

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204) Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment _____

☐ Other _____ Reviewed by Legislative Council _____
(Must be more than 10 days after filing date.)

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

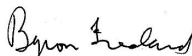
Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)



Signature

Phone Number

E-mail Address

Title

Date

AMENDMENT SUMMARY: The proposed amendment makes changes to the claiming preference rule time period, and the posting of owners that hold claiming preferences.

2444. (a) Multiple Claims Determined by Draw: Invalid Claims. Except as otherwise provided in Rule 2444(b) below, if more than one claim is filed for the same horse, the title to the horse shall be determined by lot under the direction and supervision of one or more of the Stewards. After title to the claimed horse is determined by lot under this Rule 2444(a), or, if applicable, under Rule 2444(b) below, all other claims on that horse in a race shall be deemed null and void. Accordingly, if the winning claim determined by lot under this Rule 2444(a), or, if applicable, under Rule 2444(b) below, is subsequently ruled invalid for any reason, title to the horse shall be returned to the owner of the horse prior to the lot draw, or, if applicable, prior to the determination of the preferred claimant under Rule 2444(b) below. The successful claimant shall be responsible for all expenses for the care and maintenance of the horse from the time the horse is transferred to the claimant until the time the horse is returned to the prior owner following invalidation of the winning claim.

(b) **Claiming Preference.** An owner who has a horse claimed during the Oaklawn racing season will be awarded a claiming preference (a "**Claiming Preference**") subject to the terms and conditions of this Rule 2444(b).

(1) An owner who has a horse claimed during the Oaklawn current racing season will be awarded one Claiming Preference.

(2) Claiming Preferences cannot be accrued or accumulated. A second Claiming Preference may not be awarded until the first is validly used and the owner using the Claiming Preference is awarded title to the claimed horse. If a Claiming Preference is validly used and the owner using the Claiming Preference is awarded title to the claimed horse, the owner will be issued another Claiming Preference if the owner subsequently has a horse claimed at Oaklawn.

(3) Claiming Preferences will become valid (and useable by the owner to whom the Claiming Preference was awarded) starting with the first Tuesday of race on the week-next racing day after the Claiming Preference is awarded. A Claiming Preference may only be used by the exact same owner to whom the Claiming Preference was awarded.

(4) An owner may use the owner's Claiming Preference on any claiming race through the end of the racing season during which the Claiming Preference was awarded. Unused Claiming Preferences expire at the end of the racing season during which the Claiming Preference was awarded.

(5) An owner holding a Claiming Preference who desires to use the Claiming Preference must expressly so indicate by marking the proper space on the Claim Card denoting election to use the Claiming Preference for that claim. The use of the Claiming Preference is at the option of the owner with the Claiming Preference (*i.e.*, the owner is not required to utilize the Claiming Preference and may defer use to a later claiming race during the then current racing season).

(6) If use of a Claiming Preference is noted on the Claim Card when no Claiming Preference is available, the Claim will be invalidated.

(7) If there are multiple claims for the same horse in a claiming race, claims with a Claiming Preference will be given preference in determining the successful claimant and title to the horse (*e.g.*, if there are multiple valid claims for the same horse in a claiming race, and only one valid claim with a Claiming Preference, the claimant properly utilizing the claimant's Claiming Preference will be determined the successful claimant, and title to the horse shall transfer to that claimant without lot draw/shake).

(8) If there are multiple claims with Claiming Preferences for the same horse in a claiming race, only claims with Claiming Preferences will participate in the lot draw/shake, and the successful claimant and title to the horse shall be determined under Rule 2444(a) above among only those claimants validly using their Claiming Preference. The unsuccessful claimant(s) (*i.e.*, those not winning the lot draw/shake) retain their Claiming Preference.

(9) If an owner validly exercises the owner's Claiming Preference and is awarded the claim and title to the claimed horse, that Claiming Preference will then expire.

(10) Once a Claiming Preference is validly used by the owner, and the owner is awarded the claim and title to the claimed horse, the owner will receive a subsequent Claiming Preference upon having another horse claimed.

(11) The Racing Office shall post a list of owners with Claiming Preferences every Tuesday before entries before 11 a.m. each live racing day. Such list shall reflect all owners with Claiming Preferences available for use beginning with the first race on such racing day (*i.e.*, shall reflect all owners with Claiming Preferences through the conclusion of racing on the most recent prior racing day).

(12) A Claiming Preference may only be used in the exact same name of the owner to whom the Claiming Preference was awarded.

(13) Claiming preferences are not transferable.

Mark Up

2444. (a) Multiple Claims Determined by Draw; Invalid Claims. Except as otherwise provided in Rule 2444(b) below, if more than one claim is filed for the same horse, the title to the horse shall be determined by lot under the direction and supervision of one or more of the Stewards. After title to the claimed horse is determined by lot under this Rule 2444(a), or, if applicable, under Rule 2444(b) below, all other claims on that horse in a race shall be deemed null and void. Accordingly, if the winning claim determined by lot under this Rule 2444(a), or, if applicable, under Rule 2444(b) below, is subsequently ruled invalid for any reason, title to the horse shall be returned to the owner of the horse prior to the lot draw, or, if applicable, prior to the determination of the preferred claimant under Rule 2444(b) below. The successful claimant shall be responsible for all expenses for the care and maintenance of the horse from the time the horse is transferred to the claimant until the time the horse is returned to the prior owner following invalidation of the winning claim.

~~(b)~~ (b) Claiming Preference. An owner who has a horse claimed during the Oaklawn racing season will be awarded a claiming preference (a “**Claiming Preference**”) subject to the terms and conditions of this Rule 2444(b).

~~(1) An owner who has a horse claimed during the Oaklawn current racing season will be awarded one Claiming Preference.~~

(1) (A) An owner who has a horse claimed during the Oaklawn current racing season will be awarded one Claiming Preference. However, a Claiming Preference will not be awarded to the connections of a claimed horse (i) if the horse’s most recent previous race was in a non-claiming race (or optional claiming race where the horse was not eligible to be claimed), or (ii) if the horse dropped more than twenty-five percent (25%) in claiming price from the claiming price in its most recent race in a claiming race.

(B) Any owner that receives a Claiming Authorization under Rule 2426 and is unsuccessful with the owner's first two (2) valid claim attempts after receipt of such Claiming Authorization, will be awarded a Claiming Preference.

~~(2)~~ (2) Claiming Preferences cannot be accrued or accumulated. A second Claiming Preference may not be awarded until the first is validly used and the owner using the Claiming Preference is awarded title to the claimed horse. If a Claiming Preference is validly used and the owner using the Claiming Preference is awarded title to the claimed horse, the owner will be issued another Claiming Preference if the owner subsequently has a horse claimed at Oaklawn and is otherwise eligible to receive a Claiming Preference under this Rule with respect to such claimed horse.

~~(3)~~ (3) Claiming Preferences will become valid (and useable by the owner to whom the Claiming Preference was awarded) starting with the first race on the next racing day after the Claiming Preference is awarded. A Claiming Preference may only be used by the exact same owner to whom the Claiming Preference was awarded.

~~(4)~~ (4) An owner may use the owner’s Claiming Preference on any claiming race through the end of the racing season during which the Claiming Preference was awarded. Unused Claiming Preferences expire at the end of the racing season during which the

Claiming Preference was awarded.

~~(5)~~ (5) An owner holding a Claiming Preference who desires to use the Claiming Preference must expressly so indicate by marking the proper space on the Claim Card denoting election to use the Claiming Preference for that claim. The use of the Claiming Preference is at the option of the owner with the Claiming Preference (*i.e.*, the owner is not required to utilize the Claiming Preference and may defer use to a later claiming race during the then current racing season).

~~(6)~~ (6) If use of a Claiming Preference is noted on the Claim Card when no Claiming Preference is available, the Claim will be invalidated.

~~(7)~~ (7) If there are multiple claims for the same horse in a claiming race, claims with a Claiming Preference will be given preference in determining the successful claimant and title to the horse (*e.g.*, if there are multiple valid claims for the same horse in a claiming race, and only one valid claim with a Claiming Preference, the claimant properly utilizing the claimant's Claiming Preference will be determined the successful claimant, and title to the horse shall transfer to that claimant without lot draw/shake).

~~(8)~~ (8) If there are multiple claims with Claiming Preferences for the same horse in a claiming race, only claims with Claiming Preferences will participate in the lot draw/shake, and the successful claimant and title to the horse shall be determined under Rule 2444(a) above among only those claimants validly using their Claiming Preference. The unsuccessful claimant(s) (*i.e.*, those not winning the lot draw/shake) retain their Claiming Preference.

~~(9)~~ (9) If an owner validly exercises the owner's Claiming Preference and is awarded the claim and title to the claimed horse, that Claiming Preference will then expire.

~~(10)~~ (10) Once a Claiming Preference is validly used by the owner, and the owner is awarded the claim and title to the claimed horse, the owner will receive a subsequent Claiming Preference upon having another horse claimed at Oaklawn provided the owner is otherwise eligible to receive a Claiming Preference under this Rule with respect to such claimed horse.

~~(11)~~ (11) The Racing Office shall post a list of owners with Claiming Preferences before 11 a.m. each live racing day. Such list shall reflect all owners with Claiming Preferences available for use beginning with the first race on such racing day (*i.e.*, shall reflect all owners with Claiming Preferences through the conclusion of racing on the most recent prior racing day).

~~(12)~~ (12) A Claiming Preference may only be used in the exact same name of the owner to whom the Claiming Preference was awarded.

~~(13)~~ (13) Claiming preferences are not transferable.

PUBLIC COMMENTS REPORT FROM
October 10, 2024 ARKANSAS RACING COMMISSION
MEETING

The ARC meeting on October 10, 2024, to hear public comments and consider the adoption of the following Rules:

- Repeal of Greyhound Racing Rules
- Horse Racing Rule 2444
- Horse Racing Rule 2148

Commenter Name: Walter Ebel, Attorney for Oaklawn.

Comment: Mr. Ebel spoke on behalf of Oaklawn and the HBPA and in support of the Rule changes/repeal.

There were no comments made by the Public at the ARC meeting or received by the ARC in writing about any of the proposed Rule changes.

All three proposed Rule changes were adopted by the ARC after the presentation of Walter Ebel, the attorney for Oaklawn, and the support of the HBPA as expressed by Jeanette Milligan, the Ex Director of the HBPA. Rules are approved by Commission subject to the approval of the Legislative Committee.

Arkansas Democrat Gazette

Account #: STARC2

Company: ARKANSAS RACING COMMISSION

1515 W 7th St Ste 505

Little Rock, AR 72201

Ad number #: 435074

PO #:

Matter of: Ark Racing Comm (Mon/Tues)

AFFIDAVIT • STATE OF ARKANSAS


I, Deborah Chaney, do solemnly swear that I am the Business Manager of the **Arkansas Democrat-Gazette**, a daily newspaper printed and published in PULASKI county, State of ARKANSAS; that I was so related to this publication at and during the publication of the annexed legal advertisement in the matter of :

Ark Racing Comm (Mon/Tues)

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.

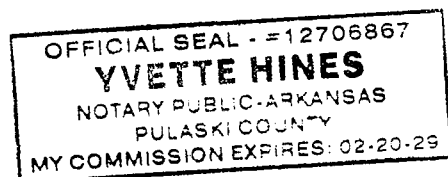
And that there is due or has been paid the **Arkansas Democrat-Gazette** for publication the sum of \$146.88.
(Includes \$0.00 Affidavit Charge).

ADG Arkansas Democrat-Gazette 09/02/24, 09/03/24; ADG.com 09/02/24, 09/03/24


Business Manager

State of ARKANSAS, County of PULASKI, Subscribed and
sworn to before me on this 3rd day of September, 2024


NOTARY PUBLIC



NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on Thursday October 10, 2024, at 11:00 a.m. in the fifth floor Conference Room at the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following items:

(1) ARC Horse Racing Rule 2444. Claiming. The amendment of Rule 2444 of the Rules and Regulations governing Horse Racing in Arkansas, proposed by the horsemen at Oaklawn Park.

(2) ARC Horse Racing Rule 2148. Stable Names. The amendment of Rule 2148 allows a person to register more than one stable name if that person's name is listed with each registered racehorse.

(3) Repeal of all Rules and Regulations Governing Greyhound Racing. The repeal of all Greyhound Racing Rules presently in force in the State of Arkansas. The last day of Greyhound Racing was December 31, 2022.

The meeting was previously set for October 24, 2024. Any persons wishing to speak for or against any of the above-proposed rule changes should appear at the meeting on October 10, 2024, 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 their comments to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on Wednesday, October 9, 2024. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and on its website and from the Secretary of State's office and on its website.

435074z

Andrew Elsworth

From: Andrew Elsworth
Sent: Wednesday, August 28, 2024 2:42 PM
To: Arkansas Register
Subject: Proposed Rule Changes
Attachments: Greyhound SOS Binder1.pdf; HR 2444 SOS Binder.pdf; HR 2148 SOS Binder1.pdf; ARC - Notice of Public Hearing ARC Horse Racing Rules 2260_ 2444_ 1152_ 2458_2800(20115830.1)(20117258.1).pdf

Attached are forms for three Arkansas Register forms for proposed rule changes on behalf of the Arkansas Racing Commission that we need published to your website prior to the first publication date of September 1, 2024 (Sunday). Also attached is the Notice of Public Hearing. Please confirm receipt and publication per this deadline.



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