

FINAL STATEMENT OF REASONS

UPDATED INFORMATIVE DIGEST

There have been no changes in applicable laws or to the effect of the proposed regulation 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 1634, Claiming Option Entry; Board Rule 1656, Errors Which Invalidate Claim; and Board Rule 1658, Vesting of Title to Claimed Horse, 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.

LOCAL MANDATE DETERMINATION

The amendment to Board rules 1634, 1656, and 1658 does not impose any mandates on local agencies or school districts.

SUMMARY OF AND RESPONSE TO COMMENTS RECEIVED DURING BOARD MEETING OF AUGUST 15, 2024

Comment 1, Heather Wilson, private individual: Ms. Wilson made general comments about claiming races and expressed disagreement with the Board's definition of a "bleeder."

Response to Comment 1: The Board has noted Ms. Wilson's comments. The comments do not address the proposed changes to the regulations.

Comment 2, Samantha Prado, animal rights activist: Ms. Prado made general comments about claiming races and quoted Horseracing Integrity and Safety Authority Rule 2262.

Response to Comment 2: The Board has noted Ms. Prado's comments. The comments do not address the proposed changes to the regulations.

Comment 3, Jane Cartmill, private individual: Ms. Cartmill quoted a report regarding claiming races and commented on the risks of frequent changing of barns.

Response to Comment 3: The Board has noted Ms. Carmill's comments. The comments do not address the proposed changes to the regulations.

SUMMARY OF AND RESPONSE TO COMMENTS RECEIVED DURING 45-DAY PUBLIC COMMENT PERIOD OF OCTOBER 4, 2024, THROUGH NOVEMBER 18, 2024

No comments were received.

The adoption of Board rules 1634, 1656, and 1658 has no significant, adverse economic impact on small business.

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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 1634 will reduce the minimum number of days required since the last start from 180 to 120, within the context of the rule. The amendment will also allow for ineligibility to apply to a second consecutive start following each such layoff, instead of only the first start, provided that certain conditions are met. The amendment to Board Rule 1656 will update the reference to the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, which is incorporated by reference, to reflect the latest version of the form. The regulation will amend subsection (c) of Board Rule 1658 to include “bled” as one of the reasons for placement on the Veterinarian’s List as it pertains to subsection (c). Additionally, the regulation will amend subsection (b)(2)(A) of Board Rule 1658 to specify that “bled” is also referred to as “epistaxis.” Finally, the regulation will update the reference to the claim form in subsection (c)(1) to reflect the latest version of the form, which has been revised to include “bled/epistaxis” for consistency with the changes to subsections (b)(2)(A) and (c).

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.

EXPLANATION OF NONDUPLICATION

Subsection (a) of section 12, “Nonduplication,” of the Office of Administrative Law’s regulations states that a regulation that repeats or rephrases in whole or in part a state or federal statute or regulation shall “serve the same purpose,” as that phrase is used in Government Code (GC) section 11349(f). GC section 11349(f) defines “nonduplication” as a regulation not serving the same purpose as a state or federal statute or another regulation. The Board asserts that its proposed regulatory action does not serve the same purpose as the federal regulations to which it conforms. The proposed regulatory action does include language from the federal regulations. However, the federal regulations apply only to Thoroughbred horse racing, whereas the Board’s regulations apply to Thoroughbred and the other breeds of racing under its jurisdiction, including but not limited to Quarter Horse and Arabian, for example. Therefore, the Board’s regulations do not duplicate the federal regulations.

STATEMENT REGARDING DOCUMENTS INCORPORATED BY REFERENCE

The Board rules amended by this regulation currently incorporate by reference a form because it would be cumbersome, unduly expensive, or otherwise impractical to publish said document in the California Code of Regulations. The document may undergo relatively frequent revision. Additionally, said document was made available upon request from the Board or was reasonably available to the affected public on the Board's website.