

NOTICES OF PROPOSED RULEMAKING
Initiated After January 1, 1995

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register*.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING
CHAPTER 2. ARIZONA RACING COMMISSION

Editor's Note: The Commission submitted the rule under the old Title and Chapter, (Title 4, Chapter 27). The rule now appears with the new Title and Chapter, (Title 19, Chapter 2) effective January 1, 1995.

PREAMBLE

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| <p>1. <u>Sections Affected</u> R19-2-121</p> | <p><u>Rulemaking Action</u> Repeal</p> |
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2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: §§ 5-104(A)(2) and 5-104(T)
Implementing statute: § 5-107.01(C), (D) and (E)
3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Aikaterine Vervilos
Address: Arizona Department of Racing
15 South 15th Avenue, 1st Floor
Phoenix, Arizona 85007
Telephone Number: (602) 542-5151
Fax Number: (602) 542-5177
4. An explanation of the rule, including the agency's reasons for initiating the rule:
Repeals the requirement of the clerk of the scales to advise the stewards that the weights are within the limits specified before the race is declared official. This repeal would allow the horse racetracks to proceed faster with the next race and to allow their patrons ample time to wager on it.
5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
6. The preliminary summary of the economic, small business, and consumer impact:
This repeal will not adversely impact small businesses (horse racetracks), consumers (gamblers) or the State. It may have a positive impact on the racetracks, on the gamblers, and on the State by allowing more time for wagering. More money may be earned by the racetracks and the State. The gamblers may or may not earn more money but they will have additional time to make their choices.
7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:
Name: Aikaterine Vervilos
Address: Arizona Department of Racing
15 South 15th Avenue, 1st Floor
Phoenix, Arizona 85007
Telephone Number: (602) 542-5151
Fax Number: (602) 542-5177
8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
No oral proceedings are scheduled. Contact Aikaterine Vervilos in writing to request one. If the Commission receives at least five requests for a proceeding within 30 days of the publication of this notice, statute requires the Commission to schedule one. The deadline is April 2, 1995.

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9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules: Not applicable.
10. Incorporations by reference and their location in the rules:
None
11. The full text of the rules follows:

**TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING
CHAPTER 2. ARIZONA RACING COMMISSION**

ARTICLE 1. HORSE RACING

Section
R19-2-121. Officials

ARTICLE 1. HORSE RACING

R19-2-121. Officials

A.
through No change

J.
4.

J.

5. ~~No race shall be declared official until the clerk of the scales has advised the stewards that final weights are within the limits specified.~~

K.

1.
through No change

Q.

3.