

**PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission
(New Administrative Regulation)**

810 KAR 4:080. Steeplechase racing.

RELATES TO: KRS 230.215, 230.361

STATUTORY AUTHORITY: KRS 230.215(2), 230.361(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the Kentucky Horse Racing Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation sets forth the standard under which steeplechase races shall be conducted when there is pari-mutuel wagering.

Section 1. Definitions.

(1) "Steeplechase race" means a contest between thoroughbred horses over a prescribed course which may include obstacles or jumps and is conducted at a racing association licensed by the Kentucky Horse Racing Commission.

(2) "Recognized meeting" means any steeplechase race meeting with regularly scheduled races for thoroughbreds, licensed by and conducted under administrative regulations promulgated by a governmental regulatory body, to include foreign countries which are regulated by a racing authority recognized by The Jockey Club of New York.

Section 2. Unless otherwise provided for in this administrative regulation, all steeplechase races with pari-mutuel wagering shall be conducted in accordance with the provisions of KAR Title 810 pertaining to flat racing.

Section 3. For steeplechase races, "maiden" means a horse which, at the time of starting, has never won a race at a recognized meeting, except as follows:

(1) In flat racing, a horse shall be considered a maiden regardless of whether the horse has been the winner of a steeplechase race.

(2) In a steeplechase race, a horse shall be considered a maiden regardless of whether the horse has been the winner of a flat race.

Section 4. In steeplechase races, a horse shall be considered a "starter" immediately upon the starter dropping the flag.

Section 5. In steeplechase races, the "Scale of Weights for Age" in the "National Steeplechase Association Rules of Racing" shall apply.

Section 6. In steeplechase races, the provisions of 810 KAR 2:070, Section 35 shall not apply.

Section 7. In steeplechase races, the provisions of 810 KAR 4:010, Section 7 shall not apply.

Section 8. In steeplechase races, the provisions of 810 KAR 4:030, Section 3(8) shall not apply.

Section 9. In steeplechase races, except handicap races and stakes races, riders who have never ridden a winner are allowed ten (10) pounds. Non-winners of fifteen races are allowed five (5) pounds. Weight penalties shall be obligatory. Weight allowance shall be claimed at time of entry and shall not be waived after the posting of entries except by consent of the stewards.

Section 10. Incorporation by Reference.

(1) "Scale of Weights for Age", included in the National Steeplechase Association, Rules of Racing, 2014 edition, revised 2017, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

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 10:00 a.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 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 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, Kentucky 40511, phone (859) 246-2040, fax (859) 246-2039, email John.Forgy@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John L. Forgy

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the rules and requirements for steeplechase races that are conducted at Kentucky racetracks under the jurisdiction of the Commission. This administrative regulation provides generally that steeplechase races will be conducted in accordance with the flat racing provisions of KAR Title 810, but the administrative regulation establishes certain exceptions to the application of the flat racing provisions. These exceptions establish alterations to the rules concerning age restrictions, allowances for apprentice riders, workouts, and the scale of weights.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide rules to govern the conduct of steeplechase races with pari-mutuel wagering thereon at locations under the jurisdiction of the Commission.

(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. KRS 230.361 authorizes the Commission to issue a license to conduct pari-mutuel wagering on steeple chases or other races over jumps if all proceeds from the wagering, less expenses, are used for charitable purposes. These races are limited to four (4) days per year. This administrative regulation prescribes the conditions relating to the steeplechase races to be conducted as authorized by KRS 230.361.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures that steeplechase races at race-tracks under the jurisdiction of the Commission and as authorized by KRS 230.361 are conducted in an organized manner that is 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:

(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 racetracks under the jurisdiction of the Commission, and all individual participants in steeplechase racing, are potentially affected by this administrative regulation's establishment of fundamental rules pertaining to the conduct of racing. In the year 2017, the Commission licensed over 22,000 individuals to participate in horse racing, and this number is consistent from year to year. Steeplechase races with pari-mutuel wagering thereon are rare, however, and only take place for a maximum four (4) days per year.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3)? Participants in racing will benefit from clearly defined rules for steeplechase races that enhance the integrity of 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 amendment.

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

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding will be necessary 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 are 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? Tiering was not applied because this amended regulation will apply to all similarly situated entities in an equal manner.

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 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, 230.290, 230.310, 230.320, 230.361, 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