

CALIFORNIA HORSE RACING BOARD

15-DAY NOTICE OF MODIFICATION TO THE TEXT OF THE PROPOSED AMENDMENT TO RULE 1500, APPRENTICE JOCKEY, AND RULE 1619, APPRENTICE ALLOWANCE.

Pursuant to the requirements of Government Code (GC) section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations (CCR), the California Horse Racing Board (Board) is providing notice of changes that have been made to the text of the proposed amendment to Board Rule 1500, Apprentice Jockey, and Board Rule 1619, Apprentice Allowance.

CHANGES TO THE PROPOSED TEXT

The originally proposed text was noticed to the public on March 31, 2023. No public comments were received during the 45-day comment period nor was a public hearing requested. The final rulemaking package was submitted to the Office of Administrative Law (OAL) on May 17, 2023. OAL informed the Board that the rule did not meet the requirements of the California Administrative Procedures Act (APA), so OAL could not approve the file without modifications. The Board subsequently proposed changes to modify the proposed regulations to bring the rulemaking into compliance with the APA.

A copy of the full text of the regulations with the proposed changes indicated is attached for your review. Additions to the originally proposed text appear in double underlined text and deletions are shown in ~~double~~ strikethrough.

Rule 1500, Apprentice Jockey, and Rule 1619, Apprentice Allowance

The proposed amendments to Board Rules 1500 and 1619 has been modified for consistency and clarity. The proposed amendment to Board Rule 1500 will specify the eligibility requirements under which a license as an apprentice jockey is granted. The proposed amendment to Board Rule 1619 will modify the requirements for the five-pound and seven-pound allowances to ensure rider safety.

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 pregnancy 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.

WRITTEN COMMENT PERIOD

Any interested person may submit a written statement relating to the modified language or the documents added to the rulemaking file during the public comment period from **September 13, 2023 – September 28, 2023**. All written comments must be submitted to the Board no later than **September 28, 2023**. The Board will only consider comments received at the Board's office by that time. Submit written comments to:

Nicole Lopes-Gravely, Policy and Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Phone: (916) 263-6397
Email: nlgravely@chrb.ca.gov

All written comments received by September 28, 2023 which pertain to the indicated text changes or the additional documents will be reviewed and responded to by the Board's staff as part of the completion of the rulemaking file. Please limit your comments to the modifications to the text. Text proposed to be added to the rulemaking in this comment period is displayed in double underline and proposed deletions to the rulemaking in this comment period is displayed in ~~double strikethrough~~.

AVAILABILITY OF RULEMAKING DOCUMENTS ON THE INTERNET

Copies of this notice, the original Notice of Proposed Rulemaking, the Initial Statement of Reasons, the original proposed text of the regulations, additional documents and information to the record, and the revisions to the proposed text of the regulations can be accessed via the CHRB website at: http://www.chrb.ca.gov/rules_law.asp.

CALIFORNIA HORSE RACING BOARD
September 13, 2023