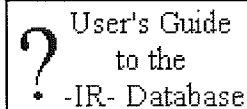


AGENDA ITEM III.1

INDIANA GENERAL ASSEMBLY



-IR- Database: Indiana Register

TITLE 71 INDIANA HORSE RACING COMMISSION

Notice of Intent to Adopt a Rule

LSA Document #14-230

Under IC 4-22-2-23, the Indiana Horse Racing Commission intends to adopt a rule concerning the following:

OVERVIEW: Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. In July 2013, under IC 4-22-2.5, the Indiana Horse Racing Commission initiated the process to readopt rules in LSA Document #13-345. Under IC 4-22-2.5-4, the Indiana Horse Racing Commission received a written request to separately consider the following administrative rules. Under IC 4-22-2.5-4(b)(2), the Indiana Horse Racing Commission must now follow the procedure for adoption of administrative rules under IC 4-22-2 with respect to the following administrative. In addition, this rule adds 71 IAC 5.5-1-10.1 regarding workers' compensation. Readopts 71 IAC 1-1-52 and 71 IAC 1.5-1-50 regarding the definition of jurisdiction. Readopts 71 IAC 1.5-1-45 and 71 IAC 1-1-47 regarding the definition of horse. Readopts 71 IAC 1.5-1-52 and 71 IAC 1.5-1-53 defining maiden and maiden race. Readopts 71 IAC 1-1-42 and 71 IAC 1.5-1-38 defining financial interest. Readopts 71 IAC 1-1-105 and 71 IAC 1.5-1-100 defining substantial evidence. Readopts 71 IAC 2-7-1 and 71 IAC 2-8-1 regarding subpoenas and records. Readopts 71 IAC 3-2-3 and 71 IAC 3.5-2-3 regarding disciplinary action. Readopts 71 IAC 3.5-3-10 regarding cancellation of a race. Readopts 71 IAC 5-1-6 and 71 IAC 5.5-1-6 regarding consent to search and seizure. Readopts 71 IAC 5-1-10 regarding workers' compensation requirements. Readopts 71 IAC 5-1-12 and 71 IAC 5.5-1-12 regarding license refusals. Readopts 71 IAC 5-1-13 and 71 IAC 5.5-1-13 regarding license denials. Readopts 71 IAC 5-1-17 and 71 IAC 5.5-1-17 regarding

the duration of a license. Readopts 71 IAC 5-1-25 and 71 IAC 5.5-1-27 requiring knowledge of the rules. Readopts 71 IAC 5-2-6 and 71 IAC 5.5-2-6 regarding positive tests (owners). Readopts 71 IAC 8-1-2 and 71 IAC 8.5-1-2 prohibiting foreign substances. Readopts 71 IAC 8-1-7 and 71 IAC 8.5-1-7 regarding drug classifications and penalties. Readopts 71 IAC 8-3-1 and 71 IAC 8.5-2-1 regarding laboratory reports. Readopts 71 IAC 8-3-3 and 71 IAC 8.5-2-3 regarding the selection of horses tested. Readopts 71 IAC 8-3-4 and 71 IAC 8.5-2-4 regarding taking samples. Readopts 71 IAC 8-3-5 and 71 IAC 8.5-2-5 regarding out of competition testing. Readopts 71 IAC 10-1-1 regarding hearings conducted by judges and stewards. Readopts 71 IAC 10-1-2 regarding suspensions. Readopts 71 IAC 10-2-1, 71 IAC 10-2-2, 71 IAC 10-2-3, 71 IAC 10-2-4, 71 IAC 10-2-5, 71 IAC 10-2-6, 71 IAC 10-2-7, 71 IAC 10-2-8, 71 IAC 10-2-8.1, 71 IAC 10-2-9, and 71 IAC 10-2-10 regarding due process in proceedings before the judges and stewards. Readopts 71 IAC 10-3-1, 71 IAC 10-3-2, 71 IAC 10-3-3, 71 IAC 10-3-4, 71 IAC 10-3-5, 71 IAC 10-3-6, 71 IAC 10-3-7, 71 IAC 10-3-8, 71 IAC 10-3-9, 71 IAC 10-3-10, 71 IAC 10-3-11, 71 IAC 10-3-12, 71 IAC 10-3-13, 71 IAC 10-3-14, 71 IAC 10-3-15, 71 IAC 10-3-16, 71 IAC 10-3-17, 71 IAC 10-3-18, 71 IAC 10-3-19, 71 IAC 10-3-20, and 71 IAC 10-3-21 regarding due process in proceedings before the Commission. Readopts 71 IAC 10-5-1, 71 IAC 10-5-2, 71 IAC 10-5-3, 71 IAC 10-5-4, 71 IAC 10-5-5, 71 IAC 10-5-6, and 71 IAC 10-5-7 regarding appearances by attorneys or representatives. Questions and comments concerning the proposed rules may be sent to the Small Business Regulatory Coordinator for this rule. Statutory authority: IC 4-31-3-9.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Lea Ellingwood
Indiana Horse Racing Commission
1302 North Meridian Street
Suite 175
Indianapolis, IN 46202
(317) 233-3119
lellingwood@hrc.in.gov

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 4-4-35-8 is:

Erik Scheub
Office of Small Business and Entrepreneurship
One North Capitol, Suite 600
Indianapolis, IN 46204
(317) 232-5679
ombudsman@osbe.in.gov

Resources available to regulated entities through the small business

ombudsman include the ombudsman's duties stated in IC 4-4-35-8, specifically IC 4-4-35-8(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

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TRANSCRIPT OF HEARING AND
SUMMARY OF WRITTEN COMMENTS
(TO COME)

AGENDA ITEM III.2

71 IAC 13-1-3 Information to be submitted with a registration

Authority: IC 4-31-3-9; IC 4-35-7-12

Affected: IC 4-31; IC 4-35

Sec. 3. In addition to the information described in section 2(b) of this rule, the registration of a horsemen's association to receive monies allocated pursuant to IC 4-35-7-12 shall include, but not be limited to, the following information:

(1) A proposed budget for the calendar year (or, in the case of a registration under section 1(c) of this rule, the calendar years) to which the registration applies that separately identifies general categories for the expenditure of funds anticipated to be paid by the permit holders to the horsemen's association for:

(A) equine promotion or welfare pursuant to IC 4-35-7-12(d)(1);

(B) backside benevolence pursuant to IC 4-35-7-12(d)(2); and

(C) the purposes provided for in IC 4-35-7-12(f) in the amount provided for by IC 4-35-7-12(f)(1)(A)(ii) and IC 4-35-7-12(f)(1)(A)(iii), IC 4-35-7-12(f)(2)(C)(ii), or IC 4-35-7-12(f)(3)(A)(ii)