

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY	Department of Finance & Administration	
DIVISION	Arkansas Racing Commission	
DIVISION DIRECTOR	Ron Oliver	
CONTACT PERSON	Byron Freeland	
ADDRESS	Mitchell Williams Selig Gates & Woodyard 425 W. Capitol Ave., Suite 1800 Little Rock, AR 72201	
PHONE NO. (501) 688-8810	FAX NO. (501) 918-7810	E-MAIL <i>bfreeland@mwlaw.com</i>
NAME OF PRESENTER AT COMMITTEE MEETING	Byron Freeland	
PRESENTER EMAIL	<i>bfreeland@mwlaw.com</i>	

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:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? Rule 1271 – Pre-race Physical Examination of Horses.
- 2. What is the subject of the proposed rule? Inspection of horses entered to run at Oaklawn Park by the Commission Veterinarian on the day of the race.
- 3. Is this rule required to comply with federal statute or regulations? Yes_____ No X
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes_____ No X

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes_____ No_____

5. Is this a new rule? Yes X No If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 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."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Code Annotated § 23-110-204

7. What is the purpose of this proposed rule? Why is it necessary?

The rule is an attempt to insure the horses are in sound racing condition to lessen the chance of injury to the horse and jockey.

8. Will a public hearing be held on this proposed rule? Yes X No

If yes, please complete the following:

Date: October 24, 2012

Time: 11:00 a.m.

Place: 1515 West 7th Street, Suite 500, Little Rock, AR

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 24, 2012

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2013

11. Do you expect this rule to be controversial? Yes No X If yes, please explain.

12. 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.

Pre-race examinations are becoming common at other tracks, and the Commission does not anticipate any comments from horse owners or the public.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

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

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Rule 1271

- Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes _____ No X _____ There is no financial impact to the public or horse owners.
This Rule will require the Commission to hire or contract with another licensed Veterinarian at a maximum cost of \$25,000 or less for the 2013 Oaklawn season.
- If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

Not applicable.
- If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Not applicable.

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 _____

- What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

See response to number one above.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

5. What is the total estimated cost by fiscal year to the agency to implement this rule?

This Rule will require the Commission to hire or contract with another licensed Veterinarian at a maximum cost of \$25,000 or less for the 2013 Oaklawn season.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

SUMMARY

Rule 1271 has been proposed to require any horses entered to race at Oaklawn Park to be examined by the Commission Veterinarian in an effort to insure that all horses are physically sound, and able to run in the race scheduled for that day. The Rule is designed to cut down on injuries to horses, jockeys, and to insure the betting public that any horse entered to run at Oaklawn is in good physical condition.

Rule 1271 Pre-race Physical Examination

A. Assessment of Racing Condition

- (1) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.
- (2) The inspection shall be conducted by the official veterinarian or the racing veterinarian by the commission veterinarian, and his designated assistants.
- (3) Any horse entered to race must be on the grounds of the franchise holder by 8:00 a.m. on the day of the race, and available for pre-race inspection.
- (4) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by the examining veterinarian. Horses presented for examination must have bandages removed; the legs must be clean. Prior to examination horses may not be placed in ice nor shall any device or substance be applied that impedes veterinary clinical assessment.
- (5) The assessment of a horse's racing condition shall include:
 - (a) Proper identification of each horse inspected;
 - (b) Observation of each horse in motion;
 - (c) Manual palpation and passive flexion of both forelimbs;
 - (d) Visual inspection of the entire horse and assessment of overall condition;
 - (e) Clinical observation in the paddock and saddling area, during the parade to post and at the starting gate, during the running of the race, and following the race until the horse has exited the race track; and,
 - (f) Any other inspection deemed necessary by the commission veterinarian and/or the racing veterinarian.
- (6) The commission veterinarian and/or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.
- (7) The commission veterinarian and/or the racing veterinarian are authorized access to any and all horses housed on association grounds regardless of entry status.
- (8) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable to make a determination of racing soundness, the veterinarian will recommend to the Stewards the horse be scratched.
- (9) Horses scratched upon the recommendation of the commission veterinarian and/or the racing veterinarians are to be placed on the Veterinarian's List.

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Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? Rule 2117 – Owners and Trainers.
- 2. What is the subject of the proposed rule? Establishes a standard commission of 10% of the purse money won in a race for the trainer of the horse.
- 3. Is this rule required to comply with federal statute or regulations? Yes_____ No X
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes_____ No X

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes_____ No _____

5. Is this a new rule? Yes _____ No X If yes, please provide a brief summary explaining the regulation.

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."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Code Annotated § 23-110-204

7. What is the purpose of this proposed rule? Why is it necessary?

This amendment is designed to insure that there are no misunderstandings about the amount of commission due trainers for purse money won in a race.

8. Will a public hearing be held on this proposed rule? Yes X No _____.
If yes, please complete the following:

Date: October 24, 2012

Time: 11:00 a.m.

Place: 1515 West 7th Street, Suite 500, Little Rock, AR

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 24, 2011

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2013.

11. Do you expect this rule to be controversial? Yes _____ No X . If yes, please explain.

12. 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.

None. Prior to proposing this amendment horse owners, trainers and Oaklawn Park officials met to discuss the proposed amendment to the Rule.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT

Department of Finance & Administration

DIVISION

Arkansas Racing Commission

PERSON COMPLETING THIS
STATEMENT

Byron Freeland

PHONE NO. (501) 688-8810

FAX NO. (501) 918-7810 E-MAIL bfreeland@mwlaw.com

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Rule 2117 – Owners and Trainers

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes_____ No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

Not applicable
3. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Not applicable

Current Fiscal Year

Next Fiscal Year

General Revenue_____

General Revenue_____

Federal Funds_____

Federal Funds_____

Cash Funds_____

Cash Funds_____

Special Revenue_____

Special Revenue_____

Other (Identify)_____

Other (Identify)_____

Total_____

Total_____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

No cost,

Current Fiscal Year

Next Fiscal Year

\$_____

\$_____

5. What is the total estimated cost by fiscal year to the agency to implement this rule?

No cost.

Current Fiscal Year

\$_____

Next Fiscal Year

\$_____

SUMMARY

This proposed amendment establishes a standard ten percent commission for a trainer's share of any purse money won in a race. The amendment allows owners and trainers to enter into written contracts for a higher or lower percentage, and then file that contract, with Oaklawn Park to insure payment of the agreed amount, rather than the standard 10%. The object of the amendment is to insure that there are no misunderstandings about the trainer's percentage share of purse money won.

Amend Rule 2117 to add new subsection (e) as follows:

(e) (1) A trainer's commission shall be ten percent (10%) of an owner's share of the purse for horses finishing first, second or third. This amount shall be deducted from the owner's account by the Horsemen's Bookkeeper and deposited in the account set up by the trainer at the track upon notification from the Board of Stewards that the purse may be released. Should a purse be redistributed for any reason, the owner and trainer shall be responsible for reimbursing the Horsemen's Bookkeeper for their respective share of any purse monies credited to their account that are required to be redistributed. Notwithstanding the foregoing, if the owner and trainer have a written contract which requires payment less than or more than ten percent (10%) of the purse earned, the owner shall pay the trainer any money due under the contract in excess of ten percent (10%) and the trainer shall reimburse the owner any money due under said contract, in each case in accordance with the terms of said contract.

(2) Any owner may elect not to have ten percent (10%) of the owner's purse earned deducted from the owner's account by filing with the Horsemen's Bookkeeper a form **ASRC-XX, Notification of Exclusion To Trainer 10% Program**, which is hereby incorporated by reference. The form ASRC-XX, which is available in the Horsemen's Bookkeeper office, may be filed by an owner with the Horsemen's Bookkeeper's Office at any time during a race meeting and (i) shall apply to all horses owned in whole or in part by the owner, (ii) shall be binding on all licensed owners with an interest in the horse or horses, (iii) shall apply to all trainers employed by the owner, and (4) shall remain in force until written revocation is submitted by the owner to the Horsemen's Bookkeeper's office at which the form (ASRC-XX) was submitted, or the end of the then current calendar year.

(3) Nothing contained in this rule shall preclude the owner and trainer from entering into an agreement for the payment of fees due the trainer for services provided or expenses incurred that varies from the terms of this rule.

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Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? Rule 2433 – Claiming.
- 2. What is the subject of the proposed rule? Time deadlines for filing claims
- 3. Is this rule required to comply with federal statute or regulations? Yes_____ No X

If yes, please provide the federal regulation and/or statute citation.

- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes_____ No X

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes_____ No_____

5. Is this a new rule? Yes _____ No X . If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No _____ 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."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Code Annotated § 23-110-204

7. What is the purpose of this proposed rule? Why is it necessary?

This rule was proposed by the horsemen who felt the deadline to file claims should be reduced from 15 minutes to 10 minutes before post time.

8. Will a public hearing be held on this proposed rule? Yes X No _____

If yes, please complete the following:

Date: October 24, 2012

Time: 11:00 a.m.

Place: 1515 West 7th Street, Suite 500, Little Rock, AR

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 24, 2012

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2013

11. Do you expect this rule to be controversial? Yes _____ No X . If yes, please explain.

12. 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 owners and Oaklawn Park met before proposing the amendment to the Rule.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

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

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Rule 2433 – Claiming

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes_____ No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

Not applicable
3. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Not applicable.

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 _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

No cost to any party.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

5. What is the total estimated cost by fiscal year to the agency to implement this rule?

None.

Current Fiscal Year

\$_____

Next Fiscal Year

\$_____

SUMMARY

Rule 2433. This proposed Rule changes the deadline for filing claims from 15 minutes prior to a race to 10 minutes prior to the race.

2433. No money or its equivalent shall be put in the claiming box. For a claim to be valid the person making the claim must have a credit balance in his account with the franchise holder's horseman's account of not less than the amount of the claim (plus any applicable sales tax.)

All claims shall be deposited in the claiming box at least **10** minutes before the established post time of the race out of which the claim is made.

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NAME OF PRESENTER AT COMMITTEE MEETING	Byron Freeland	
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INSTRUCTIONS

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- 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:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? Rule 2434(i) – Claiming
- 2. What is the subject of the proposed rule? Voiding of claims within one hour after the completion of the race.
- 3. Is this rule required to comply with federal statute or regulations? Yes_____ No X
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes_____ No X
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes_____ No_____

5. Is this a new rule? Yes _____ No X. If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No _____. 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 summary and markup.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Code Annotated § 23-110-204

7. What is the purpose of this proposed rule? Why is it necessary?

Under the current rule a person making a claim assumes the risk that he will be forced to take ownership of a horse that is fatally or seriously injured in a race.

8. Will a public hearing be held on this proposed rule? Yes X No _____

If yes, please complete the following:

Date: October 24, 2012

Time: 11:00 a.m.

Place: 1515 West 7th Street, Suite 500, Little Rock, AR

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 24, 2012

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2013.

11. Do you expect this rule to be controversial? Yes _____ No X. If yes, please explain.

12. 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.

None. The owners and Oaklawn Park agreed to these rule changes prior to proposing amendments.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

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PERSON COMPLETING THIS
STATEMENT Byron Freeland
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SHORT TITLE OF THIS RULE

Rule 2434(i) – Claiming

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes_____ No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

Not applicable.
3. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Not applicable.

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 _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

None.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

5. What is the total estimated cost by fiscal year to the agency to implement this rule?

None.

Current Fiscal Year

\$_____

Next Fiscal Year

\$_____

SUMMARY

Rule 2434(i). In the past, a claim was final once it was made, and if the horse was injured in the race the person making the claim had to take the injured, or in some cases, the deceased horse, and could not get his or her money back. The proposed amendment gives the person making the claim one hour to void his/her claim if the horse is fatally or seriously injured in the race.

2434 (a) - (h) - unchanged

(i) In the event a claimed horse suffers a fatality during the running of a race or is otherwise removed from the track in the horse ambulance, the claimant shall have one (1) hour after the race is declared official to void the claim by written notice delivered to the Racing Secretary or the Board of Stewards before the expiration of such one (1) hour period.

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Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule? Rule 2435 – Claiming
2. What is the subject of the proposed rule? Changes the time deadline for claiming horses at Oaklawn Park.
3. Is this rule required to comply with federal statute or regulations? Yes_____ No X
- If yes, please provide the federal regulation and/or statute citation.
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes_____ No X
- If yes, what is the effective date of the emergency rule? _____
- When does the emergency rule expire? _____
- Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes_____ No_____
5. Is this a new rule? Yes_____ No X. If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No _____. 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.

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6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Code Annotated § 23-110-204

7. What is the purpose of this proposed rule? Why is it necessary?

The proposed amendment allows persons an additional five minutes to make claims, and was requested by the owners.

8. Will a public hearing be held on this proposed rule? Yes X No _____.
If yes, please complete the following:

Date: October 24, 2012

Time: 11:00 a.m.

Place: 1515 West 7th Street, Suite 500, Little Rock, AR

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 24, 2012.

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2013

11. Do you expect this rule to be controversial? Yes _____ No X _____. If yes, please explain.

12. 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.

None. Owners proposed the amendment to Oaklawn Park, and parties agreed before submitting the proposed amendment.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

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

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

2435 – Claiming

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes_____ No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

Not applicable.
3. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

No.

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 _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

None.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

5. What is the total estimated cost by fiscal year to the agency to implement this rule?

None.

Current Fiscal Year

\$_____

Next Fiscal Year

\$_____

SUMMARY

Rule 2435. This Rule is part of the changes to the time deadline for submitting claims, and requires that the claiming box, where claims are deposited by persons wishing to claim horse, be available in the Racing Secretary's office until ten minutes before post time. The existing rule has a 15 minute time limit/deadline prior to post time.

2435. When claiming time has expired, the claiming box shall be delivered to the Racing Secretary or the Racing Secretary's deputy. The Racing Secretary or the Racing Secretary's deputy shall open the box, and thereafter all claims are in their possession. The claiming box shall be available in the office of the Racing Secretary each racing day until **ten (10)** minutes before schedule post time of each race.

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY	Department of Finance & Administration	
DIVISION	Arkansas Racing Commission	
DIVISION DIRECTOR	Ron Oliver	
CONTACT PERSON	Byron Freeland	
ADDRESS	Mitchell Williams Selig Gates & Woodyard 425 W. Capitol Ave., Suite 1800 Little Rock, AR 72201	
PHONE NO. (501) 688-8810	FAX NO. (501) 918-7810	E-MAIL <i>bfreeland@mwlaw.com</i>
NAME OF PRESENTER AT COMMITTEE MEETING	Byron Freeland	
PRESENTER EMAIL	<i>bfreeland@mwlaw.com</i>	

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:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? Greyhound Rule 3161
- 2. What is the subject of the proposed rule? Purse and Awards Funds used for administrative expenses.
- 3. Is this rule required to comply with federal statute or regulations? Yes_____ No _____
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes_____ No X_____
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes_____ No_____

5. Is this a new rule? Yes _____ No X . If yes, please provide a brief summary explaining the regulation.

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."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Code Annotated § 23-111-203

7. What is the purpose of this proposed rule? Why is it necessary?

The proposed Rule reduces payments for administrative expenses from 10% to 5%, which provides more funds to the Breeders.

8. Will a public hearing be held on this proposed rule? Yes X No _____.
If yes, please complete the following:

Date: October 24, 2012

Time: 11:00 a.m.

Place: 1515 West 7th Street, Suite 500, Little Rock, AR

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 24, 2012.

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2013

11. Do you expect this rule to be controversial? Yes _____ No X . If yes, please explain.

12. 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.

None. The amendment was proposed by the breeders, and provides more funds to the individual breeders, which is the purpose of the program.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

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

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Greyhound Rule 3161

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes X No . The amendment provides more funds to Breeders
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Not applicable.

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 _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

No cost.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

5. What is the total estimated cost by fiscal year to the agency to implement this rule?

No cost.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

SUMMARY

Greyhound Rule 3161. The existing Rule provides the Greyhound Breeders of Arkansas 10% of the Purse and Awards Funds for their expenses in administering the Breeders Awards Program. The proposed amendment reduces the payment to 5% for administrative expenses, with the 5% savings going directly to the Breeders in awards, which is the purpose of the program.

3161. *Distribution of Arkansas Breeders Purse and Award Funds.*

- (a) The Arkansas Racing Commission shall pay **5%** of all Funds deposited in the Arkansas Breeders Purse and Award Fund for the respective month to the Greyhound Breeders of Arkansas to promote the development of greyhound breeding in the State of Arkansas and pay for the cost of administering the program.