
TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #08-675(E)

DIGEST

Amends [71 IAC 13-1-1](#) concerning registration of horsemen's associations. Effective August 15, 2008.

[71 IAC 13-1-1](#)

SECTION 1. [71 IAC 13-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 13-1-1](#) Registration of horsemen's associations

Authority: [IC 4-31-3-9](#); [IC 4-35-7-12](#)

Affected: [IC 4-31](#); [IC 4-35](#)

Sec. 1. (a) A horsemen's association must register with the commission annually in order to be eligible to receive monies from permit holders pursuant to the provisions of [IC 4-35-7-12](#). Unless otherwise directed by the commission, and except as provided in subsection (c), a horsemen's association shall file its registration (accompanied by all supporting materials required by this article) with the commission not later than September 1 of the year preceding the calendar year for which the funds are to be paid. Except as provided in subsection (c), the commission shall approve or deny a registration not later than December 31 of the year preceding the calendar year for which the funds are to be paid. The registration for an upcoming calendar year must be approved by the commission before a horsemen's association is entitled to receive any funds from permit holders as provided for by [IC 4-35-7-12](#) and before permit holders may make payment to a particular horsemen's association. The registration of a horsemen's association for a calendar year becomes effective upon the approval of the commission, not upon the filing of the registration.

(b) The deadlines set forth in subsections (a) and (c) for the commission to approve or deny a registration shall not apply when more than one (1) horsemen's association registers to be eligible to receive the same source of funds specified in [IC 4-35-7-12](#). In that event, the commission shall approve or deny the registrations as expeditiously as possible, but not later than February 28 of the calendar year in which the funds are to be paid.

(c) A horsemen's association may register with the commission to receive funds pursuant to [IC 4-35-7-12](#) from gaming revenues generated during calendar years 2008 and 2009 in a single registration (accompanied by all supporting materials required by this article). That registration may be filed by a horsemen's association at any time after this article becomes effective and shall be filed not later than September 1, 2008. The commission shall approve or deny all such registrations as expeditiously as possible, but not later than December 31, 2008, unless subsection (b) applies or if there is a failure by a horsemen's association seeking approval of registration to timely provide information that may be requested by the commission.

(d) If, at the time a permit holder is required to make a payment of funds to a horsemen's association pursuant to [IC 4-35-7-12](#), either:

(1) the commission has not approved the registration of a horsemen's association otherwise eligible to receive the permit holder's payment; or

(2) for any other reason, no horsemen's association is eligible to receive the permit holder's payment; then the permit holder shall pay the funds required to be paid under [IC 4-35-7-12](#) into one (1) or more interest bearing escrow accounts established and maintained by the ~~commission~~ **permit holder** solely for the purpose of ~~receiving~~, holding and distributing those funds **as may be directed by the commission**. When a horsemen's association becomes eligible to receive payments from a permit holder pursuant to [IC 4-35-7-12](#) and this article, the commission shall immediately **direct the release of the escrowed funds and all interest earned on those funds** to the eligible horsemen's association, and the permit holder shall thereafter make payments to that horsemen's association in the manner provided by [IC 4-35-7-12](#) and this article.

(Indiana Horse Racing Commission; [71 IAC 13-1-1](#); emergency rule filed Jul 11, 2008, 2:13 p.m.: [20080723-IR-071080595ERA](#); emergency rule filed Aug 15, 2008, 9:17 a.m.: [20080827-IR-071080675ERA](#))

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