

PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission
(Repealer)

810 KAR 1:301. Repeal of 810 KAR 1:004; 1:005; 1:007; 1:008; 1:009; 1:010; 1:012; 1:014; 1:015; 1:016; 1:017; 1:018; 1:021; 1:024; 1:025; 1:026; 1:027; 1:028; 1:029; 1:030; 1:037; 1:040; 1:050; 1:060; 1:070; 1:080; 1:090; 1:100; 1:110; 1:130; 1:140; 1:145; 1:150; 1:300.

RELATES TO: KRS 230.225(5)

STATUTORY AUTHORITY: KRS 230.215

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215 vests in the racing commission forceful control of horse racing in the Commonwealth with plenary power to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth so as to encourage the improvement of the breeds of horses in the Commonwealth, to regulate and maintain horse racing at horse race meetings in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled horse racing practices, and to regulate and maintain horse racing at race meetings in the Commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in the Commonwealth. 810 KAR 1:004; 1:005; 1:007; 1:008; 1:009; 1:010; 1:012; 1:014; 1:015; 1:016; 1:017; 1:018; 1:021; 1:024; 1:025; 1:026; 1:027; 1:028; 1:029; 1:030; 1:037; 1:040; 1:050; 1:060; 1:070; 1:080; 1:090; 1:100; 1:110; 1:130; 1:140; 1:145; 1:150; and 1:300. The necessary content of these repealed provisions has been moved to subject-matter specific administrative regulations within Title 810 KAR.

Section 1. The following regulations are hereby repealed:

- (1) 810 KAR 1:004, Stewards;
- (2) 810 KAR 1:005, Racing officials;
- (3) 810 KAR 1:007, Owners;
- (4) 810 KAR 1:008, Trainers;
- (5) 810 KAR 1:009, Jockeys and apprentices;
- (6) 810 KAR 1:010, Authorized agents;
- (7) 810 KAR 1:012, Horses;
- (8) 810 KAR 1:014, Weights;
- (9) 810 KAR 1:015, Claiming races;
- (10) 810 KAR 1:016, Running of the race;
- (11) 810 KAR 1:017, Objections and complaints;
- (12) 810 KAR 1:018, Medication; testing procedures; prohibited practices;
- (13) 810 KAR 1:021, Backside Improvement Fund;
- (14) 810 KAR 1:024, Racing Commission;
- (15) 810 KAR 1:025, Licensing thoroughbred racing;
- (16) 810 KAR 1:026, Racing associations;
- (17) 810 KAR 1:027, Entries, subscriptions, and declarations;
- (18) 810 KAR 1:028, Disciplinary measures and penalties;
- (19) 810 KAR 1:029, Hearings, reviews, and appeals;
- (20) 810 KAR 1:030, Simulcast facilities;
- (21) 810 KAR 1:037, Licensing of racing associations conducting thoroughbred racing;
- (22) 810 KAR 1:040, Drug, medication, and substance classification schedule and with-

drawal guidelines

- (23) 810 KAR 1:050, Steeplechase racing;
- (24) 810 KAR 1:060, Chemical dependency,
- (25) 810 KAR 1:070, Kentucky Thoroughbred Breeders' Incentive Fund;
- (26) 810 KAR 1:080, International wagering hubs;
- (27) 810 KAR 1:090, Kentucky Thoroughbred Development Fund;
- (28) 810 KAR 1:100, Frivolous appeals;
- (29) 810 KAR 1:110, Out of competition testing;
- (30) 810 KAR 1:130, Post-race sampling and testing procedures;
- (31) 810 KAR 1:140, Calculation of payouts and distribution of pools;
- (32) 810 KAR 1:145, Advance deposit account wagering;
- (33) 810 KAR 1:150, Licensing totalizator companies; and
- (34) 810 KAR 1:300, International medication protocol as a condition of a race.

FRANKLIN S. KLING, JR., Chairman

K. GAIL RUSSELL, Acting Secretary

APPROVED BY AGENCY: November 13, 2018

FILED WITH LRC: November 15, 2018 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 28, 2018, at 1:30 p.m., at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing no later 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 canceled. The 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 if received at or before 11:59 p.m. on December 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person.

CONTACT PERSON: John Forgy, General Counsel, Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Bldg. B, Lexington, Kentucky 40511, phone (859) 246-2040, email John.Forgy@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John Forgy

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals several administrative regulations within 810 KAR Chapter 1 because contemporaneous amendments to the horse racing regulatory regime will render the individual regulations unnecessary. Specifically, this administrative regulation repeals 810 KAR 810 KAR 1:004; 1:005; 1:007; 1:008; 1:009; 1:010; 1:012; 1:014; 1:015; 1:016; 1:017; 1:018; 1:021; 1:024; 1:025; 1:026; 1:027; 1:028; 1:029; 1:030; 1:037; 1:040; 1:050; 1:060; 1:070; 1:080; 1:090; 1:100; 1:110; 1:130; 1:140; 1:145; 1:150; and 1:300. These administrative regulations are no longer required because by separate regulation amendments, the content has been moved to subject-matter specific regulations within this chapter.

(b) The necessity of this administrative regulation: This administrative regulation, in concert

with contemporaneously filed administrative regulations, is necessary to revise the regulatory regime governing horse racing in the Commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.515 authorizes the Kentucky Horse Racing Commission to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth. This administrative regulation, in concert with contemporaneously filed administrative regulations, is necessary to revise the regulatory regime governing horse racing in the Commonwealth.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Kentucky Horse Racing Commission is charged with the responsibility to regulate the conduct of horse racing and pari-mutuel wagering on horse racing, and related activities within the Commonwealth of Kentucky. This administrative regulation, in concert with contemporaneously filed administrative regulations, are necessary to carry out Chapter 230 of the Kentucky Revised Statutes with a revised and improved regulatory regime governing horse racing in the Commonwealth.

(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 administrative regulation is a repealer.

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Horse Racing Commission is affected by this administrative regulation. In addition, licensed participants in racing in Kentucky, the seven Kentucky racetracks, and the wagering public will be affected by this administrative regulation. During the year 2017, the Commission licensed 22,745 individuals to participate in horse racing. The numbers of licensees are 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: This administrative regulation requires no action by the regulated entities identified in question (3).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The administrative regulation will impose no new costs on regulated persons or entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation does not require any action from the entities identified in question 3.

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

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

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

(6) What is the source of the funding to be used for the implementation and enforcement of

this administrative regulation: There is no funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This administrative regulation neither directly nor indirectly increases any fees.

(9) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation repeals the subject administrative regulations, and all regulated entities are treated equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(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.

(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 any revenue 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 any revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? There is no cost to administer this administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this administrative 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 (+/-): No impact.

Expenditures (+/-): No impact.

Other Explanation: None.