in the stable area;

19 (b) An accredited member of the news media;

20 (c) A guest of a licensed owner or trainer accompanied by the owner or trainer; or

21 (d) Accompanied by, and under the control and supervision of a:

22 1. Racing official;

1 2. Association security guard; or

2 3. Association public relations department representative.

3 (3)(a) A report of an ejection or exclusion from association grounds for any reason shall be
4 made immediately to the stewards, judges, and commission director of security.

5 (b) A report shall state the:

6 1. Name of person ejected or excluded;

7 2. Reasons for the ejection or exclusion; and

8 3. Facts relating to the ejection or exclusion.

9 Section 23. Ownership of Associations. An association shall file with the commission a
10 revised list of persons whose identity is required by 810 KAR 3:010 immediately upon transfer
11 of a beneficial interest or control in the association.

12 Section 24. Plan of Association Grounds. (1) An association shall file with the commission
13 maps and plans of association grounds, showing:

14 (a) Structures;

15 (b) Piping;

16 (c) Fire hydrants;

17 (d) Fixed equipment;

18 (e) Racing strip, noting elevation as filled, drained, and gapped; and

19 (f) Composition of track base and cushion.

20 (2) An association shall file revised maps or plans of association grounds upon any
21 material change.

1 Section 25. Attendance and Badge List Reports; Tax Exempt Credentials. (1) An association
2 shall file with the commission a copy of the form required by KRS 137.180 and 138.480, "Race
3 Track Pari-mutuel and Admissions Report," Revenue Form 73A100.

4 (2) A tax exempt admission credential shall not be transferable.

5 Section 26. Financial Report. Within sixty (60) days after the close of its fiscal year, an
6 association shall file:

7 (1) Three (3) copies of its balance sheet; and

8 (2) A comparison to the prior year.

9 Section 27. Horseman's Account and Horseman's Bookkeeper. (1) An association shall
10 maintain a bank account that shall:

11 (a) Be separate from its other accounts;

12 (b) Be titled "horsemen's account"; and

13 (c) Contain sufficient funds to pay money owing to horsemen for:

14 1. Purses;

15 2. Stakes;

16 3. Rewards;

17 4. Claims; and

18 5. Deposits.

19 (2) Withdrawals from the horsemen's account shall be subject to audit by the commission
20 at any time.

21 (3)(a) For all races, purse money shall be available to earners after the result of the race in
22 which the money was earned has been declared official; and:

1 1. For race dates where all samples are reported by the commission laboratory as passed
2 at the screening level, within twenty-four (24) hours after receipt of the report by the
3 commission; or

4 2. For race dates where one (1) or more sample is reported by the commission laboratory
5 as suspicious at the screening level, within twenty-four (24) hours after receipt of the final
6 report by the commission.

7 (b) If a horse is disqualified and an appeal has been filed, purse money shall be available
8 to other participants entitled to purse money in the amount they would have earned had a
9 horse not been disqualified. The purse money to which the disqualified participant would be
10 entitled shall be held in escrow by the association until final adjudication of a dispute over
11 which persons are entitled to money.

12 (4)(a) Except for jockey fees, a deduction from purse money shall not be made, unless the
13 deduction has been requested in writing by the:

14 1. Person to whom purse money is payable; or

15 2. Authorized representative of the person to whom purse money is payable.

16 (b) Whether or not a deduction request is made, at the close of a race meeting, the
17 horsemen's bookkeeper in charge of the horsemen's account shall mail to an owner a duplicate
18 of each record of a deposit, withdrawal, or transfer of funds that affects his racing account.

19 (5) The horsemen's bookkeeper in charge of the horsemen's account shall be bonded.

20 Section 28. Outriders. (1) An association shall employ at least two (2) outriders.

21 (2) An outrider shall:

22 (a) Escort starters to the post; and

1 (b) Assist in the returning of all horses to the unsaddling area.

2 (c) Only lead a horse that has demonstrated unruliness; and

3 (d) Assist in the control of a horse that might cause injury to a jockey or others.

4 (3) Whenever horses are permitted on the racing strip for exercising or racing, an outrider
5 shall be:

6 (a) Present on the racing strip;

7 (b) Mounted; and

8 (c) Ready to assist in the:

9 1. Control of an unruly horse; or

10 2. Recapture of a loose horse.

11 Section 29. Safety Equipment. (1) A person mounted on a horse or stable pony at a
12 location under the jurisdiction of the commission shall wear a properly secured safety helmet at
13 all times. If requested by a commission official, the person shall provide sufficient evidence that
14 his helmet has a tag, stamp, or similar identifying marker indicating that it meets one of the
15 following safety standards:

16 (a) ASTM International Standard, ASTM F1163-04a;

17 (b) British Standards, BS EN 1384:1997 or PAS 015:1999; or

18 (c) Australian/New Zealand Standard, AS/NZS 3838:2006.

19 (2) Any person mounted on a horse or stable pony on any location under the jurisdiction
20 of the commission, all assistant starters, and any person handling a horse in a starting gate shall
21 wear a safety vest at all times. If requested by a commission official, the person shall provide

1 sufficient evidence that his safety vest has a tag, stamp, or similar identifying marker indicating
2 that it meets or exceeds one (1) of the following safety standards:

3 (a) British Equestrian Trade Association (BETA):2000 Level 1;

4 (b) Euro Norm (EN) 13158:2000 Level 1;

5 (c) ASTM International Standard, ASTM F2681-08;

6 (d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3;

7 or

8 (e) Australian Racing Board (ARB) Standard 1.1998.

9 Section 30. Valets. (1) An association shall employ a number of licensed valets sufficient to
10 attend each rider on a day's racing program.

11 (2) A valet shall be under the immediate supervision and control of the clerk of scales.

12 (3) A rider shall not employ a valet or be attended by a person other than the valet
13 assigned to him by the clerk of scales.

14 (4) A valet shall:

15 (a) Be responsible for the care and cleaning up of the apparel and equipment of his
16 assigned rider;

17 (b) Ensure his rider has the proper equipment and colors for a race;

18 (c) Present the proper equipment and attend the saddling of his rider's mount; and

19 (d) Attend the weighing out of his rider.

20 (5) A valet or other jockey room attendant shall not place a wager, directly or indirectly,
21 on races run while he serves as a valet for himself or another.

1 (6) An association shall provide uniform attire for all valets that shall be worn whenever
2 they perform their duties within public view.

3 Section 31. Minimum Purse and Stakes Values. (1) An association shall not program or run
4 any race for which the purse is less than \$2,000 in cash, without special permission of the
5 commission.

6 (2) An association shall not program or run a stakes race for which the added value is less
7 than \$10,000 in cash added by the association to stakes fees paid by owners.

8 (3) The minimum cash amounts paid by the association shall be exclusive of:

9 (a) Nomination;

10 (b) Eligibility;

11 (c) Entrance;

12 (d) Starting fees;

13 (e) Cash awards;

14 (f) Premiums;

15 (g) Prizes; or

16 (h) Objects of value.

17 Section 32. Maximum Number of Races. An association shall not program or run more
18 than nine (9) races on a racing day without permission of the commission.

19 Section 33. Two (2) Year Old Races. Beginning on March 1 of each year, an association
20 shall program in the conditions book at least four (4) two (2) year old races each week.

21 Section 34. (1)(a) Exculpatory clauses. Stall applications, entry forms, condition books, and
22 other agreements between persons or entities licensed by the Kentucky Horse Racing

1 Commission regarding the stabling of horses, the racing of horses, the training of horses or
2 other activities at tracks owned or operated by licensed associations, and conditions of racing
3 established by licensed associations, shall not contain provisions which absolve or hold
4 harmless a licensee from liability, or limit the liability of a licensee, for loss, loss of use, injury or
5 damage caused or contributed to by the acts or omissions of any licensee or its agents or
6 employees, except for:

7 1. Ordinary negligence which causes or contributes to loss, injury or damage to horses
8 while on the premises of a licensed association; and

9 2. Ordinary negligence which causes or contributes to personal injury or property damage,
10 including loss, loss of use, injury or damage to horses arising from the use of grass fields or
11 gallops owned or controlled by the licensed association.

12 (b) Subject to the exception in paragraph (a) of this subsection, all licensees participating
13 in the stabling of horses, the racing of horses, the training of horses, and related activities at
14 tracks owned or operated by licensed associations shall be responsible for their own acts and
15 omissions and those of their agents and employees to the same extent as provided by law. A
16 licensee shall not attempt to limit liability of any person or entity for gross negligence or
17 intentional wrongdoing.

18 (2) Constructive notice to and consent of licensees. All persons licensed by the Kentucky
19 Horse Racing Commission shall be deemed, as a condition of licensure, to have notice of and to
20 have consented to exculpatory provisions, which comply with the limitations set forth in this
21 administrative regulation, included in agreements between licensees and in conditions of racing

1 established by a licensed association. Exculpatory provisions which exceed the limitations set
2 forth in this administrative regulation shall be void and unenforceable in their entirety.

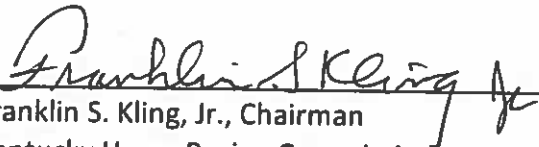
3 (3) Model provision. The following provision shall be deemed to comply with the
4 limitations set forth in this administrative regulation: All Kentucky Horse Racing Commission
5 licensees, including but not limited to the host association, owners, trainers, jockeys, and
6 grooms ("licensees"), participating in stabling, racing, training, and related activities at (name of
7 licensed association) recognize that hazards and risks inherent in these activities may cause the
8 injury or death of horses. Therefore, in consideration of participating in stabling, racing,
9 training, and related activities at (name of licensed association), all licensees assume the risks
10 of, and release, hold harmless and covenant not to sue all other licensees so participating for:

11 (a) Ordinary negligence which causes or contributes to loss, loss of use, injury or damage
12 to horses while on the premises of (name of licensed association); and

13 (b) Ordinary negligence which causes or contributes to personal injury or property
14 damage, including but not limited to loss, loss of use, injury, or damage to horses arising from
15 the use of grass fields or gallops owned or controlled by (name of licensed association),
16 whether arising from alleged acts or omissions of a licensee and its agents or employees, the
17 condition of the premises of (name of licensed association) or any other cause. Except as
18 provided above, all licensees participating in racing, training, and related activities at (name of
19 licensed association) shall be responsible for their own acts and omissions and those of their
20 agents and employees to the same extent as provided by law.

810 KAR 2:070

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 no less than 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 2:070
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 requirements for the day-to-day operation of licensed thoroughbred and other flat facing racetracks racing associations in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the operational, physical, and equipment requirements for Kentucky thoroughbred and other flat facing racetracks racetracks.

(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 establishes the conditions under which racetracks are required to operate during horse race meetings in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures that thoroughbred and other flat facing racetracks are operated during horse race meetings in Kentucky in a manner consistent with the integrity of racing.

(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: Kentucky's thoroughbred racetracks licensed racetracks will be affected by this administrative regulation, as well as the licensees who participate in racing at the racetracks.

(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: Kentucky's racetracks will be required to conform to the operational and physical requirements for racing established in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No new costs are anticipated to comply with this administrative regulation, as Kentucky's racetracks have operated in accordance with these requirements for many years.

(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 significant funding will be required 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 additional 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 in licensed horse racing with pari-mutuel wagering thereon in Kentucky.

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

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No.: 810 KAR 2:070

Contact Person: John L. Forgy, General Counsel, Kentucky Horse Racing Commission;
Telephone: (859) 246-2040; 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 will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 230.215, 230.225, 230.240, 230.260, KRS 230.290, KRS 230.300.

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.