

MITCHELL || WILLIAMS

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
 DEC 27 2019
 BUREAU OF
 LEGISLATIVE RESEARCH

Re: Arkansas Racing Commission – Questionnaires for Proposed Rule Changes

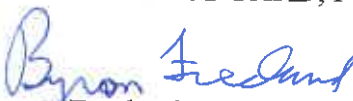
Dear Jessica:

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

DEPARTMENT/AGENCY Department of Finance and Administration
DIVISION Arkansas Racing Commission
DIVISION DIRECTOR John Campbell
CONTACT PERSON Byron Freeland
ADDRESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
PHONE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com
NAME OF PRESENTER AT COMMITTEE MEETING Byron Freeland
PRESENTER E-MAIL bfreeland@mwlaw.com

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely 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

RECEIVED
DEC 27 2019
BUREAU OF
LEGISLATIVE RESEARCH

- 1. What is the short title of this rule? Rule 2169(a) Jockey Mount 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? Yes _____ No 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 _____

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.

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

DEPARTMENT Department of Finance and Administration
DIVISION Arkansas Racing Commission
PERSON COMPLETING THIS STATEMENT Byron Freeland
TELEPHONE NO. (501) 688-8810 FAX NO. (501) 918-7810 EMAIL bfreeland@mwlaw.com

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rule 2169(a) Jockey Mount Fees

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes X No _____

Jockey fees are increased when there is no express agreement between a jockey and the horse owner.

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes _____ No _____ N/A
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes _____ No _____ N/A **This amendment was agreed to by the Jockeys Guild and the owners association.**

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more 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 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 rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation? N/A

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

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

\$ _____

\$ _____

Individual horse owners – jockey mount fees will increase for losing mounts if the owner and jockey do not have a specific agreement prior to the race.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to 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;

(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 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:

<u>PURSE</u>	<u>WINNING MOUNT</u>	<u>SECOND MOUNT</u>	<u>THIRD MOUNT</u>	<u>LOSING MOUNTS</u>
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	\$7585
\$50,000-99,999	10% of win purse	5% of place purse	5% of show purse	\$8595
\$100,000 and up to \$999,999	10% of win purse	5% of place purse	5% of show purse	\$105120
\$1,000,000 and up	10% of win purse	5% of place purse	5% of show purse	\$250

(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 tattooed 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.

Arkansas Democrat Gazette

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

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 tattooed 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.

751487271

Arkansas Democrat Gazette

STATEMENT OF LEGAL ADVERTISING

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

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

ATTN: Byron Freeland
DATE : 11/12/19 INVOICE #: 3221876
ACCT #: L1055177 P.O. #:

BILLING QUESTIONS CALL 378-3873

STATE OF ARKANSAS,)
COUNTY OF PULASKI,) ss.

ADCOPY

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:

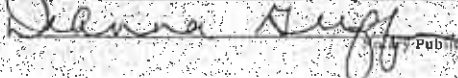
HEARING

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				

TOTAL COST ----- 401.38
Billing Ad #: 75148727

Subscribe and sworn to me this 12
day of Nov, 20 19


Deanna Griffin, Notary Public

OFFICIAL SEAL - #12347408
DEANNA GRIFFIN
NOTARY PUBLIC-ARKANSAS
PULASKI COUNTY
MY COMMISSION EXPIRES 09-30-28

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

DEPARTMENT/AGENCY Department of Finance and Administration
DIVISION Arkansas Racing Commission
DIVISION DIRECTOR John Campbell
CONTACT PERSON Byron Freeland
ADDRESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
PHONE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com
NAME OF PRESENTER AT COMMITTEE MEETING Byron Freeland
PRESENTER E-MAIL bfreeland@mwlaw.com

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely 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

RECEIVED
DEC 27 2019
BUREAU OF
LEGISLATIVE RESEARCH

- 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? Yes _____ No 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 _____

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.

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 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.

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 19, 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.

Horse owners and track officials are in agreement on this Amendment.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Finance and Administration
DIVISION Arkansas Racing Commission
PERSON COMPLETING THIS STATEMENT Byron Freeland
TELEPHONE NO. (501) 688-8810 **FAX NO.** (501) 918-7810 **EMAIL** bfreeland@mwlaw.com

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rule 1050(a) Definition of "Objection"

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes _____ No _____ N/A

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes _____ No _____ N/A

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more 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 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 rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation? N/A

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

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

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to 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;
- (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) 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 tattooed 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.

Arkansas Democrat Gazette

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

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 1815 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 tattooed in conformity with national T.R.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.

751487271

Arkansas Democrat Gazette

STATEMENT OF LEGAL ADVERTISING

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

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

ATTN: Byron Freeland
DATE : 11/12/19 INVOICE #: 3221876
ACCT #: L1055177 P.O. #:

BILLING QUESTIONS CALL 378-3873

STATE OF ARKANSAS,)
COUNTY OF PULASKI,) ss.

ADCOPY

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				

TOTAL COST ----- 401.38
Billing Ad #: 75148727

Charles A McNeice Jr
Subscribe and sworn to me this 12
day of Nov, 20 19
Deanna Griffin
Notary Public

OFFICIAL SEAL - #12347408
DEANNA GRIFFIN
NOTARY PUBLIC-ARKANSAS
PULASKI COUNTY
MY COMMISSION EXPIRES 03-30-20

Susie Luce

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

DEPARTMENT/AGENCY Department of Finance and Administration
DIVISION Arkansas Racing Commission
DIVISION DIRECTOR John Campbell
CONTACT PERSON Byron Freeland
ADDRESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
PHONE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mvlaw.com
NAME OF PRESENTER AT COMMITTEE MEETING Byron Freeland
PRESENTER E-MAIL bfreeland@mvlaw.com

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely 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

RECEIVED
DEC 27 2019
BUREAU OF
LEGISLATIVE RESEARCH

- 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 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? Yes _____ No 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 _____

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.

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. 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.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Finance and Administration

DIVISION Arkansas Racing Commission

PERSON COMPLETING THIS STATEMENT Byron Freeland

TELEPHONE NO. (501) 688-8810 **FAX NO.** (501) 918-7810 **EMAIL** bfreeland@mwlaw.com

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rule 2212(b) Entries

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes _____ No _____ N/A

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes _____ No _____ N/A

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more 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 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 rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation? N/A

Current Fiscal Year

General Revenue _____

Federal Funds _____

Cash Funds _____

Special Revenue _____

Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____

Federal Funds _____

Cash Funds _____

Special Revenue _____

Other (Identify) _____

Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

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

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to 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;

(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 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 Stewards~~ In 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:

(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 tattooed 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.

Arkansas Democrat Gazette

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

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 1816 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 2160(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 tattooed 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.

751487271

Arkansas Democrat Gazette

STATEMENT OF LEGAL ADVERTISING

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

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

ATTN: Byron Freeland
DATE : 11/12/19 INVOICE #: 3221876
ACCT #: L1055177 P.O. #:

BILLING QUESTIONS CALL 378-3873

STATE OF ARKANSAS,)
COUNTY OF PULASKI,) ss.

ADCOPY

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				

TOTAL COST ----- 401.38
Billing Ad #: 75148727

Charles A McNeice Jr
Subscribe and sworn to me this 12
day of Nov, 20 19
Deanna Griffin
Notary Public

OFFICIAL SEAL - #12347408
DEANNA GRIFFIN
NOTARY PUBLIC-ARKANSAS
PULASKI COUNTY
MY COMMISSION EXPIRES 03-06-23

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

DEPARTMENT/AGENCY Department of Finance and Administration
DIVISION Arkansas Racing Commission
DIVISION DIRECTOR John Campbell
CONTACT PERSON Byron Freeland
ADDRESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
PHONE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com
NAME OF PRESENTER AT COMMITTEE MEETING Byron Freeland
PRESENTER E-MAIL bfreeland@mwlaw.com

RECEIVED

DEC 27 2019

BUREAU OF
LEGISLATIVE RESEARCH

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely 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. What is the short title of this rule? Rule 2224(c) Entries
- 2. What is the subject of the proposed rule? Identification of horses through microchips and digital tattoos in conformity with current national standards.
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes _____ No 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 _____

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.

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 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.

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.

These methods of identifying a horse conform to current industry practice and have been agreed to by all parties.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Finance and Administration

DIVISION Arkansas Racing Commission

PERSON COMPLETING THIS STATEMENT Byron Freeland

TELEPHONE NO. (501) 688-8810 **FAX NO.** (501) 918-7810 **EMAIL** bfreeland@mwlaw.com

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rule 2224(c) Entries

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes _____ No _____ N/A

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes _____ No _____ N/A

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more 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 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 rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation? N/A

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

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

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to 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;

- (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) 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 tattooed 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.

Arkansas Democrat Gazette

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

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on December 19, 2018, 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 tattooed in conformity with national T.R.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 2496-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, 2018, 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, 2018. 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.

751487271

Arkansas Democrat Gazette

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.

ADCOPY

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				

TOTAL COST ----- 401.38
Billing Ad #: 75148727

Charles A McNeice

Subscribe and sworn to me this 12

day of Nov, 2019

Deanna Griffin
Notary Public

OFFICIAL SEAL - #12347403
DEANNA GRIFFIN
NOTARY PUBLIC-ARKANSAS
PULASKI COUNTY
MY COMMISSION EXPIRES: 09-30-25

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

DEPARTMENT/AGENCY Department of Finance and Administration
DIVISION Arkansas Racing Commission
DIVISION DIRECTOR John Campbell
CONTACT PERSON Byron Freeland
ADDRESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
PHONE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com
NAME OF PRESENTER AT COMMITTEE MEETING Byron Freeland
PRESENTER E-MAIL bfreeland@mwlaw.com

RECEIVED
DEC 27 2019

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely 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. What is the short title of this rule? Rule 2359 Protests
- 2. 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? Yes _____ No 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 _____

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.

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 _____
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 franchisesholder and horse owners are in agreement on this amendment.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Finance and Administration

DIVISION Arkansas Racing Commission

PERSON COMPLETING THIS STATEMENT Byron Freeland

TELEPHONE NO. (501) 688-8810 **FAX NO.** (501) 918-7810 **EMAIL** bfreeland@mwlaw.com

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rule 2359 Protests

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes _____ No _____ N/A

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes _____ No _____ N/A

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more 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 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 rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation? N/A

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

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

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to 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;

- (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 tattooed 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.

Arkansas Democrat Gazette

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

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 1816 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(f). 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 tattooed in conformity with national T.R.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 2428-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.

751467271

Arkansas Democrat Gazette

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.

ADCOPY

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				

TOTAL COST ----- 401.38
Billing Ad #: 75148727

Charles A McNeice Jr
Subscribe and sworn to me this 12
day of Nov, 2019
Deanna Griffin
Notary Public

OFFICIAL SEAL - #12347408
DEANNA GRIFFIN
NOTARY PUBLIC-ARKANSAS
PULASKI COUNTY
MY COMMISSION EXPIRES: 03-30-26

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

DEPARTMENT/AGENCY Department of Finance and Administration
DIVISION Arkansas Racing Commission
DIVISION DIRECTOR John Campbell
CONTACT PERSON Byron Freeland
ADDRESS Mitchell Williams Law Firm, 425 W. Capitol Ave., Suite 1800, Little Rock, AR 72201
PHONE NO. (501) 688-8810 FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com
NAME OF PRESENTER AT COMMITTEE MEETING Byron Freeland
PRESENTER E-MAIL bfreeland@mwlaw.com

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely 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

RECEIVED
DEC 27 2019
BUREAU OF
LEGISLATIVE RESEARCH

- 1. What is the short title of this rule? Rule 2426-A Claiming
 - 2. What is the subject of the proposed rule? Owner's option to declare a horse ineligible to be 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? Yes _____ No 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 _____

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.

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 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.

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.

The horse owners are in agreement with this amendment. There should be no opposition.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Finance and Administration
DIVISION Arkansas Racing Commission
PERSON COMPLETING THIS STATEMENT Byron Freeland
TELEPHONE NO. (501) 688-8810 FAX NO. (501) 918-7810 EMAIL bfreeland@mwlaw.com

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rule 2426-A Claiming

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes _____ No _____ N/A

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes _____ No _____ N/A

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more 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 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 rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation? N/A

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

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

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to 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;

- (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 ~~from~~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~~(90/60) 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) 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 tattooed 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.

Arkansas Democrat Gazette

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

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on December 19, 2018, 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 tattooed in conformity with national T.R.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 2428-A. Amendment to change time period from ninety (90) days after 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, 2018, 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, 2018. 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.

751467271

Arkansas Democrat Gazette

STATEMENT OF LEGAL ADVERTISING

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

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

ATTN: Byron Freeland
DATE : 11/12/19 INVOICE #: 3221876
ACCT #: L1055177 P.O. #:

BILLING QUESTIONS CALL 378-3873

STATE OF ARKANSAS,)
COUNTY OF PULASKI,) ss.

ADCOPY

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				

TOTAL COST ----- 401.38
Billing Ad #: 75148727

Charles A McNeice Jr
Subscribe and sworn to me this 13
day of Nov, 20 19
Deanna Griffin
Notary Public

OFFICIAL SEAL - #12347408
DEANNA GRIFFIN
NOTARY PUBLIC-ARKANSAS
PULASKI COUNTY
MY COMMISSION EXPIRES 03-30-20

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
for Information Technology
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.