

Byron Freeland Direct Dial: 501-688-8810 Fax: 501-918-7810 Email: bfreeland@mwlaw.com

425 West Capitol Avenue, Suite 1800 Little Rock, Arkansas 72201-3525 Telephone: 501-688-8800 Fax: 501-688-8807

December 26, 2019

VIA HAND DELIVERY

Ms. Jessica Sutton Administrator, Admin. Rules Review Section Bureau of Legislative Research 5th Floor, Room L-513 One Capitol Mall Little Rock, AR 72201 RECEIVED

BUREAU OF LEGISLATIVE RESEARCH

Re: Arkansas Racing Commission - Questionnaires for Proposed Rule Changes

Dear Jessica:

Per my conversation with Marty Garrity, enclosed are revised emergency Questionnaires and supporting documentation for the Arkansas Racing Commission for 6 proposed rule changes. The Commission held a public meeting for comments on the rules on December 19, 2019. All of the rules are scheduled to become effective January 24, 2020, if approved by the BLR on an emergency basis.

The proposed Thoroughbred rule changes came primarily from Oaklawn Park and the Thoroughbred Horsemen's Association (TRPB). The Commission acted upon these requests as quickly as possible after they were received. The Oaklawn race meet starts January 24, 2020, and it is important that the proposed rule changes go into effect by January 24, 2020. If the proposed rule changes do not become effective until after the complete BLR review on February 21, 2020, it could cause issues with the conduct of the race meet if part of the meet is run under the previous rules and then the later part of the meet is run under the proposed revised rules. This is particularly important since the proposed rule changes revise the time for protests and objections for incidents occurring in the races and raise jockey fees per a negotiated agreement. The proposed rule changes also address the new digital technology used to identify horses, which is replacing the lip tattoo as the standard for horse identification. These proposed rule change needs to be in place for the start of the 2020 meet.

Best regards,

MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, P.L.L.C.

Byron Freeland

BF:sel Enclosures

cc (w/o encl): Ms. Marty Garrity (via email only)

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEP	ARTMENT/AGENCY Department of Finance and Administration
	ISION Arkansas Racing Commission
	SION DIRECTOR John Campbell
	TACT PERSON Byron Freeland
ADD	RESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
	NE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com
NAIV	IE OF PRESENTER AT COMMITTEE MEETING Byron Freeland
rke	SENTER E-MAIL bfreeland@mwlaw.com
	INSTRUCTIONS
A.	Please make copies of this form for future use.
В.	Please answer each question completely using layman terms. You may use additional sheets.
0	if necessary.
C.	If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D.	Submit two (2) copies of this questionnaire and financial impact statement attached to the
	front of two (2) copies of the proposed rule and required documents. Mail or deliver to:
	Jessica C. Sutton Administrative Rules Review Section RECEIVED
	Administrative Rules Review Section
	Arkansas Legislative Council DEC 2 7 2019
	Bureau of Legislative Research One Capitol Mall, 5th Floor BUREAU OF BUREAU OF
****	Little Rock, AR 72201 ***********************************
1.	What is the short title of this rule? Rule 2169(a) Jockev Mount Fees
1.	What is the short true of this rule: Kule 2109(a) Jockev Wount Fees
2.	What is the subject of the proposed rule? Sets required standard jockey mount fees when
	there is no specific contract between jockey and owner.
3.	Is this rule required to comply with a federal statute, rule, or regulation? YesNo _X
	If yes, please provide the federal rule, regulation, and/or statute citation.
4.	Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No_XX
	If yes, what is the effective date of the emergency rule?
	When does the emergency rule expire? February 21, 2020, if approved by BLR
	Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes XX NoNo

5.	Is this a new rule? YesNo_X_ If yes, please provide a brief summary explaining the rule.
	Does this repeal an existing rule? Yes No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
	Is this an amendment to an existing rule? Yes X No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."
	See attached Amendment Summary and Mark-Up.
6.	Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.
	Ark. Code Ann. 23-110-204
7.	What is the purpose of this proposed rule? Why is it necessary?
	This amendment was agreed to by the Jockeys Guild and the owners association. This Amendment raises the standard fees in the category of "Losing Mounts" and adds category for "\$1,000,000 and up."
8.	Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).
	https://www.dfa.arkansas.gov/news/racing-commission https://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new
9.	Will a public hearing be held on this proposed rule? Yes X No If yes, please complete the following:
	Date: December 19, 2019 Time: 11:00 A.M. Place: Arkansas Racing Commission, 1515 W. 7th Street, Suite 505, Little Rock, AR 72201
10.	When does the public comment period expire for permanent promulgation? (Must provide a date.)
	December 18, 2019
11.	What is the proposed effective date of this proposed rule? (Must provide a date.)
	January 24, 2020
12.	Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
	See attached.
13.	Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).
	See attached.
14.	Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
	This amendment was agreed to by the Jockeys Guild and the owners association and was presented to the Arkansas Racing Commission.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

	ARTMENT Department of Finance and Admir ISION Arkansas Racing Commission	nistration	
PER	SON COMPLETING THIS STATEMENT By EPHONE NO. <u>(501) 688-8810</u> FAX NO. <u>(501) 9</u>		
To co	omply with Ark. Code Ann. § 25-15-204(e), please ment and file two copies with the questionnaire and	complete the following Financial Impact proposed rules.	
SHO	RT TITLE OF THIS RULE Rule 2169(a) Jock	ey Mount Fees	
1.	Does this proposed, amended, or repealed rule h Yes_XNo	ave a financial impact?	
	Jockey fees are increased when there is no exphorse owner.	press agreement between a jockey and the	
2.	Is the rule based on the best reasonably obtainable evidence and information available concerning the rule? YesNoN/A	le scientific, technical, economic, or other he need for, consequences of, and alternatives to	
3.	In consideration of the alternatives to this rule, w least costly rule considered? Yesagreed to by the Jockeys Guild and the owners	No N/A This amendment was	
	If an agency is proposing a more costly rule, please state the following:		
	(a) How the additional benefits of the more costly	y rule justify its additional cost;	
	N/A		
	(b) The reason for adoption of the more costly rule;		
	N/A		
	(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and		
	N/A		
	(d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.		
	N/A		
4.	If the purpose of this rule is to implement a federal r (a) What is the cost to implement the federal rule or	ule or regulation, please state the following: regulation? N/A	
	Current Fiscal Year	Next Fiscal Year	
	General Revenue	General Revenue	
	Federal Funds	Federal Funds	
	Cash Funds	Cash Funds	
	Special Revenue	Special Revenue	
	Other (Identify)	Other (Identify)	
	Total	Total	

Current Fiscal Year		Next Fiscal Year
General Revenue		General Revenue
Federal Funds		Federal Funds
		Cash Funds
Special Revenue Other (Identify)		Special Revenue Other (Identify)
		Other (Identity)
Total		Total
What is the total estimated co to the proposed, amended, or and explain how they are affe	repealed rule? Identify	private individual, entity and business the entity(ies) subject to the proposed
Current Fiscal Year	NONE	Next Fiscal Year
\$		\$
Individual horse owners – i	nckey mount fees will	increase for losing mounts if the own
		ie race.
implement this rule? Is this tl	ost by fiscal year to state he cost of the program of	e, county, and municipal government to or grant? Please explain how the gove
implement this rule? Is this the saffected.	ost by fiscal year to state the cost of the program of NONE	e, county, and municipal government to grant? Please explain how the gove
What is the total estimated co implement this rule? Is this this affected. Current Fiscal Year \$	he cost of the program	or grant? Please explain how the gove
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with respect to the agency's a cost or obligation of at least or ndividual, private entity, private entity, or nowers. No X	NONE NONE Inswers to Questions #5 ne hundred thousand do ate business, state gove more of those entities co	Next Fiscal Year S and #6 above, is there a new or increallars (\$100,000) per year to a private comment, county government, municipal mbined?
implement this rule? Is this this affected. Current Fiscal Year With respect to the agency's a cost or obligation of at least or ndividual, private entity, private entity, private entity, or to two (2) or not a cost or obligation of the entity of the e	NONE NONE unswers to Questions #5 ne hundred thousand do ate business, state gove nore of those entities co	next Fiscal Year Next Fiscal Year and #6 above, is there a new or increallars (\$100,000) per year to a private ment, county government, municipa

- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Thoroughbred Rule 2169(a) Amendment Summary

This amendment raises mount fees as agreed by the Jockeys Guild and the owners association.

Thoroughbred Rule 2169(a) Mark Up

2169.

(a) In the absence of a specific contract or special agreement, the following jockey mount fees apply:

PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	LOSING MOUNTS
Purses up to \$24,999	10% of win purse	5% of place purse	5% of show purse	\$7080
\$25,000-49,999	10% of win purse	5% of place purse	5% of show purse	\$75 <u>85</u>
\$50,000-99,999	10% of win purse	5% of place purse	5% of show purse	\$ 85 95
\$100,000 and upto \$999,999	10% of win purse	5% of place purse	5% of show purse	\$ 105 <u>120</u>
\$1,000,000 and up	10% of win purse	5% of place purse	5% of show purse	<u>\$250</u>

⁽¹⁾ If any owner or trainer engages two or more jockeys for the same race, the owner or trainer shall be required to pay each of the jockeys the appropriate fee pursuant to Rule 2169 whether the jockey rides in the race or not.

- (2) A jockey fee shall be considered earned when the jockey is weighed out by the Clerk of Scales for that race.
- (b) If any owner or trainer engages two or more jockeys for the same race, the owner or trainer shall be required to pay each of the jockeys the appropriate fee pursuant to Rule #2169 whether the jockey rides in the race or not.

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on December 19, 2019, at 11:00 a.m. in the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following rule changes:

- (1) Thoroughbred Rule 1050(a) Definition of Objection. Proposed amendment to change the time period for a protest or objection from two hours prior to a race to 24 hours after a race or prior to post time of the next live racing date. Extends time period for protests and objections.
- (2) Thoroughbred Rule 2169(a) Jockey Mount Fees. Amendment to Jockey Mount Fees. Changes standard fees applicable if no specific contract between owner and jockey to amounts agreed to by Jockey Guild and owners for 2020.
- (3) Thoroughbred Rule 2212(b). Amends rule regarding coupling of entries for horses with the same owner or trainer. Requires trainer to declare a preference for entry when multiple horses with common ties enter a race.
- (4) Thoroughbred Rule 2224(c). Amendment to rule permitting horses to be microchipped or digitally tattoed in conformity with national T.R.P.B. protocols.
- (5) <u>Thoroughbred Rule 2359</u>. Amends procedure for protests and objections for issues not occurring during the running of a race. Extends protest period to 24 hours after a race or prior to post time of the next live racing date.
- (6) Thoroughbred Rule 2426-A. Amendment to change time period from ninety (90) days since the horse's last official start to sixty (60) days when the owner requests a horse be declared ineligible to be claimed.

Any persons wishing to speak for or against any of the above proposed rule changes should appear at the meeting on December 19, 2019, and they will be given the opportunity to express their views. Persons wishing to submit written comments on the above proposed rule changes should send them to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on Wednesday, December 18, 2019. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and from the Secretary of State's office.

STATEMENT OF LEGAL ADVERTISING THIS PAGE USED FOR ADDITIONAL AD COPY SPACE AS NEEDED. PAGE MAY BE BLANK

NOTICE OF PUBLIC NEARING
The Arkeness Racing Commission will meet on December 19, 2019; at 1:00 a.m. in the Commission office legated at 151 5 West Seventh Street, Sults 500, Little Rock, Arkensas, be consider the adoption of the following rule changes:

(1) Thoroughbred fille 1050(a) Definition of Objection. Proposed amendment to change the time period for a protest or objection from two hours prior to a race to 24 hours after a race or prior to post time of the next live racing date. Extends time period for protests and objections.

(2) Thoroughbred Rule 2169(a) Jockey Mount Fees. Amendment to Jockey Mount Fees. Amendment to Jockey Mount Fees. Changes standard fees applicable if no specific contract between owner and jockey to amounts agreed to by Jockey Guild and owners for 2020.

(3) Thoroughbred Rule 2212(b). Amends rule regarding coupling of entries for horses with the same owner or trainer. Regulras trainer to declars a preference for entry when multiple horses with common ties enter a race.

(4) Thoroughbred Rule 2224(c). Amendment to rule permitting horses to be microchipped or oligitally tatioad in conformity with national T.R.R.B. protocols.

(5) Thoroughbred Rule 2359. Amends procedure for pricasts and objections for issues not occurring, during the running of a race. Extende Employ of the horse a fast bificial start to eakly (60) days when the opportunity to express their views. Persons welling to specify a procedure for a gainst any of the above proposed rule changes should spear at the meeting on December 19, 2019. And they will be given the opportunity to express their views. Persons welling to submit written comments on the above proposed rule changes should send them to the Arkaness Racing Commission office during normal business hours and from the Racing Commission office during normal business hours and from the Racing Commission office during normal business hours and from the Racing Commission office during normal business hours and from the Racing Commission office during normal business

STATEMENT OF LEGAL ADVERTISING

MITCHELL WILLIAMS SELIG GATES 425 W CAPITOL AVE LITTLE ROCK AR 72201

ATTN: Byron Freeland

DATE : 11/12/19 INVOICE #: 3221876

ACCT #: L1055177 P.O. #:

REMIT TO: ARKANSAS DEMOCRAT GAZETTE, INC. P.O. BOX 2221 LITTLE ROCK, AR 72203

BILLING QUESTIONS CALL 378-3873

ADCOPY

STATE OF ARKANSAS,)
COUNTY OF PULASKI,) ss

I, Charles A McNeice Jr, do solemnly swear that I am the Business Manager of the Arkansas. Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of:

HEARING .

pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide directation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

DATE DAY LINAGE RATE DATE DAY LINAGE RATE 11/10 Sun 94 1.57

11/11 Mon 94 1.35 11/12 Tue 94 1.35

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OFFICIAL SEAL - #12347408

DEANNA GRIFFIN

NOTARY PUBLIC: ARKANBAS

PULASKI COUNTY

MY COMMISSION EXPIRES 103-80-88

Susie Luce

From: Susie Luce <SLuce@mwlaw.com> on behalf of Byron Freeland

<BFreeland@mwlaw.com>

Sent: Friday, November 8, 2019 11:27 AM **To:** ArkansasRegister@sos.arkansas.gov

Subject: Notice of Public Hearing (Arkansas Racing Commission)

Attachments: ARC Notice of Public Hearing.pdf

Please post the attached Notice of Public Hearing on your website. The Notice has been submitted for publication in the newspaper for three consecutive days beginning Sunday, November 10. We have also included the summary and mark up with the text of the proposed amendments and new rules. Please let us know if you need more.

Thank you!

MITCHELL WILLIAMS

Byron Freeland

T 501.688.8810 | F 501.918.7810 bfreeland@mwlaw.com | MitchellWilliamsLaw.com 425 W. Capitol Ave. | Ste. 1800 | Little Rock, AR 72201 Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEP	ARTMENT/AGENCY Department of Finance and Administration
DIV	ISION Arkansas Racing Commission
	ISION DIRECTOR John Campbell
	VTACT PERSON_Byron Freeland
ADL	RESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
	NE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com
DDE	TE OF PRESENTER AT COMMITTEE MEETING Byron Freeland
FRE	SENTER E-MAIL bfreeland@mwlaw.com
	INSTRUCTIONS
A.	Please make copies of this form for future use.
В.	Please answer each question completely using layman terms. You may use additional sheets
C.	n necessary,
C.	If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D.	Submit two (2) coming of this
	front of two (2) copies of the proposed rule and required documents. Mail or deliver to
	Jessica C. Sutton
	Jessica C. Sutton
	Administrative Rules Review Section
	Arkangag Logiclotivo Connoil
	One Capitol Mall, 5th Floor
****	Little Rock, AR 72201 ***********************************
1.	What is the short title of this rule? Dule 1050/a Decide a 500 to 1050/a
1.	What is the short title of this rule? Rule 1050(a) Definition of "Objection"
2.	What is the subject of the proposed rule? Defines an objection made to Stewards related to an event that did not occur during a race.
3.	Is this rule required to comply with a federal statute, rule, or regulation? YesNo_X
	If yes, please provide the federal rule, regulation, and/or statute citation.
4.	Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No_XX
	If yes, what is the effective date of the emergency rule?
	When does the emergency rule expire? February 21, 2020, if approved by BLR
	Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes XX No

5.	Is this a new rule? Yes No X If yes, please provide a brief summary explaining the rule.
	Does this repeal an existing rule? Yes No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
	Is this an amendment to an existing rule? Yes X No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."
	See attached Amendment Summary and Mark-Up.
	Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.
	Ark. Code Ann. 23-110-204
	What is the purpose of this proposed rule? Why is it necessary?
	This is an attempt to clarify the rules on objections for issues that do not occur during a race. This amendment eliminates the requirement to file an objection no later than two hours before post time.
	Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).
	https://www.dfa.arkansas.gov/news/racing-commission https://www.sos.arkansas.gov/rules and regs/index.php/rules/search/new
	Will a public hearing be held on this proposed rule? Yes X No If yes, please complete the following:
	Date: December 19, 2019
	Time: 11:00 A.M. Place: Arkansas Racing Commission, 1515 W. 7th Street, Suite 505, Little Rock, AR 72201
,	When does the public comment period expire for permanent promulgation? (Must provide a date.)
	December 19, 2019
	What is the proposed effective date of this proposed rule? (Must provide a date.)
	January 24, 2020
	Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
	See attached.
	Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).
	See attached.
	Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
	Horse owners and track officials are in agreement on this Amendment.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DE	PARTMENT Department of Finance and	d Administration			
	VISION_Arkansas Racing Commission RSON COMPLETING THIS STATEME	ENT Ruran Freeland			
	LEPHONE NO. (501) 688-8810 FAX NO		aw.com		
То		e), please complete the following Financial Impact			
SH	ORT TITLE OF THIS RULE <u>Rule 1050</u>	(a) Definition of "Objection"			
1.	Does this proposed, amended, or repeal YesNo_X	ed rule have a financial impact?			
2.	Is the rule based on the best reasonably evidence and information available con the rule? YesNo	obtainable scientific, technical, economic, or other cerning the need for, consequences of, and alternate N/A	ives to		
3.	In consideration of the alternatives to the least costly rule considered? Yes	is rule, was this rule determined by the agency to be N/A	e the		
	If an agency is proposing a more costly	rule, please state the following:			
	(a) How the additional benefits of the m	ore costly rule justify its additional cost;			
	N/A				
	(b) The reason for adoption of the more	costly rule;			
	N/A	N/A			
	(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and				
	N/A				
	(d) Whether the reason is within the scopexplain.	pe of the agency's statutory authority, and if so, ple	ase		
	N/A				
4.	If the purpose of this rule is to implement a federal rule or regulation, please state the following: (a) What is the cost to implement the federal rule or regulation? N/A				
	Current Fiscal Year	Next Fiscal Year			
	General Revenue Federal Funds Cash Funds Special Revenue Other (Identify)	General Revenue Federal Funds Cash Funds Special Revenue Other (Identify)			
	Total	Total			

Current Fiscal Yea	<u>ur</u>	Next Fiscal Year
General Revenue		General Revenue
Federal Funds		Federal Funds
		Cash Funds
Special Revenue		Special Revenue
Other (Identify)		Other (Identify)
Total		Total
What is the total est to the proposed, amount and explain how the	ended, or repealed rule? Identi	y private individual, entity and business fy the entity(ies) subject to the propose
Current Fiscal Yea	none None	Next Fiscal Year
\$		\$
mplement this rule?	mated cost by fiscal year to sta	te, county, and municipal government t
implement this rule? is affected.	mated cost by fiscal year to sta	te, county, and municipal government to or grant? Please explain how the gove
What is the total esti implement this rule? is affected. Current Fiscal Year	mated cost by fiscal year to starts this the cost of the program	te, county, and municipal government t
With respect to the apposit or obligation of andividual, private en	mated cost by fiscal year to star Is this the cost of the program NONE gency's answers to Questions # at least one hundred thousand outity, private business, state gov	te, county, and municipal government to or grant? Please explain how the government. Next Fiscal Year \$ 5 and #6 above, is there a new or increasely and the second of t
With respect to the appoint of andividual, private engages or to two government, or to two	mated cost by fiscal year to star Is this the cost of the program NONE gency's answers to Questions # at least one hundred thousand of	te, county, and municipal government to or grant? Please explain how the government. Next Fiscal Year \$ 5 and #6 above, is there a new or increase ollars (\$100,000) per year to a private ernment, county government, municipal

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Thoroughbred Rule 1050(a) Amendment Summary

This amendment attempts to clarify the rules on objections for issues that do not occur during a race.

Thoroughbred Rule 1050(a) Mark Up

1050. "Objection" is:

- (a) a written complaint made to the Stewards concerning a horse entered in a race and filed not later than two hours prior to the scheduled post time of the first race on the day in which the questioned horse is scheduled to run(other than a complaint growing out of happenings in the running of the race) and filed with the Stewards not later than the time period for protest set forth in Rule 2359; or
- (b) a verbal claim of foul in a race lodged by the horse's jockey, trainer, owner or the owner's authorized agent to the Stewards before the race is declared official.

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on December 19, 2019, at 11:00 a.m. in the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following rule changes:

- (1) Thoroughbred Rule 1050(a) Definition of Objection. Proposed amendment to change the time period for a protest or objection from two hours prior to a race to 24 hours after a race or prior to post time of the next live racing date. Extends time period for protests and objections.
- (2) <u>Thoroughbred Rule 2169(a) Jockey Mount Fees.</u> Amendment to Jockey Mount Fees. Changes standard fees applicable if no specific contract between owner and jockey to amounts agreed to by Jockey Guild and owners for 2020.
- (3) Thoroughbred Rule 2212(b). Amends rule regarding coupling of entries for horses with the same owner or trainer. Requires trainer to declare a preference for entry when multiple horses with common ties enter a race.
- (4) Thoroughbred Rule 2224(c). Amendment to rule permitting horses to be microchipped or digitally tattoed in conformity with national T.R.P.B. protocols.
- (5) <u>Thoroughbred Rule 2359</u>. Amends procedure for protests and objections for issues not occurring during the running of a race. Extends protest period to 24 hours after a race or prior to post time of the next live racing date.
- (6) Thoroughbred Rule 2426-A. Amendment to change time period from ninety (90) days since the horse's last official start to sixty (60) days when the owner requests a horse be declared ineligible to be claimed.

Any persons wishing to speak for or against any of the above proposed rule changes should appear at the meeting on December 19, 2019, and they will be given the opportunity to express their views. Persons wishing to submit written comments on the above proposed rule changes should send them to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on Wednesday, December 18, 2019. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and from the Secretary of State's office.

STATEMENT OF LEGAL ADVERTISING THIS PAGE USED FOR ADDITIONAL AD COPY SPACE AS NEEDED. PAGE MAY BE BLANK

NOTICE OF PUBLIC MEANING:
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West Seventh Street, Suite 500, Little Rock, Arkanesa, to consider the adoption of the following rule

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(1) Thoroughbred Rule 1050(a) behintion of Objection. Proposed amendment to change the time, beninder for a protest or objection from two hours prior to a race to 24 hours after a race or prior to post time of the next tive racing date. Extends time period for protests and objections.

(2) Thoroughbred Rule 2169(a) Jockey Mount Fees. Amendment to Jockey Mount Fees. Amendment to Jockey Mount Fees. Amendment of Jockey Mount Fees. Changes standard fees applicable if no specific contract between owner and jockey to amounts agreed to by Jockey Gulid and owners for 2020.

(3) Thoroughbred Rule 2212(b). Amender rule regarding coupling of entirles for horses with the same owner or trainer. Requires trainer to declars a preference for entry when multiple horses with common ties enter a race.

(4) Thoroughbred Rule 2224(c). Amendment to rule permitting horses to be microchipped or digitally tathoid in conformity with national T.R.P.B. protocols.

(6) Thoroughbred Rule 2359. Amends procedure for printests and objections for issues and co-current fees. Reference for old time of the affect of the procedure for prior to 24 hours after a red at 24 hours after a red at 25 hours after a red at 26 hours after a red at 26 hours after a red at 27 hours after a red at 26 hours after a red at 27 hours after a red at 25 hours a red at 25 hours a red at 25 hours after a red at 25 hours a red at 25

STATEMENT OF LEGAL ADVERTISING

MITCHELL WILLIAMS SELIG GATES 425 W CAPITOL AVE LITTLE ROCK AR 72201

ATTN: Byron Freeland

DATE: 11/12/19 INVOICE #: 3221876

ACCT #: L1055177 P.O. #:

REMIT TO: ARKANSAS DEMOCRAT GAZETTE, INC. P.O. BOX 2221 LITTLE ROCK, AR 72203

BILLING QUESTIONS CALL 378-3873

ADCOPY

STATE OF ARKANSAS, COUNTY OF PULASKI,

SS.

I, Charles A McNeice Jr, do solemnly swear that I am the Business Manager of the Arkansas. Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of:

HEARING

pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement, and that said advertisement was published in the regular daily issues of said newspaper as stated below.

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DATE DAY LINAGE RATE

11/10 Sun 94 1.57 11/11 Mon 94 1.35 11/12 Tue 94 1.35

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OFFICIAL SEAL - #12347408

DEANNA GRIFFIN

NOTARY PUBLIC ARKANSAS

PULABRI COUNTY

MY COMMISSION EXPIRES (28-80)

Susie Luce

From: Susie Luce <SLuce@mwlaw.com> on behalf of Byron Freeland

<BFreeland@mwlaw.com>

Sent: Friday, November 8, 2019 11:27 AM **To:** ArkansasRegister@sos.arkansas.gov

Subject: Notice of Public Hearing (Arkansas Racing Commission)

Attachments: ARC Notice of Public Hearing.pdf

Please post the attached Notice of Public Hearing on your website. The Notice has been submitted for publication in the newspaper for three consecutive days beginning Sunday, November 10. We have also included the summary and mark up with the text of the proposed amendments and new rules. Please let us know if you need more.

Thank you!

MITCHELL WILLIAMS

Byron Freeland
T 501.688.8810 | F 501.918.7810
bfreeland@mwlaw.com | MitchellWilliamsLaw.com
425 W. Capitol Ave. | Ste. 1800 | Little Rock, AR 72201
Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEP	PARTMENT/AGENCY Department of Finance and Administration	
	ISION Arkansas Racing Commission	
	ISION DIRECTOR John Campbell	
	NTACT PERSON Byron Freeland	
	ORESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Lit	
	ONE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL b	freeland@mwlaw.com
	TE OF PRESENTER AT COMMITTEE MEETING Byron Freeland	
PKE	SENTER E-MAIL <u>bfreeland@mwlaw.com</u>	
	INSTRUCTIONS	
A. B. C.	Please make copies of this form for future use. Please answer each question <u>completely</u> using layman terms. You mif necessary. If you have a method of indexing your rules, please give the propose	
С.	Title of this Rule" below.	ed citation after "Short
D.	Submit two (2) copies of this questionnaire and financial impact sta	tement attached to the
	front of two (2) copies of the proposed rule and required documents	. Mail or deliver to:
	Jessica C. Sutton Administrative Rules Review Section	RECEIVED
	Arkansas Legislative Council	DEC 27 2019
	Bureau of Legislative Research	
	One Capitol Mall, 5th Floor	BUREAU OF LEGISLATIVE RESEARCH
	Little Rock, AR 72201	
	**************************************	******
1.	What is the short title of this rule? Rule 2212(b) Entries	
2.	What is the subject of the proposed rule? Entries in races when entered in a race that have the same owner.	two or more horses are
	entered in a race that have the same owner.	
3.	Is this rule required to comply with a federal statute, rule, or regulation?	
	If yes, please provide the federal rule, regulation, and/or statute citation.	
4.	Was this rule filed under the emergency provisions of the Administrative Yes No_XX	e Procedure Act?
	If yes, what is the effective date of the emergency rule?January 24, 2	020
	When does the emergency rule expire? February 21, 2020, if approve	d by BLR
	Will this emergency rule be promulgated under the permanent provisions Procedure Act? Yes XX No	s of the Administrative

	rule.
	Does this repeal an existing rule? Yes No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
	Is this an amendment to an existing rule? Yes X No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."
	See attached Amendment Summary and Mark-Up.
6.	Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.
	Ark. Code Ann. 23-110-204
7.	What is the purpose of this proposed rule? Why is it necessary?
	This amendment is to increase betting interests preferred by the franchiseholder and betting public and allows a larger number of better horses to enter races.
8.	Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).
	https://www.dfa.arkansas.gov/news/racing-commission https://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new
9.	Will a public hearing be held on this proposed rule? Yes X No If yes, please complete the following:
	Date: December 19, 2019
	Time: 11:00 A.M. Place: Arkansas Racing Commission, 1515 W. 7th Street, Suite 505, Little Rock, AR 72201
10.	When does the public comment period expire for permanent promulgation? (Must provide a date.)
	December 18, 2019
11.	What is the proposed effective date of this proposed rule? (Must provide a date.) January 24, 2020
12.	
12.	Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
	See attached.
13.	Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).
	See attached.
14.	Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
	The franchiseholders and horse owners are in agreement on this amendment, which is an effort to standardize the rules with other states.

Is this a new rule? Yes_____ No_X If yes, please provide a brief summary explaining the

5.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

	PARTMENT <u>Department of Finance an</u> ISION Arkansas Racing Commission	d Administration	
	SON COMPLETING THIS STATEME	NT Byron Freeland	
TEL	EPHONE NO. <u>(501)</u> 688-8810 FAX NO.	(501) 918-7810 EMAIL bfreeland@mwlaw.com	
	omply with Ark. Code Ann. § 25-15-204(ement and file two copies with the question), please complete the following Financial Impact naire and proposed rules.	
SHO	ORT TITLE OF THIS RULE Rule 2212	(b) Entries	
1.	Does this proposed, amended, or repeal Yes No _X	ed rule have a financial impact?	
2.		obtainable scientific, technical, economic, or other cerning the need for, consequences of, and alternatives to N/A	
3.	In consideration of the alternatives to the least costly rule considered? Yes	is rule, was this rule determined by the agency to be the NoN/A	
	If an agency is proposing a more costly	rule, please state the following:	
	(a) How the additional benefits of the m	ore costly rule justify its additional cost;	
	N/A		
	(b) The reason for adoption of the more	costly rule;	
	N/A		
	(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and		
	N/A		
	(d) Whether the reason is within the score explain.	pe of the agency's statutory authority, and if so, please	
	N/A		
l .	If the purpose of this rule is to implement a federal rule or regulation, please state the following: (a) What is the cost to implement the federal rule or regulation? N/A		
	Current Fiscal Year	Next Fiscal Year	
	General Revenue Federal Funds Cash Funds Special Revenue Other (Identify)	General Revenue Federal Funds Cash Funds Special Revenue Other (Identify)	
	Total	Total	

Current Fiscal Year		Next Fiscal Year
General Revenue		General Revenue
Federal Funds		Federal Funds
Cash Funds		Cash Funds
Special Revenue Other (Identify)		Special Revenue Other (Identify)
Total		Total
What is the total estimated to the proposed, amended, and explain how they are at	or repealed rule? Identify	private individual, entity and busines the entity(ies) subject to the propose
Current Fiscal Year	NONE	Next Fiscal Year
5		\$
What is the total estimated	cost by fiscal year to state	e, county, and municipal government
What is the total estimated mplement this rule? Is this affected. Current Fiscal Year	cost by fiscal year to state	e, county, and municipal government or grant? Please explain how the gov Next Fiscal Year \$
What is the total estimated implement this rule? Is this is affected. Current Fiscal Year S With respect to the agency's	cost by fiscal year to state s the cost of the program NONE s answers to Questions #5	e, county, and municipal government or grant? Please explain how the gov Next Fiscal Year \$
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What is the total estimated implement this rule? Is this is affected. Current Fiscal Year With respect to the agency's cost or obligation of at least addividual, private entity, pr	s answers to Questions #5 one hundred thousand delivate business, state gover	e, county, and municipal government or grant? Please explain how the gov Next Fiscal Year \$ and #6 above, is there a new or increased and \$100,000 per year to a private ernment, county government, municip
What is the total estimated implement this rule? Is this is affected. Current Fiscal Year With respect to the agency's cost or obligation of at least adividual, private entity, provernment, or to two (2) or Yes	NONE s answers to Questions #3 one hundred thousand derivate business, state gover more of those entities compact statement. The wr	e, county, and municipal government or grant? Please explain how the gov Next Fiscal Year \$ and #6 above, is there a new or increased and \$100,000 per year to a private ernment, county government, municip

- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs:
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Thoroughbred Rule 2212(b) Amendment Summary

This amendment is to increase betting interest preferred by the franchiseholder and betting public and allows larger number of better horses to enter races.

Thoroughbred Rule 2212(b) Mark Up

2212. "Entry" shall mean according to the requirements of the test:

- (a) A horse made eligible to run in a race.
- (b) Two or more horses that are entered or run in a race and are coupled because of common ties. However, there shall be no coupling because of same owner common ties in stakes races, maiden special weight races, or allowance races (excluding starter allowance races) and each such horse shall run as a separate betting interest. Furthermore, in any race where two or more horses owned by different owners but trained by the same trainer are entered or to run in the race, the horses may run in said race as separate betting interests if approved by the Racing Secretary in coordination with the Stewards. Horses in claiming races with a claiming price of \$20,000 or greater may run as separate betting interests if approved by the Racing Secretary in coordination with the StewardsIn races that overfill, the trainer(s) (in accordance with instructions from the owner) must declare a preference of runners with same owner common ties at time of entry, and same owner/common ties second choice horses shall be least preferred.
 - (c) [repealed Oct. 19, 2017]

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on December 19, 2019, at 11:00 a.m. in the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following rule changes:

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- (3) <u>Thoroughbred Rule 2212(b)</u>. Amends rule regarding coupling of entries for horses with the same owner or trainer. Requires trainer to declare a preference for entry when multiple horses with common ties enter a race.
- (4) Thoroughbred Rule 2224(c). Amendment to rule permitting horses to be microchipped or digitally tattoed in conformity with national T.R.P.B. protocols.
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STATEMENT OF LEGAL ADVERTISING THIS PAGE USED FOR ADDITIONAL AD COPY SPACE AS NEEDED. PAGE MAY BE BLANK

NOTICE OF PUBLIC NEARING:
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changes:

(1) Thoroughbred Rule 1058(a) Selintion of Objection. Proposed amendment to change the time period fore = protest or objection of the New York of th

STATEMENT OF LEGAL ADVERTISING

MITCHELL WILLIAMS SELIG GATES 425 W CAPITOL AVE LITTLE ROCK AR 72201

Byron Freeland ATTN:

INVOICE #: 3221876 DATE : 11/12/19

ACCT #: L1055177 P.O. #:

REMIT TO: ARKANSAS DEMOCRAT-GAZETTE, INC. P.O. BOX 2221 LITTLE ROCK AR 72203

BILLING QUESTIONS CALL 378-3873

ADCOPY

STATE OF ARKANSAS, COUNTY OF PULASKI,

I, Charles A McNeice Jr, do sciemnly swear that I am the Business Manager of the Arkansas Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of:

HEARING

pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said county, that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

DATE DAY LINAGE RATE DAY LINAGE RATE 11/10 Sun 94 1.57

11/11 Mon 94 1.35

94 1.35 11/12 Tue

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OFFICIAL SEAL - #12347408 DEANNA GRIFFIN NOTARY PUBLIC ARKANDAS PULANKI COUNTY Y COMMISSION EXPIRES 03-90-28

Susie Luce

From: Susie Luce <SLuce@mwlaw.com> on behalf of Byron Freeland

<BFreeland@mwlaw.com>

Sent: Friday, November 8, 2019 11:27 AM
To: ArkansasRegister@sos.arkansas.gov

Subject: Notice of Public Hearing (Arkansas Racing Commission)

Attachments: ARC Notice of Public Hearing.pdf

Please post the attached Notice of Public Hearing on your website. The Notice has been submitted for publication in the newspaper for three consecutive days beginning Sunday, November 10. We have also included the summary and mark up with the text of the proposed amendments and new rules. Please let us know if you need more.

Thank you!

MITCHELL WILLIAMS

Byron Freeland
T 501.688.8810 | F 501.918.7810
bfreeland@mwlaw.com | MitchellWilliamsLaw.com
425 W. Capitol Ave. | Ste. 1800 | Little Rock, AR 72201
Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEP	ARTMENT/AGENCY Department of Finance and Administration
DIV	ISION Arkansas Racing Commission
DIV	ISION DIRECTOR John Campbell
	NTACT PERSON_Byron Freeland
	RESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
	NE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com
NAM	IE OF PRESENTER AT COMMITTEE MEETING Byron Freeland SENTER E-MAIL bfreeland mwlaw.com
PRE	
	DEC 2 7 2019
	INSTRUCTIONS
	Please make copies of this form for future use LEGISLATIVE RESEARCH
A.	rease make copies of this form for ruture use.
В.	Please answer each question <u>completely</u> using layman terms. You may use additional sheets, if necessary.
C.	If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D.	Submit two (2) copies of this questionnaire and financial impact statement attached to the
•	front of two (2) copies of the proposed rule and required documents. Mail or deliver to:
	Jessica C. Sutton
	Administrative Rules Review Section
	Arkansas Legislative Council
	Bureau of Legislative Research
	One Capitol Mall, 5th Floor
	Little Rock, AR 72201 ***********************************
1. 2.	What is the short title of this rule? Rule 2224(c) Entries What is the subject of the proposed rule? Identification of horses through microchips and
۷.	digital tattoos in conformity with current national standards.
	digital tattoos in conformity with carrent national standards.
3.	Is this rule required to comply with a federal statute, rule, or regulation? YesNo_X
	If yes, please provide the federal rule, regulation, and/or statute citation.
4.	Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No_XX
	If yes, what is the effective date of the emergency rule?January 24, 2020
	When does the emergency rule expire? February 21, 2020, if approved by BLR
	Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes XX No

rule.
Does this repeal an existing rule? Yes No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
Is this an amendment to an existing rule? Yes X No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."
See attached Amendment Summary and Mark-Up.
Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.
Ark. Code Ann. 23-110-204
What is the purpose of this proposed rule? Why is it necessary?
This amendment permits the use of new technology for identifying horses using microchips and digital tattoos. These practices comply with new technology and the latest national standards and practice.
Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).
https://www.dfa.arkansas.gov/news/racing-commission https://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new
Will a public hearing be held on this proposed rule? Yes X No If yes, please complete the following:
Date: December 19, 2019 Time: 11:00 A.M. Place: Arkansas Racing Commission, 1515 W. 7th Street, Suite 505, Little Rock, AR 72201
When does the public comment period expire for permanent promulgation? (Must provide a date.)
December 18, 2019
What is the proposed effective date of this proposed rule? (Must provide a date.)
January 24, 2020
Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
See attached.
Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).
See attached.
Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
These methods of identifying a horse conform to current industry practice and have been agreed to by all parties.

Is this a new rule? Yes_____No_X If yes, please provide a brief summary explaining the

5.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

	ARTMENT Department of Finance a	nd Administration	
	SION Arkansas Racing Commission		
	SON COMPLETING THIS STATEM		nd
TEL	EPHONE NO. <u>(501) 688-8810</u> FAX NO	D. <u>(501) 918-7810</u>	EMAIL bfreeland@mwlaw.com
	omply with Ark. Code Ann. § 25-15-2040 ment and file two copies with the question		
SHO	RT TITLE OF THIS RULE_Rule 222	4(c) Entries	
1.	Does this proposed, amended, or repeated Yes No _X	aled rule have a finan	cial impact?
2.	Is the rule based on the best reasonably evidence and information available countries the rule? Yes No		
2	T 21 2 01 1 2 1	1.1 1 .1 1	
3.	In consideration of the alternatives to t least costly rule considered? Yes		e determined by the agency to be the N/A
	If an agency is proposing a more costly	rule, please state the	e following:
	(a) How the additional benefits of the	more costly rule justi	fy its additional cost;
	N/A		
	(b) The reason for adoption of the mor	e costly rule;	
	N/A		
	(c) Whether the more costly rule is bas if so, please explain; and	sed on the interests of	f public health, safety, or welfare, and
	N/A		
	(d) Whether the reason is within the sc explain.	ope of the agency's s	statutory authority, and if so, please
	N/A		
4.	If the purpose of this rule is to implement (a) What is the cost to implement the fee	t a federal rule or reguleral rule or regulation	lation, please state the following: N/A
	Current Fiscal Year	Next F	iscal Year
	General Revenue	Genera	l Revenue
	Federal Funds	Federal	
	Cash Funds	Cash F	unds
	Special Revenue		Revenue
	Other (Identify)	Other (Identify)
	Total	Total_	

General Revenue			General Revenue
			Federal Funds
Cash Funds			Cash Funds Special Revenue
Special Revenue Other (Identify)			Other (Identify)
Total			Total
What is the total of the proposed, a and explain how	amended, or re	pealed rule? Identify	private individual, entity and busines the entity(ies) subject to the propose
Current Fiscal Y	<u>Year</u>	NONE	Next Fiscal Year
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mplement this ru	estimated cost ale? Is this the	by fiscal year to stat cost of the program	e, county, and municipal government or grant? Please explain how the gov
implement this ru is affected. Current Fiscal Y	le? Is this the	by fiscal year to stat cost of the program NONE	e, county, and municipal government or grant? Please explain how the gov Next Fiscal Year \$
implement this ru is affected. Current Fiscal Y	le? Is this the	cost of the program	or grant? Please explain how the gov Next Fiscal Year
implement this ruis affected. Current Fiscal Y S With respect to the cost or obligation individual, private	ne agency's ans of at least one e entity, private	NONE wers to Questions #:	Next Fiscal Year S and #6 above, is there a new or increollars (\$100,000) per year to a private ernment, county government, municip
implement this ruis affected. Current Fiscal Y With respect to the cost or obligation individual, private	ne agency's ans of at least one e entity, private o two (2) or more	NONE NONE wers to Questions #: hundred thousand de business, state gove re of those entities co	Next Fiscal Year S and #6 above, is there a new or increollars (\$100,000) per year to a private ernment, county government, municip

(b) What is the additional cost of the state rule? NONE

- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Thoroughbred Rule 2224(c) Amendment Summary

This amendment permits the use of new technology for identifying horses using microchips and digital tattoos. These practices comply with new technology and the latest national standards and practices.

Thoroughbred Rule 2224(c) Mark Up

2224. At the time of entry of a horse starting for the first time, a certificate of registration shall be required by the Racing Secretary.

No horse shall be entered or started unless in the care, custody and complete control of the licensed registered trainer. Program trainers are not permitted.

- (a) No horse shall be permitted to start that has not been fully identified.
- (b) No horse shall be allowed to race unless the horse has been lip-tattooed, microchipped and/or digitally tattooed in conformity with T.R.P.B. protocols or other manner approved by the Stewards which properly identifies the horse. For good cause, the Stewards or the identifier may waive this requirement if the horse is otherwise properly identified. However, the horse shall be tattooed, microchipped and/or digitally tattooed as set forth above thereafter within such time as set by the Stewards.
- (c) Any person attempting to establish the identity of a horse or the horse's ownership shall be held to account, the same as the owner, and shall be subject to the same penalty in case of fraud or attempted fraud.

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on December 19, 2019, at 11:00 a.m. in the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following rule changes:

- (1) <u>Thoroughbred Rule 1050(a) Definition of Objection</u>. Proposed amendment to change the time period for a protest or objection from two hours prior to a race to 24 hours after a race or prior to post time of the next live racing date. Extends time period for protests and objections.
- (2) Thoroughbred Rule 2169(a) Jockey Mount Fees. Amendment to Jockey Mount Fees. Changes standard fees applicable if no specific contract between owner and jockey to amounts agreed to by Jockey Guild and owners for 2020.
- (3) Thoroughbred Rule 2212(b). Amends rule regarding coupling of entries for horses with the same owner or trainer. Requires trainer to declare a preference for entry when multiple horses with common ties enter a race.
- (4) Thoroughbred Rule 2224(c). Amendment to rule permitting horses to be microchipped or digitally tattoed in conformity with national T.R.P.B. protocols.
- (5) <u>Thoroughbred Rule 2359</u>. Amends procedure for protests and objections for issues not occurring during the running of a race. Extends protest period to 24 hours after a race or prior to post time of the next live racing date.
- (6) Thoroughbred Rule 2426-A. Amendment to change time period from ninety (90) days since the horse's last official start to sixty (60) days when the owner requests a horse be declared ineligible to be claimed.

Any persons wishing to speak for or against any of the above proposed rule changes should appear at the meeting on December 19, 2019, and they will be given the opportunity to express their views. Persons wishing to submit written comments on the above proposed rule changes should send them to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on Wednesday, December 18, 2019. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and from the Secretary of State's office.

STATEMENT OF LEGAL ADVERTISING THIS PAGE USED FOR ADDITIONAL AD COPY SPACE AS NEEDED. PAGE MAY BE BLANK

NOTICE OF PUBLISHED IN THE Arkanses Recing Continission will meet on December 19,
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West Seventh Street, Suite 500,
Little Rock, Arkanses, to consider
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(1) Thoroughbred Rule 1050(a)
Definition of Objection. Proposed
amendment to change the time
period for a protest or objection
from two hours prior to a race to

from two hours prior to a race to 24 hours after a race or prior to past time of the next liver sching date. Extends time period for protests and objections.

(2) Thoroughbred Rule 2169(a) Jockey Mount Fees. Amendment to Jockey Mount Fees. Amendment to Jockey Mount Fees. Changes standard fees applicable if no specific contract between owner and jockey to amounts agreed to by Jockey Gulid and owners for 2020.

(3) Thoroughbred Rule 2212(b). Amends rule regarding coupling of entries for horses with the same owner or trainer. Regulrss trainer to declare a preference for entry when multiple horses with common ties enter a race.

(4) Thoroughbred Rule 2224(c). Amendment to rule permitting horses to be microchipped or digitally tatioed in conformity with national T.R.B. protocols.

(5) Thoroughbred Rule 2359. Amends procedure for protests and objections for issues oot occurring during the running of a race. Extende enters period from ninety (90) days single the horse's last official start to past time of the new hyprisching of the horse's last official start to past time of the groups of rule changes should sand them to the clama. Amendment to enters the shove proposed rule changes should sand them to the Akansas Racing Commission office during normal business hours and from the Racing Commission office during normal business hours and from the Secretary of State's office. 75148727f

STATEMENT OF LEGAL ADVERTISING

MITCHELL WILLIAMS SELIG GATES 425 W CAPITOL AVE LITTLE ROCK AR 72201

ATTN: Byron Freeland

DATE : 11/12/19 INVOICE #: 3221876

ACCT #: L1055177 P.O. #:

REMIT TO: ARKANSAS DEMOCRAT-GAZETTE, INC. P.O. BOX 2221 LITTLE ROCK, AR 72203

BILLING QUESTIONS CALL 378-3873

ADCOPY

STATE OF ARKANSAS, COUNTY OF PULASKI,

} SS.

I, Charles A McNeice Jr, do solemnly swear that I am the Business Manager of the Arkansas. Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of:

HEARING

pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

DATE DAY LINAGE RATE DATE DAY LINAGE RATE 11/10 Sun 94 1.57 11/11 Mon 94 1.35

11/11 Mon 94 1.35 11/12 Tue

TOTAL COST -----Billing Ad #: 75148727

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day of NOV , 20 19

OFFICIAL SEAL - #12347408 DEANNA GRIFFIN NOTARY PUBLIC ARKANSAS PULARKI COUNTY MY COMMISSION EXPIRES 03-80-86

Susie Luce

From: Susie Luce <SLuce@mwlaw.com> on behalf of Byron Freeland

<BFreeland@mwlaw.com>

Sent: Friday, November 8, 2019 11:27 AM **To:** ArkansasRegister@sos.arkansas.gov

Subject: Notice of Public Hearing (Arkansas Racing Commission)

Attachments: ARC Notice of Public Hearing.pdf

Please post the attached Notice of Public Hearing on your website. The Notice has been submitted for publication in the newspaper for three consecutive days beginning Sunday, November 10. We have also included the summary and mark up with the text of the proposed amendments and new rules. Please let us know if you need more.

Thank you!

MITCHELL WILLIAMS

Byron Freeland

T 501.688.8810 | F 501.918.7810 bfreeland@mwlaw.com | MitchellWilliamsLaw.com 425 W. Capitol Ave. | Ste. 1800 | Little Rock, AR 72201 Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEP	PARTMENT/AGENCY Department of Finance and Administration
	ISION Arkansas Racing Commission
	ISION DIRECTOR John Campbell
	NTACT PERSON_Byron Freeland
	ORESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
	ONE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com
	ME OF PRESENTER AT COMMITTEE MEETING Byron Freeland
PKE	SENTER E-MAIL bfreeland@mwlaw.com
	INSTRUCTIONS
	INSTRUCTIONS DEC 2 7 2019
A. B.	Please make copies of this form for future use. Please answer each question <u>completely</u> using layman terms. You may use additional sheets, if necessary.
C.	If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D.	Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:
	Jessica C. Sutton Administrative Rules Review Section Arkansas Legislative Council Bureau of Legislative Research One Capitol Mall, 5th Floor Little Rock, AR 72201

1. 2.	What is the short title of this rule? Rule 2359 Protests What is the subject of the proposed rule? Time period for protests for issues that do not occur during the running of a race.
3.	Is this rule required to comply with a federal statute, rule, or regulation? YesNo_X
	If yes, please provide the federal rule, regulation, and/or statute citation.
4.	Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No_XX
	If yes, what is the effective date of the emergency rule?
	When does the emergency rule expire? February 21, 2020, if approved by BLR
	Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes XX No

5.	Is this a new rule? YesNo_X If yes, please provide a brief summary explaining the rule.
	Does this repeal an existing rule? Yes No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
	Is this an amendment to an existing rule? Yes X No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."
	See attached Amendment Summary and Mark-Up.
6.	Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.
	Ark. Code Ann. 23-110-204
7.	What is the purpose of this proposed rule? Why is it necessary?
	This amendment allows a person up to 24 hours to protest an issue not occurring in a race. In the existing rule, there are 60-minute and two-hour limitations that are expanded under this amendment.
8.	Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).
	https://www.dfa.arkansas.gov/news/racing-commission https://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new
9.	Will a public hearing be held on this proposed rule? Yes X No No If yes, please complete the following:
	Date: December 19, 2019
	Time: 11:00 A.M. Place: Arkansas Racing Commission, 1515 W. 7th Street, Suite 505, Little Rock, AR 72201
10.	When does the public comment period expire for permanent promulgation? (Must provide a date.)
	December 18, 2019
11.	What is the proposed effective date of this proposed rule? (Must provide a date.)
	January 24, 2020
12.	Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
	See attached.
13.	Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).
	See attached.
14.	Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
	The franchiseholder and horse owners are in agreement on this amendment.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

	PARTMENT_Department of Finance and VISION_Arkansas Racing Commission	d Administration		
	RSON COMPLETING THIS STATEME	NT Byron Freels	nd	
	LEPHONE NO. <u>(501) 688-8810</u> FAX NO.		EMAIL bfreeland@mwlaw.com	
To o	comply with Ark. Code Ann. § 25-15-204(e tement and file two copies with the question), please complete naire and proposed	the following Financial Impact rules.	
SHO	ORT TITLE OF THIS RULE Rule 2359	Protests		
1.	Does this proposed, amended, or repeal YesNo _X	ed rule have a fina	ncial impact?	
2.	Is the rule based on the best reasonably evidence and information available contable rule? YesNo	cerning the need fo	ic, technical, economic, or other r, consequences of, and alternatives to	
3.	In consideration of the alternatives to this least costly rule considered? Yes	is rule, was this rul No	e determined by the agency to be theN/A	
	If an agency is proposing a more costly	rule, please state th	e following:	
	(a) How the additional benefits of the m	ore costly rule just	ify its additional cost;	
	N/A			
	(b) The reason for adoption of the more	costly rule;		
	N/A			
	(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and			
	N/A			
	(d) Whether the reason is within the scorexplain.	pe of the agency's	statutory authority, and if so, please	
	N/A			
4.	If the purpose of this rule is to implement a federal rule or regulation, please state the following: (a) What is the cost to implement the federal rule or regulation? N/A			
	Current Fiscal Year	Next F	iscal Year	
	General Revenue Federal Funds Cash Funds Special Revenue Other (Identify)	Federa Cash F Special	I Revenue I Funds unds Revenue I dentify)	
	Total	Total		

Current Fiscal Year Next Fiscal Year General Revenue____ General Revenue Federal Funds Federal Funds Cash Funds
Special Revenue Cash Funds_____ Special Revenue Other (Identify) Other (Identify) Total Total____ 5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected. Current Fiscal Year NONE Next Fiscal Year What is the total estimated cost by fiscal year to state, county, and municipal government to 6. implement this rule? Is this the cost of the program or grant? Please explain how the government is affected. Current Fiscal Year NONE Next Fiscal Year 7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined? Yes _____ No _X If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following: (1) a statement of the rule's basis and purpose:

(b) What is the additional cost of the state rule? **NONE**

- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Thoroughbred Rule 2359 Amendment Summary

This amendment expands the time period for protests.

Thoroughbred Rule 2359 Mark Up

2359. A protest, except a claim growing out of happenings in the running of the race, must be made in writing signed by the complainant and filed with the Stewards at least sixty (60) minutes before post time of the race in question before the later of: (i) 24 hours after the race is declared official or (ii) the published post time (in the official racing program) for the Association's first race on the next live racing day, if one, during the racing season which includes the race which is the subject of the protest (i.e., so if the race occurs on the last day of the racing season, the protest would have to be made to Stewards in writing as set forth above prior to 24 hours after the race is declared official). For further example, if the race occurs on a Sunday, and the next live race day during that racing season is the following Thursday, the protest would have to be made to Stewards in writing as set forth above prior to the published post time (in official racing program) for the Association's first race on that Thursday. To merit consideration, any protest over the status of an alleged maiden must be made in writing, signed by the complainant and filed with the Stewards at least two (2) hours before the programmed post time for the first race of the day on which the protested maiden is scheduled to run, within the time period for protest set forth above in this Rule 2359.

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on December 19, 2019, at 11:00 a.m. in the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following rule changes:

- (1) Thoroughbred Rule 1050(a) Definition of Objection. Proposed amendment to change the time period for a protest or objection from two hours prior to a race to 24 hours after a race or prior to post time of the next live racing date. Extends time period for protests and objections.
- (2) Thoroughbred Rule 2169(a) Jockey Mount Fees. Amendment to Jockey Mount Fees. Changes standard fees applicable if no specific contract between owner and jockey to amounts agreed to by Jockey Guild and owners for 2020.
- (3) Thoroughbred Rule 2212(b). Amends rule regarding coupling of entries for horses with the same owner or trainer. Requires trainer to declare a preference for entry when multiple horses with common ties enter a race.
- (4) Thoroughbred Rule 2224(c). Amendment to rule permitting horses to be microchipped or digitally tattoed in conformity with national T.R.P.B. protocols.
- (5) <u>Thoroughbred Rule 2359</u>. Amends procedure for protests and objections for issues not occurring during the running of a race. Extends protest period to 24 hours after a race or prior to post time of the next live racing date.
- (6) Thoroughbred Rule 2426-A. Amendment to change time period from ninety (90) days since the horse's last official start to sixty (60) days when the owner requests a horse be declared ineligible to be claimed.

Any persons wishing to speak for or against any of the above proposed rule changes should appear at the meeting on December 19, 2019, and they will be given the opportunity to express their views. Persons wishing to submit written comments on the above proposed rule changes should send them to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on Wednesday, December 18, 2019. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and from the Secretary of State's office.

STATEMENT OF LEGAL ADVERTISING THIS PAGE USED FOR ADDITIONAL AD COPY SPACE AS NEEDED. PAGE MAY BE BLANK

NOTICE OF PUBLIC HEARING:
The Arkanses Racing Commission will meet on December 19,
2019, at \$1:00 a.m. In the Commission office legated at \$515
West Seventh Street, Suite 500,
Little Rock, Arkanses, to consider
the adoption of the following rule
changes:

the adoption of the following rule changes:

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(3) Thoroughbred Rule 2212(b).

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(3) Theroughbred Rule 2212(b). Amende rule regarding coupling of entriés for horses with the same owner or trainer. Requires trainer to declare a preference for entry when multiple horses with common tes enter a race.

(4) Thoroughbred Rule 2224(c). Amendment to rule permitting horses to be microchipped or digitally tatioad in conformity with national T.R.R.B. protocols.

(5) Thoroughbred Rule 2359. Amends procedure for protests and objections for issues not occurring during the running of a race. Extendé Basiast period to 24 hours after a cette at prior to post time of the next Hyp recingulate.

(6) Thoroughbred Rule 2488 A. Amendment of the next Hyp recingulate.

cate, on the reak hypyruments of the 2426-A. Amendment to other the 2426-A. Amendment to other the period from ninely; (91) days singe the horse is last official start to saty (80) days when may owner requests a horse be declared. Any persons wishing to speak for or against any of the above proposed rule changes should appear at the meeting on December 19, 2019, and they will be given the opportunity to express their views. Persons wishing to submit written comments on the above proposed rule ing to submit written comments on the above proposed rule changes should send them to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on Wednesday, December 18, 2019. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and from the Secretary of State's office, 75148727f

STATEMENT OF LEGAL ADVERTISING

MITCHELL WILLIAMS SELIG GATES 425 W CAPITOL AVE LITTLE ROCK AR 72201

ATTN: Byron Freeland

DATE : 11/12/19 INVOICE #: 3221876

ACCT #: L1055177 P.O. #:

REMIT TO: ARKANSAS DEMOCRAT-GAZETTE, INC. P.O. BOX 2221 LITTLE ROCK, AR 72203

BILLING QUESTIONS CALL 378-3873

STATE OF ARKANSAS,)
COUNTY OF PULASKI,)

ss.

I, Charles A McNeice Jr, do solemnly swear that I am the Business Manager of the Arkansas Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of:

HEARING

pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

DATE DAY LINAGE RATE DATE DAY LINAGE RATE 11/10 Sun 94 1.57 11/11 Mon 94 1.35 11/12 Tue 94 1.35

Subscribe and sworn to me this 12

Subscribe and sworn to me this $\frac{1}{2}$ day of $\frac{1}{2}$, $\frac{1}{2}$

OFFICIAL SEAL - #12347408

DEANNA GRIFFIN

NOTARY PUBLIC ARKANSAS

PULASKI COUNTY

MY COMMISSION EXPIRES 103-80-86

ADCOPY

Susie Luce

From: Susie Luce <SLuce@mwlaw.com> on behalf of Byron Freeland

<BFreeland@mwlaw.com>

Sent: Friday, November 8, 2019 11:27 AM **To:** ArkansasRegister@sos.arkansas.gov

Subject: Notice of Public Hearing (Arkansas Racing Commission)

Attachments: ARC Notice of Public Hearing.pdf

Please post the attached Notice of Public Hearing on your website. The Notice has been submitted for publication in the newspaper for three consecutive days beginning Sunday, November 10. We have also included the summary and mark up with the text of the proposed amendments and new rules. Please let us know if you need more.

Thank you!

MITCHELL WILLIAMS

Byron Freeland

T 501.688.8810 | F 501.918.7810 bfreeland@mwlaw.com | MitchellWilliamsLaw.com 425 W. Capitol Ave. | Ste. 1800 | Little Rock, AR 72201 Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DIVI DIVI CON ADD PHO NAM	ARTMENT/AGENCY Department of Finance and Administration ISION Arkansas Racing Commission ISION DIRECTOR John Campbell ITACT PERSON Byron Freeland PRESS Mitchell Williams Law Firm, 425 W. Capitol Ave. Suite 1800. Lite NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL but of PRESENTER AT COMMITTEE MEETING Byron Freeland SENTER E-MAIL befreeland@mwlaw.com	freeland a mwlaw.com
	INSTRUCTIONS	
A. B. C. D.	Please make copies of this form for future use. Please answer each question <u>completely</u> using layman terms. You m if necessary. If you have a method of indexing your rules, please give the propose Title of this Rule" below. Submit two (2) copies of this questionnaire and financial impact state front of two (2) copies of the proposed rule and required documents	d citation after "Short
****	Jessica C. Sutton Administrative Rules Review Section Arkansas Legislative Council Bureau of Legislative Research One Capitol Mall, 5th Floor Little Rock, AR 72201 ***********************************	DEC 27 2019 BUREAU OF LEGISLATIVE RESEARCH
1. 2.	What is the short title of this rule? Rule 2426-A Claiming What is the subject of the proposed rule? Owner's option to declare claimed and reduces the 90-day last-start requirement to 60 days.	
3.	Is this rule required to comply with a federal statute, rule, or regulation? If yes, please provide the federal rule, regulation, and/or statute citation.	\$ -
4.	Was this rule filed under the emergency provisions of the Administrative Yes No_XX_	Procedure Act?
	If yes, what is the effective date of the emergency rule?January 24, 20 When does the emergency rule expire?February 21, 2020, if approved	l by BLR
	Will this emergency rule be promulgated under the permanent provisions Procedure Act? Yes XX No	of the Administrative

Is this a new rule? Yes No X If yes, please provide a brief summary explaining the rule.
Does this repeal an existing rule? Yes No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
Is this an amendment to an existing rule? Yes X No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."
See attached Amendment Summary and Mark-Up.
Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.
Ark. Code Ann. 23-110-204
What is the purpose of this proposed rule? Why is it necessary?
This amendment reduces the last-start requirement from ninety (90)days to sixty (60) days in an attempt to allow horse owners an opportunity to earn more money to cover costs when a horse has not raced.
Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).
https://www.dfa.arkansas.gov/news/racing-commission https://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new
Will a public hearing be held on this proposed rule? Yes X No If yes, please complete the following:
Date: <u>December 19, 2019</u> Time: 11:00 A.M.
Place: Arkansas Racing Commission, 1515 W. 7th Street, Suite 505, Little Rock, AR 72201
When does the public comment period expire for permanent promulgation? (Must provide a date.)
December 18, 2019
What is the proposed effective date of this proposed rule? (Must provide a date.)
January 24, 2020
Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
See attached.
Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).
See attached.
Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
The horse owners are in agreement with this amendment. There should be no opposition.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

	PARTMENT Department of Finance a	nd Administration		
	ISION_Arkansas Racing Commission SON COMPLETING THIS STATEM	ENT Duran Engalor	.a	
	LEPHONE NO. <u>(501) 688-8810</u> FAX NO		EMAIL bfreeland@mwlaw.com	
To co	omply with Ark. Code Ann. § 25-15-2040 ement and file two copies with the question	(e), please complete the number and proposed	ne following Financial Impact	
SHO	ORT TITLE OF THIS RULE Rule 242	6-A Claiming		
1.	Does this proposed, amended, or repeated Yes No _X	aled rule have a finan	cial impact?	
2.	Is the rule based on the best reasonable evidence and information available could the rule? Yes	ncerning the need for	e, technical, economic, or other, consequences of, and alternatives to	
3.	In consideration of the alternatives to the least costly rule considered? Yes	his rule, was this rule No	determined by the agency to be theN/A	
	If an agency is proposing a more costly	rule, please state the	following:	
	(a) How the additional benefits of the r	nore costly rule justif	y its additional cost;	
	N/A			
	(b) The reason for adoption of the more	e costly rule;		
	N/A			
	(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and			
	N/A			
	(d) Whether the reason is within the secent explain.	ope of the agency's st	atutory authority, and if so, please	
	N/A			
l .	If the purpose of this rule is to implement (a) What is the cost to implement the fed	a federal rule or regul eral rule or regulation?	ation, please state the following: N/A	
	Current Fiscal Year	Next Fis	cal Year	
	General Revenue Federal Funds Cash Funds Special Revenue Other (Identify)	Federal : Cash Fu Special !		
	Total	Total		

Current Fiscal Y			Next Fiscal Year
General Revenue			General Revenue
Federal Funds			Federal Funds
Cash Funds			Cash Funds
Special Revenue Other (Identify)			Special Revenue Other (Identify)
omer (racinity)_			Other (Identity)
Total			Total
What is the total of to the proposed, a and explain how to	ımended, or rep	pealed rule? Identif	private individual, entity and business so y the entity(ies) subject to the proposed r
Current Fiscal Y	<u>Year</u>	NONE	Next Fiscal Year
\$			\$
implement this ru	estimated cost b le? Is this the c	by fiscal year to state	e, county, and municipal government to or grant? Please explain how the govern
What is the total eimplement this ru is affected. Current Fiscal Y	le? Is this the c	oy fiscal year to state cost of the program	or grant? Please explain how the govern
implement this ru is affected. Current Fiscal Y	le? Is this the c	cost of the program	or grant? Please explain how the govern
implement this ru is affected. Current Fiscal Y \$ With respect to the cost or obligation of individual, private	e agency's answ of at least one h entity, private l	NONE vers to Questions #5	Next Fiscal Year S and #6 above, is there a new or increase ollars (\$100,000) per year to a private rement, county government, municipal
implement this ru is affected. Current Fiscal Y With respect to the cost or obligation of individual, private government, or to	e agency's answ of at least one h entity, private l	NONE Vers to Questions #5 undred thousand do business, state gove e of those entities co	Next Fiscal Year S and #6 above, is there a new or increase ollars (\$100,000) per year to a private rement, county government, municipal
implement this ru is affected. Current Fiscal Y With respect to the cost or obligation of individual, private government, or to Yes	e agency's answof at least one hentity, private he two (2) or more	NONE Vers to Questions #5 Rundred thousand do business, state gove e of those entities co	Next Fiscal Year S and #6 above, is there a new or increase ollars (\$100,000) per year to a private rement, county government, municipal

(b) What is the additional cost of the state rule? NONE

- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Thoroughbred Rule 2426-A Amendment Summary

This amendment reduces the last-start requirement from ninety (90) days to sixty (60) days for eligibility for declaring a horse ineligible for claiming in an attempt to allow horse owners an opportunity to earn more money to cover costs when a horse has not raced.

Thoroughbred Rule 2426-A Mark Up

2426-A. At the time of entry into a claiming race, the owner (or trainer acting under authorization form from the owner) may opt to declare a horse ineligible to be claimed provided: (a) the horse has not been an official starter in a race at any racetrack for a minimum of ninety sixty (9060) days since its last race as an official starter; (b) the horse's last race as an official starter was a claiming race in which the horse was eligible to be claimed; (c) the horse is entered for a claiming price equal to or greater than the claiming price at which it last started as an official starter; (d) failure to declare the horse ineligible at the time of entry may not be remedied; and (e) ineligibility to be claimed shall apply only to the first start as an official starter following each such 90 day 60-day or longer layoff.

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on December 19, 2019, at 11:00 a.m. in the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following rule changes:

- (1) <u>Thoroughbred Rule 1050(a) Definition of Objection</u>. Proposed amendment to change the time period for a protest or objection from two hours prior to a race to 24 hours after a race or prior to post time of the next live racing date. Extends time period for protests and objections.
- (2) Thoroughbred Rule 2169(a) Jockey Mount Fees. Amendment to Jockey Mount Fees. Changes standard fees applicable if no specific contract between owner and jockey to amounts agreed to by Jockey Guild and owners for 2020.
- (3) Thoroughbred Rule 2212(b). Amends rule regarding coupling of entries for horses with the same owner or trainer. Requires trainer to declare a preference for entry when multiple horses with common ties enter a race.
- (4) <u>Thoroughbred Rule 2224(c)</u>. Amendment to rule permitting horses to be microchipped or digitally tattoed in conformity with national T.R.P.B. protocols.
- (5) Thoroughbred Rule 2359. Amends procedure for protests and objections for issues not occurring during the running of a race. Extends protest period to 24 hours after a race or prior to post time of the next live racing date.
- (6) Thoroughbred Rule 2426-A. Amendment to change time period from ninety (90) days since the horse's last official start to sixty (60) days when the owner requests a horse be declared ineligible to be claimed.

Any persons wishing to speak for or against any of the above proposed rule changes should appear at the meeting on December 19, 2019, and they will be given the opportunity to express their views. Persons wishing to submit written comments on the above proposed rule changes should send them to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on Wednesday, December 18, 2019. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and from the Secretary of State's office.

STATEMENT OF LEGAL ADVERTISING THIS PAGE USED FOR ADDITIONAL AD COPY SPACE AS NEEDED. PAGE MAY BE BLANK

NOTICE OF PURE MEARING
The Arkanses Racking Commitssion will meet on December 19,
2019, at 11:00 a.m. in the Commission office legated at 1515
West Seventh Street, Suits 500,
Little Rock, Arkanses, to consider
the adoption of the following rule
changes:

(1) Thoroughbred Rule 1056(a)
Definition of Objection. Proposed
amendment to change the time;
period for a protest or objection;
(2) Thoroughbred Rule 2169(a)
Jockey Mount Fees. Amendment
to Jockey Mount Fees. Changes
standard lees applicable if no
specific contract between owner
and Jockey to amounts agreed to
by Jockey Guild and owners for
2020.

(3) Thoroughbred Rule 2212(b).
Amends rule regarding coupling
of entities for horses with the
same owner or trainer. Requirse
trainer to declars a preference for
entry when multiple horses with
common ties enter a rede.

(4) Thoroughbred Rule 2224(c).
Amendment to rule permitting
horses to be microchipped or
digitally tattoed in conformity with
national T.R.R.B. protecols.

(5) Thoroughbred Rule 2359.
Amenda procedure for protests
and objections for issues not occurking during the running of a
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be given the opportunity to express their views. Persons wishing to submit written comments
on the above proposed rule
changes and the declared of the
Changes should send them to the
changes and be obtained from the
Racing Commission office during
normal business hours and from
the Secretary of State's office,
751487277

STATEMENT OF LEGAL ADVERTISING

MITCHELL WILLIAMS SELIG GATES 425 W CAPITOL AVE LITTLE ROCK AR 72201

ATTN: Byron Freeland:

DATE : 11/12/19 INVOICE #: 3221876

ACCT #: L1055177 P.O. #:

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BILLING QUESTIONS CALL 378-3873

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STATE OF ARKANSAS, COUNTY OF PULASKI,

I, Charles A McNeice Jr, do solemnly swear that I am the Business Manager of the Arkansas Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of:

HEARING

pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement, and that said advertisement was published in the regular daily issues of said newspaper as stated below.

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DEANNA GRIFFIN

Susie Luce

From: Susie Luce <SLuce@mwlaw.com> on behalf of Byron Freeland

<BFreeland@mwlaw.com>

Sent: Friday, November 8, 2019 11:27 AM **To:** ArkansasRegister@sos.arkansas.gov

Subject: Notice of Public Hearing (Arkansas Racing Commission)

Attachments: ARC Notice of Public Hearing.pdf

Please post the attached Notice of Public Hearing on your website. The Notice has been submitted for publication in the newspaper for three consecutive days beginning Sunday, November 10. We have also included the summary and mark up with the text of the proposed amendments and new rules. Please let us know if you need more.

Thank you!

MITCHELL WILLIAMS

Byron Freeland
T 501.688.8810 | F 501.918.7810
bfreeland@mwlaw.com | MitchellWilliamsLaw.com
425 W. Capitol Ave. | Ste. 1800 | Little Rock, AR 72201
Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

Marty Garrity, Director

Kevin Anderson, Assistant Director for Fiscal Services

Tim Carlock, Assistant Director

Matthew Miller, Assistant Director for Legal Services

Estella Smith, Assistant Director for Research Services

MEMORANDUM

TO: Members, ALC – Executive Subcommittee

CC: Marty Garrity, Director, Bureau of Legislative Research;

Jessica Sutton, Administrator, Administrative Rules Review Section, Legal

Services Division

FROM: Lacey Johnson, Legislative Attorney, Administrative Rules Review Section,

Legal Services Division

DATE: January 8, 2020

SUBJECT: Legal Authorization for the Arkansas Racing Commission's Emergency

Promulgation of Rules Relating to Jockey Mount Fees, Entries, Protests,

Claiming, and the Definition of "Objection"

The Arkansas Racing Commission exercises "sole jurisdiction over the business and the sport of horse racing in this state where the racing is permitted for any stake, purse, or reward[.]" *See* Ark. Code Ann. § 23-110-204(a). As part of its duties, the Commission is empowered to grant franchises, approve race dates, issue licenses, establish and collect license fees, hear matters before the commission, and "[t]ake such other action, not inconsistent with law, as it may deem necessary or desirable to supervise and regulate, and to effectively control in the public interest, horse racing in the State of Arkansas." *See* Ark. Code Ann. § 23-110-204(a)(1)–(7).

The Commission has "full, complete, and sole power and authority to . . . promulgate rules." *See* Ark. Code Ann. § 23-110-204(b)(1)(E). It also has the authority to "carry[] out its functions, powers, and duties" by making and amending "all necessary or desirable rules not inconsistent with law." *See* Ark. Code Ann. § 23-110-204(d).

Per the agency, the changes related to jockey mount fees have been agreed upon by the Jockeys' Guild and the owners' association.