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MEMORANDUM

TO: Jennifer Wolsing, General Counsel, Kentucky Horse Racing Commission

FROM: Emily Caudill, Regulations Compiler

RE: Proposed Amendment or New Regulation – 810 KAR 002:020 and 810 KAR 002:070.

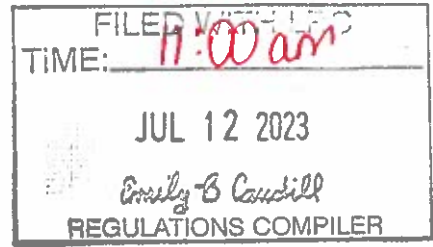
DATE: July 10, 2023

A copy of each administrative regulation listed above is enclosed for your files. These regulations are tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **OCTOBER 2023** meeting. We will notify you of the date and time of this meeting once it has been scheduled.

Pursuant to KRS 13A.280, *if* comments are received during the public comment period, a Statement of Consideration or a one-month extension request for these regulations is due **by noon on October 13, 2023**. Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures



1 PUBLIC PROTECTION CABINET
2 Kentucky Horse Racing Commissions
3 (Amendment)
4 810 KAR 2:020. Thoroughbred and flat racing officials.
5 RELATES TO: KRS 230.215, 230.240, 230.260
6 STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8)
7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the
8 Kentucky Horse Racing Commission (the "commission") to promulgate administrative
9 regulations prescribing conditions under which all horse racing is conducted in
10 Kentucky. This administrative regulation establishes the qualifications, duties, powers,
11 and responsibilities of racing officials.
12 Section 1. Racing Officials.
13 (1) Racing officials at a thoroughbred or other flat race meeting shall include:
14 (a) Steward;
15 (b) Racing secretary;
16 (c) Assistant racing secretary;
17 (d) Clerk of scales;
18 (e) Paddock judge;
19 (f) Starter;
20 (g) Placing judge;

1 (h) Timer;

2 (i) Identifier;

3 (j) Veterinarian

4 (k) Assistant starter;

5 (l) Jockey room custodian;

6 (m) Jockey room employee;

7 (n) Valet; and

8 (o) Outrider.

9 (2) Persons appointed by the association to serve as racing officials during a race meeting shall:

10 (a) First be approved by the commission;

11 (b) Serve only so long as approved by the commission; and

12 (c) Be under the supervision of the stewards.

13 (3) While serving as a racing official, a person shall not:

14 (a) Indirectly or directly, own a beneficial interest in:

15 1. A horse of the breed in which the person is engaged as a racing official; or

16 2. An association under his or her supervision;

17 (b) Cause to be bought or sold, for himself or another, a horse under his or her supervision;

18 (c) Buy or sell, for himself or another, a right to, or contract with, a jockey or apprentice jockey

19 under his or her supervision;

20 (d) Wager on a race under his or her supervision;

21 (e) Write or solicit horse insurance; or

1 (f) Have a monetary interest in a business which seeks the patronage of horsemen or racing
2 associations.

3 (4) A racing official serving in the capacity of steward, placing judge, clerk of scales, starter, or
4 horse identifier shall take and satisfactorily pass an optical examination within one (1) year prior
5 to the race meeting at which he or she serves. The examination shall show corrected twenty-
6 twenty (20-20) vision and an ability to distinguish colors correctly.

7 (5) A racing official who desires to leave his or her employment during the race meeting shall
8 notify the stewards; if a vacancy occurs among racing officials other than stewards, the
9 association shall promptly appoint a successor, subject to approval of the commission. If the
10 association does not appoint a successor in time to permit the orderly conduct of racing, then
11 the stewards shall immediately appoint a temporary successor.

12 (6) A racing official shall not officiate in multiple capacities on any one (1) race. The stewards
13 may, in case of emergency, approve a racing official to serve in more than one (1) capacity until
14 such time as an additional official can be appointed by the association and approved by the
15 commission.

16 Section 2. Racing Secretary. The racing secretary shall be responsible for:

- 17 (1) The programming of races during the race meeting;
18 (2) Compiling and publishing condition books;
19 (3) Assigning weights for handicap races;
20 (4) Receiving entries, subscriptions, declarations, and scratches;

1 (5) Safekeeping of registration certificates, virtual or digital certificates, and racing permits for
2 horses, recording information required on the certificates and permits, and returning the
3 certificates and permits to owners at the conclusion of the race meeting;

4 (6) Maintaining a record of stakes fees received, arrears, jockeys' fees, purchase money in
5 claiming races, and other monies received incident to the race meeting, and making available
6 payment to those persons entitled thereto within fourteen (14) days after the conclusion of the
7 race meeting;

8 (7) Supervision of the horsemen's bookkeeper's handling of the "horseman's account";

9 (8) Daily posting of entries for the benefit of the public as soon as possible after entries have
10 been closed and declarations have been made;

11 (9) Assigning stall applicants stabling as he or she may deem proper after consultation with the
12 stewards, and maintaining a record of arrival and departure of all horses stabled on association
13 grounds; and

14 (10) Publishing the official daily program, and ensuring that it contains accurate information of
15 the following:

16 (a) Sequence of races to be run and post time for the first race;

17 (b) Purse, conditions, and distance for each race, and current track record for the distance;

18 (c) The full name of licensed owners of each horse, indicated as lessee if applicable, and
19 description of racing colors to be carried;

20 (d) The full name of the trainer and the jockey named for each horse together with the weight
21 to be carried;

22 (e) Notices that:

1 1. Jockeys will carry approximately three (3) pounds more than the published weight to
2 account for safety helmets and safety vests that are not included in required weighing out
3 procedures; and

4 2. Upon approval of the stewards, a jockey may be allowed up to three (3) pounds additional
5 clothing and equipment for inclement weather or track conditions;

6 (f) The saddle cloth number or designation for each horse, and the post position for each
7 horse, if there is a variance with the saddle cloth designation;

8 (g) Identification of each horse by name, color, sex, age, sire, and dam; and

9 (h) Other information as may be requested from time to time by the association or the
10 commission including changes of equipment, use of permitted race day medications, and
11 wagering types available.

12 Section 3. Clerk of Scales. The clerk of scales shall be responsible for:

13 (1) The security, regulation, and control of the jockeys' room, its equipment, and the
14 determination of which personnel are permitted access;

15 (2) Weighing out a jockey no later than fifteen (15) minutes prior to the race in which the jockey
16 is scheduled to ride and recording all overweights, which shall immediately be posted and
17 announced to the public before each race;

18 (3) Weighing in a jockey immediately after the finish of each race in which the jockey rode and
19 promptly notifying the stewards whether a jockey weighed in underweight;

20 (4) Safekeeping of all racing colors;

21 (5) Reporting all color changes or jockey changes from that listed in the official daily program
22 and causing the changes to be posted and announced to the public before each race;

1 (6) Supervision of all valets and the issuance of numbered saddle cloths and equipment for each
2 horse;

3 (7) Ensuring accuracy of the scales and periodic tests of them;

4 (8) Submitting to the racing secretary at the close of each racing day a statement of weight
5 carried in each race by each jockey, noting overweight, if any; and

6 (9) Immediately transmitting all complaints, protests, objections, or disputes submitted to the
7 clerk of scales to the stewards, and if the stewards are unavailable, to the commission.

8 Section 4. Paddock Judge. The paddock judge shall have general supervision of the paddock and
9 shall be responsible for:

10 (1) Assembling the horses and jockeys in the paddock no later than fifteen (15) minutes before
11 the scheduled post time for each race;

12 (2) Maintaining a written record of all equipment for each horse saddled, inspecting all the
13 equipment, and reporting any changes in the equipment to the stewards;

14 (3) Inspecting the bandages of each horse. The paddock judge may order the bandages removed
15 or replaced;

16 (4) Paddock schooling of horses approved for schooling by the stewards; and

17 (5) Ensuring that the saddling of horses is orderly, open to public view and free from
18 interference, and ensuring that horses are mounted at the same time and leave the paddock
19 for the post in proper sequence.

20 Section 5. Starter.

1 (1) The starter shall be responsible for the fair and equal start of horses in a race at the
2 scheduled starting time by means of a starting gate and bell, or other device activated by his or
3 her signal.

4 (2) So far as practical, the starter shall cause horses to be loaded in order of post position, except
5 the starter may in his or her discretion load an unruly or fractious horse out of order or may
6 start the unruly or fractious horse on the outside of the starting gate and one (1) length behind
7 the starting line. With permission of the stewards, a race may be started without a starting gate.
8 The starter may employ as many assistant starters as needed and shall daily change the gate
9 position of each assistant starter without notice to the assistant starters until the field for the
10 first race comes upon the track.

11 (3) A horse shall not be permitted to start in a race unless approval is given by the starter. The
12 starter shall maintain a schooling list that shall be posted in the racing secretary's office listing
13 the names of horses ineligible to start due to inadequate training at leaving the gate. Horses
14 shall be schooled under the supervision of the starter or his or her assistants.

15 (4) The starter shall:

16 (a) Have constant radio or telephone communication with the stewards from the time the
17 horses leave the paddock until the field is sent away;

18 (b) Report to the stewards any disobedience of his or her orders or attempts to take unfair
19 advantage at the starting gate and recommend penalties for offenders.

20 (5) An assistant starter shall not handle a horse until instructed to do so by the starter.

21 (6) A starter or assistant starter shall not:

- 1 (a) Accept a gratuity or payment other than his regular salary, directly or indirectly, for services
- 2 in starting a race;
- 3 (b) Wager on a race; or
- 4 (c) Strike a jockey or use abusive language to a jockey.

5 (7) The starter shall maintain a written record showing the names of starters during the day and
6 the names of the assistant starters who handled each horse. This record shall be made available
7 to the stewards upon request.

8 Section 6. Placing Judges.

9 (1) Three (3) placing judges shall occupy a stand directly above the finish line during the running
10 of each race. The placing judges shall:

- 11 (a) Take special note of racing colors and distinguishing equipment carried by each horse;
- 12 (b) Determine the order of the horses as they cross the finish line by consideration of the
13 respective noses of the horses; and
- 14 (c) Cause the numbers of the first four (4) horses to cross the finish line to be posted on the
15 result board. The numbers of additional horses shall be posted in their correct order of finish
16 if necessitated by an exotic wager.

17 (2) A photo finish camera approved by the commission shall be used as an aid by the placing
18 judges in determining the order of the horses as they cross the finish line. Placing judges may
19 request a photo to assist in determining margins of less than a half-length (1/2).

20 Section 7. Timer.

21 (1) The timer shall occupy a stand directly above the finish line during the running of each race
22 to record the official time.

1 (2) The timer shall:

2 (a) Record the fractional time of leading horses during each race and the final time of the first
3 horse to cross the finish line; and

4 (b) Maintain a written record of fractional and final times of each race and have them available
5 for inspection by the stewards or commission on request.

6 (3) The timer may use an electrical or mechanical timing device approved by the commission as
7 an aid in determining the official time of each race.

8 (4) Quarter Horses shall be timed from a standing start at the time the starter dispatches the
9 field and the starting gate opens.

10 Section 8. Horse Identifier.

11 (1) The commission may employ a horse identifier who shall be responsible for the proper
12 identification of all horses entered to be raced.

13 (2) The horse identifier may accompany the commission veterinarian on the prerace
14 examination of all starters.

15 (3) The horse identifier shall:

16 (a) Certify that each starter in the paddock matches its registration certificate, virtual or digital
17 certificate, or racing permit by examining the horse's:

18 1. Sex, age, color, markings, and lip tattoo or microchip; and

19 2. Photographs as an aid in identification.

20 (b) Notify the paddock judge and the stewards if he or she has any doubt as to the identity of
21 a horse entered to be raced;

1 (c) Be responsible for the safekeeping and return to owners at the conclusion of the race, the
2 following:

- 3 1. Registration certificates, virtual or digital certificates, or racing permits; and
- 4 2. Racing permits for horses; and

5 (d) Record information from registration certificates, virtual or digital certificates, and racing
6 permit.

810 KAR 2:020
READ AND APPROVED:

Jonathan Rabinowitz / JR

07/12/2023

Jonathan Rabinowitz

Date

Chairman, Kentucky Horse Racing Commission

Ray O. Perry

7/12/2023

Ray Perry

Date

Secretary, Public Protection Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at 9:00 AM on September 21, 2023 at 4063 Iron Works Parkway, Building B, Lexington, KY 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays 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 canceled. 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 PM on September 30, 2023. 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: Jennifer Wolsing

Title: General Counsel

Address: 4063 Iron Works Parkway, Building B, Lexington, KY 40511

Phone: +1 (859) 246-2040

Fax: +1 (859) 246-2039

Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 810 KAR 2:020
Contact Person: Jennifer Wolsing
Phone: +1 (859) 246-2040
Email: jennifer.wolsing@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the category of "racing officials" at horse races in the Commonwealth and sets forth the responsibilities of these officials.

(b) The necessity of this administrative regulation: This regulation is necessary to precisely define who racing officials are and to set forth their responsibilities in presiding over and assisting with horse races in the Commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) authorizes the Commission to promulgate administrative regulations prescribing conditions under which all horse racing is conducted in the Commonwealth. This administrative regulation sets forth qualifications, duties, and authority of racing officials who assist in the conduct of horse races in the Commonwealth.

(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 ensuring that race officials perform certain duties to promote the efficiency and integrity of horse races in Kentucky.

(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: Section 7 is amended to specify that Quarter Horses shall be timed from a standing start at the time the starter dispatches the field and the starting gate opens.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish the appropriate timing for Quarter Horse racing..

(c) How the amendment conforms to the content of the authorizing statutes: The proposed amendment establishes a condition under which horse racing will be conducted in the Commonwealth. Therefore, this amendment conforms to KRS 230.215(2).

(d) How the amendment will assist in the effective administration of the statutes: The proposed amendment will establish the timing for Quarter Horse racing to ensure that each race is timed appropriately.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect The Kentucky Horse Racing Commission and those who engage in Quarter Horse racing.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: To comply with the proposed amendment, racing associations conducting Quarter Horse race meets and racing officials must observe the amendment in order to correctly time Quarter Horse races.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There will be no additional costs.

(c) As a result of compliance, what benefits will accrue to the entities: As a result of compliance, Quarter Horse races will be timed correctly, benefitting all engaged in horse racing.

(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 established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any new fees or increase any current fees.

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

FISCAL NOTE

Regulation: 810 KAR 2:020
Contact Person: Jennifer Wolsing
Phone: +1 (859) 246-2040
Email: jennifer.wolsing@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 and 230.260 authorize the action taken by this regulation.

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

(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 during 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 during subsequent years.

(c) How much will it cost to administer this program for the first year? It is expected there will be no cost to administer this regulation during the first year.

(d) How much will it cost to administer this program for subsequent years? It is expected there will be no cost to administer this regulation during 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.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This administrative regulation will not generate cost savings for the regulated entities during the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This administrative regulation will not generate cost savings for the regulated entities during subsequent years.

(c) How much will it cost the regulated entities for the first year? It is expected there will be no cost for the regulated entities during the first year.

(d) How much will it cost the regulated entities for subsequent years? It is expected there will be no cost for the regulated entities during subsequent years.

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

Cost Savings (+/-): \$0.00.

Expenditures (+/-): \$0.00.

Other Explanation: N/A.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)].* This regulation is not expected to have a major economic impact, as set forth in the answers to the questions above.