



State of Indiana Indiana Horse Racing Commission

Michael R. Pence, Governor

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August 28, 2014

Erik Scheub
Public Relations Director - Ombudsman
Office of Small Business and Entrepreneurship
One North Capitol, Suite 600
Indianapolis, Indiana 46204

RE: LSA Document # 14-230

Dear Mr. Scheub:

This letter is being sent pursuant to IC 4-22-2-28(b) in response to your letter of August 27, 2014. In that letter you explained that the Office of Small Business and Entrepreneurship reviewed the economic impact analysis associated with the attached proposed rules regarding horse racing.

The letter stated that the Office of Small Business and Entrepreneurship did not object to the fiscal impact of the proposed rule. Because the Office of Small Business and Entrepreneurship had no comments or suggested alternatives for the proposed rule, there are no issues requiring further review and response by the Indiana Horse Racing Commission. Thank you for your assistance with this proposed rule.

Sincerely,

Lea Ellingwood
General Counsel
Indiana Horse Racing Commission

Encl.



INDIANA OFFICE OF SMALL BUSINESS AND ENTREPRENEURSHIP

Jacob Schpok, Executive Director

August 27, 2014

Lea Ellingwood
Indiana Horse Racing Commission
1302 N. Meridian Street, Suite 175
Indianapolis, IN 46202

Dear Ms. Harling,

Pursuant to IC 4-22-2-28, the Indiana Office of Small Business and Entrepreneurship ("OSBE") has reviewed the economic impact analysis for small business associated with rule changes contained in LSA Document 14-330 proposed by the Indiana Horse Racing Commission ("The Commission"). The proposed rule Readopts without change rules in anticipation of [IC 4-22-2-5-2](#), providing that an administrative rule adopted under [IC 4-22-2-2](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. In July 2013, under [IC 4-22-2-5](#), the Indiana Horse Racing Commission initiated the process to readopt rules in LSA Document #13-345. Under [IC 4-22-2-5-4](#), the Indiana Horse Racing Commission received a written request to separately consider the following administrative rules. Under [IC 4-22-2-5-4\(b\)\(2\)](#), the Indiana Horse Racing Commission must now follow the procedure for adoption of administrative rules under [IC 4-22-2-2](#) with respect to the following administrative. In addition, this rule adds [71 IAC 5.5-1-10.1](#) regarding workers' compensation. Readopts [71 IAC 1-1-52](#) and [71 IAC 1.5-1-50](#) regarding the definition of jurisdiction. Readopts [71 IAC 1.5-1-45](#) and [71 IAC 1-1-47](#) regarding the definition of horse. Readopts [71 IAC 1.5-1-52](#) and [71 IAC 1.5-1-53](#) defining maiden and maiden race. Readopts [71 IAC 1-1-42](#) and [71 IAC 1.5-1-38](#) defining financial interest. Readopts [71 IAC 1-1-105](#) and [71 IAC 1.5-1-100](#) defining substantial evidence. Readopts [71 IAC 2-7-1](#) and [71 IAC 2-8-1](#) regarding subpoenas and records. Readopts [71 IAC 3-2-3](#) and [71 IAC 3.5-2-3](#) regarding disciplinary action. Readopts [71 IAC 3.5-3-10](#) regarding cancellation of a race. Readopts [71 IAC 5-1-6](#) and [71 IAC 5.5-1-6](#) regarding consent to search and seizure. Readopts [71 IAC 5-1-10](#) regarding workers' compensation requirements. Readopts [71 IAC 5-1-12](#) and [71 IAC 5.5-1-12](#) regarding license refusals. Readopts [71 IAC 5-1-13](#) and [71 IAC 5.5-1-13](#) regarding license denials. Readopts [71 IAC 5-1-17](#) and [71 IAC 5.5-1-17](#) regarding the duration of a license. Readopts [71 IAC 5-1-25](#) and [71 IAC 5.5-1-27](#) requiring knowledge of the rules. Readopts [71 IAC 5-2-6](#) and [71 IAC 5.5-2-6](#) regarding positive tests (owners). Readopts [71 IAC 8-1-2](#) and [71 IAC 8.5-1-2](#) prohibiting foreign substances. Readopts [71 IAC 8-1-7](#) and [71 IAC 8.5-1-7](#) regarding drug classifications and penalties. Readopts [71 IAC 8-3-1](#) and [71 IAC 8.5-2-1](#) regarding laboratory reports. Readopts [71 IAC 8-3-3](#) and [71 IAC 8.5-2-3](#) regarding the selection of horses tested. Readopts [71 IAC 8-3-4](#) and [71 IAC 8.5-2-4](#) regarding taking samples. Readopts [71 IAC 8-3-5](#) and [71 IAC 8.5-2-5](#) regarding out of competition testing. Readopts [71 IAC 10-1-1](#) regarding hearings conducted by judges and stewards. Readopts [71 IAC 10-1-2](#) regarding suspensions. Readopts [71 IAC 10-2-1](#), [71 IAC 10-2-2](#), [71 IAC 10-2-3](#), [71 IAC 10-2-4](#), [71 IAC 10-2-5](#), [71 IAC 10-2-6](#), [71 IAC 10-2-7](#), [71 IAC 10-2-8](#), [71 IAC 10-2-8.1](#), [71 IAC 10-2-9](#), and [71 IAC 10-2-10](#) regarding due process in proceedings before the judges and stewards. Readopts [71 IAC 10-3-1](#), [71 IAC 10-3-2](#), [71 IAC 10-3-3](#), [71 IAC 10-3-4](#), [71 IAC 10-3-5](#), [71 IAC 10-3-6](#), [71 IAC 10-3-7](#), [71 IAC 10-3-8](#), [71 IAC 10-3-9](#), [71 IAC 10-3-10](#), [71 IAC 10-3-11](#), [71 IAC 10-3-12](#), [71 IAC 10-3-13](#), [71 IAC 10-3-14](#), [71 IAC 10-3-15](#), [71 IAC 10-3-16](#), [71 IAC 10-3-17](#), [71 IAC 10-3-18](#), [71 IAC 10-3-19](#), [71 IAC 10-3-20](#), and [71 IAC 10-3-21](#) regarding due process in proceedings before the Commission. Readopts [71 IAC 10-5-1](#), [71 IAC 10-5-2](#), [71 IAC 10-5-3](#), [71 IAC 10-5-4](#), [71 IAC 10-5-5](#), [71 IAC 10-5-6](#), and [71 IAC 10-5-7](#) regarding appearances by attorneys or representatives.

The economic impact statement prepared by The Commission will not impose requirements or costs on small businesses.. OSBE does not object to the economic impact to small business associated with the proposed rule. If you have any questions about the comments contained herein please contact me at 232.5679 or ombudsman@osbe.in.gov.

Regards,

Handwritten signature of Erik Scheub in black ink.

Erik Scheub