

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

04/09/2024 2:38 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends agency address and contact information

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/29/2024 10:00 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Filed By:
Karen Parkman
Rules Coordinator

NEED FOR THE RULE(S)

Update address information

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

New address. Electronically stored with the agency.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

No Affect

FISCAL AND ECONOMIC IMPACT:

none

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

none

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

small businesses were not involved or affected

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

AMEND: 462-140-0150

RULE SUMMARY: Updated agency address

CHANGES TO RULE:

462-140-0150

Racing Secretary ¶

(1) The racing secretary is responsible for maintaining a file of all registration papers and foal certificates on horses participating in the race meet. The racing secretary shall inspect all ownership and lease documents to be sure they are accurate, complete, and up-to-date. The racing secretary has the authority to demand the production of any documents or other evidence necessary in order to perform this responsibility. The racing secretary shall verify each racing animal's ownership and shall not allow any racing animal to run unless the racing animal is entered in the name of the legal owner as shown on the back of the registration/ownership papers, or on a legal lease attached to the registration/ownership papers, and unless the stable name is licensed, where the papers show a stable name. ¶

(2) The racing secretary is responsible for receiving all entry forms for official racing, all scratch requests, and all subscriptions, nominations, and entrance monies. The racing secretary shall assure, to the extent possible, that all entry requirements have been met and continue to be met until the entry is withdrawn. ¶

(3) The racing secretary shall be responsible for forming each race, and may provide assistance to the trainers in ensuring that only racing animals which are eligible to start or race and which meet any special entry requirements are drawn into the race. The racing secretary shall make every effort to ensure fairness and equal opportunity for all racing animal owners and stable owners in the forming of all races. ¶

(4) As soon as the entries have closed for each racing program, the racing secretary shall compile and post in a conspicuous place a list of entries, minus any subsequent withdrawals. Names of horses on the "Also Eligible" list shall also be compiled and promptly posted in a conspicuous place. ¶

(5) The racing secretary shall keep a complete record of all races and shall immediately report to the stewards conditions which may require a scratch, and any violations of ORS Chapter 462 or the rules of racing. ¶

(6) The racing secretary is responsible for publishing the racing program and for the accuracy of the information in it. ¶

(a) The racing secretary shall compile and cause to be printed for each racing day a program which shall legibly set forth for each race the amount of the purse, distance, conditions, names of racing animal which are to be run, their color, sex, age, breeding, state in which foaled, the name of their owner, lessee (if any), trainer, assistant trainer (if any), and jockey, the weight carried, order of their post positions, and such other information and notices to the public as the commission may direct. ¶

(b) Once the official program is printed and placed for sale to the public, there shall be no changes in the program (except to correct printer's errors) unless a horse is legally scratched from a race. No program shall contain a loose insert, unless approved by the board of stewards. ¶

(c) The racing secretary is responsible for the accuracy of all racing related material provided for the program. ¶

(d) All daily programs sold at the racecourse must contain a prominent notice that there is an information window and/or complaint window in the clubhouse and grandstand where complaints may be made or filed in writing. The exact locations of these windows shall be set forth in the notice. ¶

(e) All daily programs sold at the racecourse must clearly contain the following: ¶

NOTICE: This race meet is licensed for 20__, License No. ___ by the Oregon Racing Commission and operates under its rules and regulations. The commission ~~office is located at the Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232.~~ may be contacted at P.O. Box 366, Gresham, OR 97030, or faxed to (971) 673-0213; or emailed to orc.info@orc.oregon.gov. ¶

(7) The racing secretary is responsible for writing a condition book and shall assign stalls in an equitable manner and shall maintain a record of arrival and departure of horses stabled on the racecourse. ¶

(8) The racing secretary is responsible for custody and safekeeping of registration papers and foal certificates for all horses participating in the race meet, and for recording required information on them including all wins in Oregon. The racing secretary shall permit access to the registration papers and foal certificates only to authorized personnel, and shall allow them to be removed only by the trainer. If the racing secretary is aware that a trainer has been fired by an owner, the racing secretary shall not release any papers to either except with consent of both, or pursuant to court or arbitration order, or with the consent of the commission. Effective January 1, 2020, the Racing Secretary shall ensure that the foal certificates for all the Thoroughbred horses entered to race that were

foaled in 2018, or thereafter, have a "Digital Tattoo." This Digital Tattoo shall indicate that the Thoroughbred Racing Protective Bureau has confirmed the identity of the horse and uploaded updated digital photos to the breed registry database.¶

(9) The racing secretary shall place on the racing secretary's bulletin board the names of heel nerved horses, mares in foal and any other information requested to be posted by the stewards or the commission. Horses that have had an alcohol blocking of the nerve or nerves shall be considered to be nerved.¶

(10) The racing secretary shall promptly make available to the media records of workouts.¶

(11) Chart Books:¶

(a) The Quarter Horse Chart Book shall be the official chart form for Quarter Horse racing.¶

(b) The Appaloosa Chart Book shall be the official chart form for Appaloosa horse racing.¶

(c) The Arabian Jockey Club Charts shall be the official chart form for Arabian horse racing.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270