

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Racing Commission

Regulation/Package Title: Chapter 1 NO CHANGE RULES

Rule Number(s): 3769-1-01, 02, 03, 04 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41,42

Date: September 19, 2018

These rules are no-change rules and may be found by accessing the Commission's website at www.racingohio.net.

Rule Type:

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

3769-1-01 the definitions are prescribed pursuant to Chapter 3769 of the revised code.

3769-1-02 A race meeting or meeting is the period of time for which permission to conduct horse racing has been granted to a permit holder by the commission.

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3769-1-03 defines a race meeting or "meeting" begins at ten a.m. on its first day and ends one hour after the last race on its last day but not before seven p.m. on said last day.

3769-1-04 defines a day, month or year

3769-1-05 defines a permit which is a permit is issued by the commission to conduct a horse racing meeting in Ohio.

3769-1-06 A license is defined as a license issued by the commission.

3769-1-07 defines a licensed person and persons required to have a license.

3769-1-08 defines a permit holder or association.

3769-1-09 defines a recognized meeting.

3769-1-10 defines ruled off.

3769-1-11 defines breakage or breaks.

3769-1-12 defines mutual field.

3769-1-13 defines money position or in the money.

3769-1-14 defines a horse.

3769-1-15 defines place bred for a thoroughbred horse.

3769-1-16 defines thoroughbred horse.

3769-1-16.1 defines thoroughbred breeder award

3769-1-17 defines owner

3769-1-18 defines age of horse

3769-1-19 defines a maiden

3769-1-20 defines a race.

3769-1-21 defines a purse race.

3769-1-22 defines a stake or sweepstakes.

3769-1-23 defines overnight event.

3769-1-24 defines a handicap race.

3769-1-25 defines free race or free handicap.

3769-1-26 defines claiming race.

3769-1-27 defines a flat race.

3769-1-28 defines walk over.

3769-1-29 defines a produce race.

3769-1-30 defines weight for age.

3769-1-31 defines weighing out and weighing in.

3769-1-32 defines nominator.

3769-1-33 defines nomination or subscription.

3769-1-34 defines arrears.

3769-1-35 defines an entry

3769-1-36 defines withdrawal

3769-1-37 defines scratch time.

3769-1-38 defines when a horse is starter.

3769-1-39 defines reference to hour of day.

3769-1-40 defines possession and/or in their possession.

3769-1-41 defines winner.

3769-1-42 defines simulcast.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

R.C. 3769.03

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

No, it is not part of any federal program

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

The Commission is the only entity that regulates horse racing in Ohio. No, it is not part of any federal program.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

There is a need to define common terms in racing to give clarity to permit holders and licensees.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

These definitions have been in place for some time and the Commission believes the success of these definitions has been demonstrated.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

The primary stakeholders are the seven commercial permit holders and members of the horsemen's association who are required to implement and/or follow these rules.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

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These rules were provided to the industry for comments. No comments were received for suggested changes. The Commission does not believe that these definitions need to be changed.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

No additional scientific data was used to develop these rules.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

No alternative regulations were considered as these rules have been in existence for several years and no changes were found to be warranted by stakeholders or commission.

11. Did the Agency specifically consider a performance-based regulation? Please explain.

No, these regulations require permit holders, owners, trainers, and drivers to follow a consistent set of rules for starting.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

No other agency regulates horse racing in Ohio, therefore no duplication will occur.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The definitions have been implemented for several years to all commercial tracks in Ohio and no suggested changes were voiced by the stakeholders.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The scope of the impacted business community includes the seven-commercial permit holders in Ohio and the licensees associated with horse racing.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

3769-1-01 There is no adverse impact.

3769-1-02 There is no adverse impact.

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3769-1-03 There is no adverse impact.

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3769-1-41 There is no adverse impact.

3769-1-42 There is no adverse impact.

c. Quantify the expected adverse impact from the regulation.

3769-1-02 There is no adverse impact.

3769-1-03 There is no adverse impact.

3769-1-04 There is no adverse impact.

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15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

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3769-1-02 There is no adverse impact.

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3769-1-42 There is no adverse impact.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No, this regulation applies to only seven commercial race track permit holders; therefore an exemption for small businesses is not applicable.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

R.C. 119.14 is not applicable.

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18. What resources are available to assist small businesses with compliance of the regulation?

The Commission website at www.racingohio.net

The Commission phone number at 614-466-2757

The Commission facsimile number at 614-466-1900

The Deputy Director and Legal Counsel at Michael.Rzymek@racing.ohio.net