



**STATE OF OKLAHOMA**  
**OKLAHOMA HORSE RACING COMMISSION**

January 6, 2010

Racetrack Managers  
Horsemen's Organizations  
Racing Secretaries  
Oklahoma-Bred Advisory Council  
Commission Staff

Dear Industry Stakeholders:

The Commission is considering amendments under permanent rulemaking procedures to the following racing rules:

- 325:25-1-30, Jockey Mount Fees
- 325:75-1-12, Application Requirements, Categories and Fees for Quarter Horses, Appaloosas or Paints
- 325:75-1-12.1, Application Requirements, Categories and Fees for Thoroughbreds, Beginning with an Effective Date of January 1, 2010
- 325:75-1-13.1, Dual Breed Application Categories and Fees
- 325:75-1-16, Disposition of Unexpended Oklahoma-Bred Funds Generated at a Race Meeting

The proposed language is attached.

In order to receive input about the proposed amendments, a Public Hearing is scheduled for Monday, March 8, 2010, at the Commission's office at Shepherd Mall [2401 N.W. 23, Suite 78, Oklahoma City, OK 73107; phone: 405/943-6472], 9:00 a.m. to Noon and 1:00 to 4:30 p.m. You are welcome to forward written comments by 4:30 p.m. that day to:

Mail: 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107  
Fax: 405/943-6474  
E-Mail: [bmorris@ohrc.org](mailto:bmorris@ohrc.org)

The Commission will then consider adoption of the proposed rule amendments at the March 25, 2010 Commission meeting. In the meantime, please let me know if you have any questions. Thanks.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bonnie Morris".

Bonnie Morris  
Agency Rulemaking Liaison

Attachment

OKLAHOMA HORSE RACING COMMISSION

**PROPOSED RULE AMENDMENTS TO  
OHRC RULES OF RACING**

**CHAPTER 25  
ENTRIES AND DECLARATIONS**

**Rule 325:25-1-30, Jockey Mount Fees**

**Background**

The Ad Hoc Committee on Jockey Mount Fees met on November 19, 2009 following the conclusion of the Commission meeting, and forwarded the following recommendation for proposed rule amendments.

**Regulatory Language**

(a) Jockey mount fees in the absence of a contract or special agreement shall be **the greater of the appropriate percentage (%) of the purse as indicated on the chart below or \$75.00:**

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$ 500 & Under	\$33.00	\$33.00	\$33.00	\$33.00
600-699	\$33.00	\$33.00	\$33.00	\$33.00
700-1,499	10% Win Purse	\$33.00	\$33.00	\$33.00
1,500-1,999	10% Win Purse	\$35.00	\$33.00	\$33.00
2,000-3,499	10% Win Purse	\$45.00	\$40.00	\$38.00
3,500-4,999	10% Win Purse	\$55.00	\$45.00	\$40.00
5,000-9,999	10% Win Purse	\$65.00	\$50.00	\$45.00
10,000-14,999	10% Win Purse	5% Place Purse	5% Show Purse	\$50.00
15,000-24,999	10% Win Purse	5% Place Purse	5% Show Purse	\$65.00
25,000-49,999	10% Win Purse	5% Place Purse	5% Show Purse	\$65.00
50,000-99,999	10% Win Purse	5% Place Purse	5% Show Purse	\$80.00
\$1,000 to \$39,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$75.00
\$40,000 to \$74,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$80.00
\$75,000 to \$99,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$85.00
\$100,000 & Up	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$105.00

(b) The purpose of this Section is not to set a minimum or a maximum fee, but merely to provide a fee in the event that the parties have not made any other written agreement to the contrary. In the event the parties reach an agreement with respect to the fees to be paid the Jockey, a contract or agreement in writing signed by the Jockey or his/her agent and the Owner or his/her Authorized Agent specifying the agreed upon fee in the event of a winning

mount, second place mount, third place mount and losing mount, shall be delivered to the Horsemen's Bookkeeper prior to the running of the race in question. The Horsemen's Bookkeeper shall debit the Owner's purse account in accordance with the provision of the contract or written agreement. If no contract or written agreement is submitted to the Horsemen's Bookkeeper prior to the running of the race in question, the Horsemen's Bookkeeper shall debit the Owner's purse account in accordance with the fee scale set forth in this Section, which is to apply in the absence of a contract or written agreement between the parties.

(c) A jockey mount fee is considered earned by a jockey when the jockey is weighed-out by the clerk of scales, except:

- (1) when a jockey elects to take himself or herself off a mount; and
- (2) when the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing-out and the start of the race.

(d) If the jockey does not weigh-out because the owner or trainer replaces the jockey with another jockey, the owner or trainer shall pay the same fee to each jockey engaged for the race.

## **CHAPTER 75** **OKLAHOMA-BRED PROGRAM**

### **Rule 325:75-1-12. Application Requirements, Categories and Fees for Quarter Horses, Appaloosas or Paints**

### **Rule 325:75-1-12.1. Application Requirements, Categories and Fees for Thoroughbreds, Beginning with an Effective Date of January 1, 2010**

### **Rule 325:75-1-13.1. Dual Breed Application Categories and Fees**

#### **Background**

The Commission named an Ad Hoc Committee on Oklahoma-Bred Rule Revisions at its May 15, 2008 meeting, chaired by Commissioner John Smicklas. The Ad Hoc Committee membership included two other Commissioners [Mr. Melvin Bollenbach and Mr. Patrick Grimmett], Ms. Debbie Schauf, Executive Director of the Oklahoma Quarter Horse Racing Association [representing the Quarter Horses, Paints and Appaloosas], Mr. R.D. Logan, Executive Director of the Oklahoma Thoroughbred Association [representing the Thoroughbreds], Mr. Constantin Rieger, Commission Executive Director, and Ms. Tara Teel, Oklahoma-Bred Registrar.

The charge to the Ad Hoc Committee was to review the current Oklahoma-Bred rules to: (1) match changes already in place in the national breed registries for Quarter Horses, Paints, Appaloosas and Thoroughbreds; (2) consider new fees as well as increasing the ownership transfer fee; (3) clarify the horse certificate forms to be inspected by the Oklahoma-Bred Registering Agency, (4) expand the list of defined terms, and (5) make consistent the use of terms such as 'accredit' rather than the current use of interchanging the terms 'accredit' and 'register.' The Ad Hoc Committee then met a number of times and presented its proposed rule amendments to 12 current rules and 4 proposed new rules to the Commission at its January 22, 2009 meeting.

The Commission adopted the Ad Hoc Committee's recommendations at its March 26, 2009 meeting. Gubernatorial approval was made on May 4, 2009. Legislature inactive approval occurred on May 21, 2009, making the amendments and new rules finally adopted on that date. The effective date of the amendments and new rules was June 25, 2009.

In late November, 2009, Ms. Tara Teel, Oklahoma-Bred Registrar, found that three fees, properly established in substantive Commission rules when the Commission adopted the Ad Hoc Committee's recommendations, were either omitted or incorrectly stated in rules containing laundry lists of all fees, adopted at the same time.

Mr. Neal Leader, Senior Assistant Attorney General and Commission Legal Counsel, advised the Commission that in his judgment, if there is a conflict between the rule establishing a fee and a rule adopted at the same time which purports to contain a laundry list of all fees, which either misstates the fee established or omits an established fee from the list, the substantive provision establishing the fee controls. Nevertheless, Mr. Leader recommended that action be taken to correct these discrepancies by adoption of amendments to the following three rules which purport to set forth a correct laundry list of fees established in the rules.

### Regulatory Language

#### 325:75-1-12. Application Requirements, Categories and Fees for Quarter Horses, Appaloosas or Paints

(a) Except as provided in 325:75-1-3(3) and 325:75-1-3.1(3), all broodmares must be accredited in the broodmare registry prior to foaling an Oklahoma-Bred eligible foal. All stallions must be accredited in the stallion registry prior to conceiving an Oklahoma-Bred eligible foal. Racing stock may register in the racing stock registry by December 31 of the year of the horse's birth with a fee of \$25.00. Other racing stock applying by June 1 of their yearling

year must pay a \$50.00 fee. The application fee is \$500.00 for all other racing stock registered through December 31 of the horse's three-year-old year. On or after January 1 of their four-year-old year, the application fee shall be \$1,000.00. Broodmares may register in the broodmare registry by December 31 of the year prior to foaling with a fee of \$35.00. Broodmares applying under late applications but prior to foaling must pay a \$70.00 fee. Broodmares applying under hardship applications must pay ~~\$235.00~~ **\$200.00 plus the application fee**. Stallions may apply in the stallion registry by February 1 of that breeding season with a fee of \$100.00. Stallions applying after February 1 and by June 30 of that breeding season must pay \$200.00.

(b) The breeder or owner of an Oklahoma-Bred horse shall pay the fee required for application in the following categories:

(1) Stallion Application by February 1 of Breeding Year - \$100.00

(2) Stallion Application After February 1 and by June 30 of the Breeding Year - \$200.00

(3) Stallion Reaccreditation Application by February 1 of Breeding Year - \$100.00

(4) Stallion Reaccreditation Application After February 1 and by June 30 of the Breeding Year - \$200.00

**(5) Stallion Reaccreditation Hardship Application - \$200.00 plus the application fee**

~~(5 6)~~ Broodmare Application by December 31 of Year Prior to Foaling - \$35.00

~~(6 7)~~ Broodmare Application under Late Application - \$70.00

~~(7 8)~~ Broodmare **Hardship** Application ~~under Hardship Application~~ - ~~\$235.00~~ **\$200.00 plus the application fee**

~~(8 9)~~ Broodmare Reaccreditation Application by December 31 prior to foaling - \$35.00

~~(9 10)~~ Broodmare Reaccreditation Application after December 31 and prior to foaling - \$70.00

~~(10 11)~~ Foal Application by December 31 in Year of Birth - \$25.00

~~(11 12)~~ Yearling Application by June 1 of Yearling Year - \$50.00

~~(12 13)~~ Racing Stock Application After June 1 of Yearling Year through December 31 of Three- Year-Old Year - \$500.00

~~(13 14)~~ Racing Stock Application On or After January 1 of Four-Year-Old Year - \$1,000.00

~~(14 15)~~ Transfer Fee - \$25.00

(c) Paragraphs (1), (2), (3), (4), (5), (6), (7), (8) **and** (9) **and** (10) of (b) of this Section are registries for breeding purposes only.

Paragraphs ~~(10)~~, (11), (12) ~~and~~ (13), (14) and (15) of (b) of this Section are for racing purposes only.

**325:75-1-12.1. Application Requirements, Categories and Fees for Thoroughbreds, Beginning with an Effective Date of January 1, 2010**

(a) Except as provided in 325:75-1-3(5)(C), all broodmares must be accredited in the broodmare registry prior to foaling and Oklahoma-Bred eligible foal. All stallions must be accredited in the stallion registry prior to conceiving an Oklahoma-Bred eligible foal. Racing stock may apply for the racing stock registry by December 31 of the year of the horse's birth with a fee of \$50.00. Other racing stock may apply by December 31 of the horse's yearling year with a fee of \$150.00. The horse may apply by December 31 of its two-year old year for \$450.00. After that date, a three-year or older foal may apply for a fee of \$1,000.00. Broodmares may apply for the broodmare registry by December 31 of the year prior to foaling for a fee of \$75.00. Broodmares applying under late application but prior to foaling must pay a fee of \$150.00. Broodmares applying under hardship applications must pay a fee of ~~\$350.00 (including penalty)~~ **\$200.00 plus application fee**. Stallions may apply for the stallion registry by February 1 of that breeding season with a fee of \$225.00. Stallions applying after February 1 and by June 30 of that breeding season must pay a fee of \$400.00. Further, the stallion must pay a yearly re-certification fee. If paid prior to February 1 the fee is \$25.00; after February 1 but before June 30, the fee is \$50.00. If the yearly fee is paid after June 30, the yearly fee is \$400.00.

(b) The breeder or owner of an Oklahoma-Bred horse shall pay the fee required for applying in the following categories:

(1) Stallion Application by February 1 of breeding year - \$225.00

(2) Stallion Application after February 1 but before June 30 of the breeding year - \$400.00

(3) Stallion Reaccreditation Application by February 1 of breeding year - \$225.00

(4) Stallion Reaccreditation Application after February 1 but before June 30 of breeding year - \$400.00

**(5) Stallion Reaccreditation Hardship Application - \$200.00 plus the application fee**

~~(5)~~ (6) Yearly Recertification of Stallion in Registry by February 1 of breeding year - \$25.00

~~(6)~~ (7) Yearly Recertification of Stallion in Registry after February 1 but before June 30 of breeding year - \$50.00

~~(7 8)~~ Yearly Recertification of Stallion in Registry after June 30 of breeding year - \$400.00

~~(8 9)~~ Broodmare Application by December 31 of Year prior to foaling – \$75.00

~~(9 10)~~ Broodmare Application after December 31 and prior to foaling - \$150.00

~~(10 11)~~ Broodmare Reaccreditation Application by December 31 prior to foaling - \$75.00

~~(11 12)~~ Broodmare Reaccreditation Application after December 31 and prior to foaling - \$150.00

~~(12 13)~~ Broodmare **Hardship** Application ~~under Hardship Application - \$350.00 (including penalty)~~ **\$200.00 plus application fee**

~~(13 14)~~ Foal Application in Year of Birth by December 31 - \$50.00

~~(14 15)~~ Foal Application in Yearling Year by December 31 - \$ 150.00

~~(15 16)~~ Foal Application in Two-Year-Old Year by December 31 - \$450.00

~~(16 17)~~ Foal Application in Three-Year-Old Year by December 31 - \$750.00

~~(17 18)~~ Foal Application after December 31 of Three-Year-Old Year - \$1,000

~~(18 19)~~ Transfer fee - \$25.00

(c) Paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~and (12) and (13)~~ of (b) of this Section are registries for breeding purposes only. Paragraphs ~~(13),~~ (14), (15), (16), ~~and (17), (18)~~ **and (19)** of (b) of this Section are for racing purposes only.

(d) Proceeds from the fees listed above are to be distributed in the following manner:

(1) 85% placed into the Oklahoma-Bred Fund for Thoroughbreds. Should the Legislature in the future authorize the Oklahoma Breeding Development Fund Special Account monies to be used for the care of retired and unwanted Oklahoma-Bred accredited horses, then 50% of such fees shall be placed in the Fund to be administered by the Commission for the care of retired and unwanted accredited Oklahoma-Bred Thoroughbred horses, and 35% placed in the Oklahoma-Bred Fund for Thoroughbreds, and

(2) 15% to the Oklahoma Horse Racing Commission to:

(A) Assist in funding to oversee the Fund in (c) (2), to cover related costs to administering the Oklahoma-Bred Program for Thoroughbreds, and

(B) Improve and increase the number of inspections for compliance for Thoroughbred

broodmares, stallions and foals to be eligible for the Oklahoma-Bred Program.

**325:75-1-13.1. Dual Breed Application Categories and Fees**

The breeder or owner of a dual breed registered Oklahoma-Bred horse shall pay the fee required for accreditation in the following categories:

- (1) Stallion Application by February 1 of Breeding Year - \$150.00
- (2) Amended Stallion Application by February 1 of Breeding Year - \$100.00
- (3) Stallion Application after February 1 and by June 30 of the Breeding Year - \$300.00
- (4) Amended Stallion Application after February 1 and by June 30 of the Breeding Year - \$200.00
- (5) Stallion Reaccreditation Application by February 1 of Breeding Year - \$150.00
- (6) Stallion Reaccreditation Application after February 1 and by June 30 of the Breeding Year - \$300.00
- (7) Stallion Reaccreditation Hardship Application - \$200.00 plus application fee**
- ~~(7 8)~~ Broodmare Application by December 31 of Year Prior to Foaling - \$60.00
- ~~(8 9)~~ Amended Broodmare Application by December 31 of Year Prior to Foaling - \$35.00
- ~~(9 10)~~ Broodmare Application after December 31 and Prior to Foaling - \$120.00
- ~~(10 11)~~ Amended Broodmare Application after December 31 and Prior to Foaling - \$70.00
- ~~(11 12)~~ Broodmare Hardship Application - ~~\$235.00~~ **\$200.00 plus application fee**
- ~~(12 13)~~ Broodmare Reaccreditation Application by December 31 of Year Prior to Foaling - \$60.00
- ~~(13 14)~~ Broodmare Reaccreditation Application after December 31 and Prior to Foaling - \$120.00
- ~~(14 15)~~ Foal Application in Year of Birth by December 31 - \$40.00
- ~~(15 16)~~ Amended Foal Application in Year of Birth by December 31 - \$25.00
- ~~(16 17)~~ Yearling Application by June 1 of Yearling Year - \$80.00
- ~~(17 18)~~ Amended Yearling Application by June 1 of Yearling Year - \$50.00

~~(48~~ **19**) Racing Stock Application after June 1 of Yearling Year through December 31 of Three-Year-Old Year - \$750.00

~~(49~~ **20**) Amended Racing Stock Application after June 1 of Yearling Year through December 31 of Three-Year-Old Year - \$500.00

~~(20~~ **21**) Racing Stock Application on or after January 1 of Four-Year-Old Year - \$1,500.00

~~(24~~ **22**) Amended Racing Stock Application on or after January 1 of Four-Year-Old Year - \$1,000.00

### **Rule 325:75-1-16, Disposition of Unexpended Oklahoma-Bred Funds Generated at a Race Meeting**

#### **Background**

The Oklahoma Quarter Horse Racing Association [OQHRA] advised the Commission in a November 6, 2009 e-mail that it was submitting proposed rule amendments with the goal "... for Oklahoma-Bred money accrued for use during a calendar year for each participating breed be distributed as completely as possible to those participating owners, breeders, and stallion owners. No Owner, breeder or stallion owner gets benefits intended by the Act when the money is allowed the [sic] grow in the state coffers and is not distributed to the participants in a timely manner."

#### **Regulatory Language**

Breakage and unclaimed ticket revenue generated from wagering by an organization licensee shall be remitted to the Commission for deposit to the Oklahoma Breeding Development Fund Special Account [3A:208.3(A)]. Distribution of these funds is made by the Commission to owners of eligible Oklahoma-Bred horses which qualify through participation at race meetings held by the organization licensee generating the funds. In the event that the total amount of breakage and unclaimed ticket funds generated at a race meeting are not fully distributed to eligible Oklahoma-Bred participants during that race meeting, the unexpended amount(s)

**(a)** shall be carried over for eligible Oklahoma-Bred purse supplements and awards to the next subsequent race meeting conducted for that breed(s) by the same organization licensee; **or**

**(b)** **upon request by the recognized representative organization for that breed(s), the remaining underpaid funds which were accrued for distribution from**

**designated sources of Oklahoma Breeding Development revenue for that breed(s) and which were generated prior to and/or during a live race meeting but remained unexpended at the conclusion of such meeting, may be allotted by the Commission to the credit of the respective breed(s) participation in live race meeting(s) conducted at other Oklahoma licensed racetrack(s) during the same or immediately subsequent calendar year.**

**(c)** In the event an organization licensee does not conduct such subsequent race meeting in the succeeding calendar year for that breed(s) or the Commission does not re-license the organization licensee for the succeeding calendar year, ~~then~~ **the recognized representative for that breed(s) shall provide direction to the Commission for the use of any amounts which would have been carried over and the funds** shall be allotted by the Commission to the credit of the respective breeds participating in the immediate subsequent calendar year race meeting to provide purse supplements and awards to eligible Oklahoma-Bred participants at levels established by the Commission. Nothing in this Section shall prohibit the Commission from authorizing funds derived from breakage and/or unclaimed ticket proceeds to be used for other purposes established by the Act.

BJM/1/6/10