

FINAL STATEMENT OF REASONS

UPDATED INFORMATIVE DIGEST

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

The California Horse Racing Board (Board) did not hold a public hearing for the amendment to Board Rule 1500, Apprentice Jockey, and Board Rule 1619, Apprentice Allowance, as the Board did not receive a written request for a public hearing from any interested person, or his or her authorized representative, at least 15 days prior to the close of the written comment period. Nor were any written comments received during the 45-day comment period of the regular rulemaking process, which was from March 31, 2023 to May 15, 2023.

The Board made substantive changes to the originally proposed regulations and made the modified text available during the 15-day public comment period of September 13, 2023, to September 28, 2023. The discussion of these changes in the 15-day is incorporated by reference herein. The Board adopted revised Board Rule 1500 and Board Rule 1619 at the August 17, 2023, Regular Board meeting.

LOCAL MANDATE DETERMINATION

The amendment to Board Rule 1500 and Board Rule 1619 does not impose any mandate on local agencies or school districts.

Subsection 1500(d) was modified to add “Board of” before “stewards.” This was necessary for clarity and consistency as the term “Board of Stewards” is used throughout Board regulations.

Subsection 1500(f) was modified to add “Board of” before “stewards.” This was necessary for clarity and consistency as the term “Board of Stewards” is used throughout Board regulations.

Subsection 1500(g) was modified to add “Board of” before “stewards.” This was necessary for clarity and consistency as the term “Board of Stewards” is used throughout Board regulations.

Subsection 1500(h) was modified to add “Board of” before “stewards.” This was necessary for clarity and consistency as the term “Board of Stewards” is used throughout Board regulations.

The proposed language in subsection 1500(j) was stricken and replaced with new language. Subsection 1500(j) was amended to subsection 1500(j)(1) and now states “The Board of Stewards shall extend the time during which a weight allowance may be claimed when an apprentice jockey is unable to continue riding due to: A) Service in the national armed forces; B) Enrollment in an institution of secondary or higher education; C) Restrictions on racing; D) Physical disablement or illness; E) Pregnancy. This is

necessary to clarify the criteria the Board of Stewards will use when making a decision to grant an extension.

New subsection 1500(j)(2) was added to state “The Board of Stewards may extend the time during which a weight allowance may be claimed for other hardship outside of the control of the apprentice jockey.” This is necessary to clarify the Board of Stewards will have some discretion when making a decision to grant an extension for those situations that do not fall within the criteria outlined in subsection 1500(j)(1).

New subsection 1500(k) was added to state “To qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of seven (7) consecutive days or more after the date of their tenth (10th) winning mount during the period in which the apprentice was entitled to an apprentice weight allowance.” This is necessary to clarify how an apprentice jockey qualifies for an extension.

Former subsection 1500(j)(1) was amended to subsection 1500(l). Additionally, the word “can” was stricken and replaced with “shall.” Replacing the word “can” with “shall” clarifies that an apprentice jockey must complete and submit the CHRB-248 form if they meet the requirements of subsection 1500(j).

New subsection 1500(l)(1) was added to state “When submitting Form CHRB-248, the apprentice jockey shall produce documentation verifying time lost due to the reason(s) defined in subsection (j).” This is necessary to clarify that evidence supporting the reason the apprentice jockey is requesting an extension must be submitted with the form CHRB-248.

New subsection 1500(l)(2) was added to state “All other requests for extensions shall be directed to the jurisdiction that approved the apprentice license or certificate.” This text was in the previous subsection 1500(j) and was moved for clarity.

The CHRB-248 was modified. The “Other reason which may be acceptable to the CHRB” selection was modified to state, “Other hardship outside the control of the apprentice jockey.” This is necessary to align with new subsection 1500(j)(2). The “Note to applicant...” was stricken. The text “Attach documentation verifying time lost pursuant to CHRB Rule 1500(l)(1). No request for an extension due to physical disablement, illness, or will be considered without a confirming report from your doctor. When applicable, secure letters from attending physicians stating nature and extent of injury, date, etc., and names of stewards presiding at meeting where you were injured or became ill” was added. This is necessary as it clarifies that submitting supporting documentation is necessary pursuant to subsection 1500(l)(1).

Subsection 1619(e) was modified to add “Board of” before “stewards.” This was necessary for clarity and consistency as the term “Board of Stewards” is used throughout the Board regulations.

All other changes are for the purposes of grammar and consistency.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE ORIGINAL NOTICE PERIOD OF MARCH 31, 2023, TO MAY 15, 2023.

No comments were received during the 45-day public comment period of March 31, 2023, through May 15, 2023.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD OF SEPTEMBER 13, 2023, TO SEPTEMBER 28, 2023.

No comments were received during the 15-day public comment period of September 13, 2023, through September 28, 2023.

The amendment to Board Rule 1500 and Board Rule 1619 has no significant, adverse economic impact on small business.

The amendment to Board Rule 1500 and Board Rule 1619 has no significant, adverse economic impact on business.

ALTERNATIVE DETERMINATION

The Board has determined that no reasonable alternative would be more effective in carrying out the purpose for which the regulation was proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The amendment to Board Rule 1500 will specify the eligibility requirements under which a license as an apprentice jockey is granted. The amendment to Board Rule 1619 will modify the requirements for the five-pound and seven-pound allowances to ensure rider safety.

No public hearing was held for the proposed regulatory action, as the Board did not receive a written request for a public hearing from any interested person, or his or her authorized representative, at least 15 days prior to the close of the written comment period. The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. No alternatives were proposed.

No alternatives that would lessen any adverse economic impact on small business were proposed.

DOCUMENTS INCORPORATED BY REFERENCE:

For documents incorporated by reference, it would be cumbersome, unduly expensive, or otherwise impractical to publish the document in the California Code of Regulations. While the ARCI Model Rule document, although not explicitly called a document relied upon, was discussed in the Initial Statement of Reasons as the model rule was relied upon to align CHRB regulations to the ARCI model rule.