

CHAPTER 309 RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER A RACETRACK LICENSES

RULE § 309.8 RACETRACK LICENSE FEES

1 (a) Purpose of Fees. An association shall pay a license fee to the Commission to pay
2 the Commission's costs to administer and enforce the Act, and to regulate, oversee, and
3 license live and simulcast racing at racetracks.

4 (b) Fees for The Period From [~~State Fiscal Year Beginning~~] September 1, 2018,
5 Through February 28, 2019.

6 (1) Base [~~Annual~~] License Fee. A licensed racing association shall pay a [~~n-annual~~]
7 license fee in the following annualized amount: [~~The annual license fee for each license~~
8 ~~type is as follows:~~]

9 (A) for a Class 1 racetrack, \$714,650;

10 (B) for a Class 2 racetrack, \$127,600;

11 (C) for a Class 3 or 4 racetrack, \$35,725; and

12 (D) for a Greyhound racetrack, \$204,175.

13 (2) Adjustment of Fees. Annualized fees are calculated using a [~~projected~~] base of
14 68 days of live horse racing and 36 performances of live greyhound racing per fiscal
15 year. To cover the additional regulatory cost in the event additional days or
16 performances are requested by the associations the executive secretary may:

17 (A) recalculate a horse racetrack's annualized fee by adding \$6,313 for each live
18 day added beyond the base;

19 (B) recalculate a greyhound racetrack's annualized fee by adding \$750 for each
20 live performance added beyond the base; and

21 (C) review the original or amended race date request submitted by each
22 association to establish race date baselines for specific associations if needed.

23 (3) Payment of Fee. Each association shall pay its license fee by remitting to the
24 Commission 1/12 of its annualized fee on the first business day of each month.

25 [~~Beginning on March 9, 2018, and on the first day of each remaining month of the 2018~~
26 ~~fiscal year, each association shall pay its annual license fee by remitting to the~~
27 ~~Commission 1/6th of the fee remaining due as of March 5, 2018.]~~

28 (c) Unless the Commission Amends These Provisions, Fees for The Period Beginning
29 March 1, 2019 [~~State Fiscal Years Beginning September 1, 2018, and Thereafter~~]:

30 (1) Base [Annual] License Fee. A licensed racing association shall pay a ~~[n-annual]~~
31 license fee in the following annualized amount:~~].~~ ~~The annual license fee for each license~~
32 ~~type is as follows:]~~

- 33 (A) for a Class 1 racetrack, \$540,000 ~~[714,650]~~;
- 34 (B) for a Class 2 racetrack, \$230,000 ~~[427,600]~~;
- 35 (C) for a Class 3 or 4 racetrack, \$70,000 ~~[35,725]~~; and
- 36 (D) for a Greyhound racetrack, \$360,000 ~~[204,175]~~.

37 (2) Adjustment of Fees. Annualized fees are calculated using a ~~[projected]~~ base of
38 83 ~~[143]~~ days of live horse racing and 270 performances of live greyhound racing per
39 fiscal ~~[calendar]~~ year. To cover the additional regulatory cost in the event additional
40 days or performances are requested by the associations the executive secretary may:

- 41 (A) recalculate a horse racetrack's annualized fee by adding \$3,750 for each live
42 day added beyond the base;
- 43 (B) recalculate a greyhound racetrack's annualized fee by adding \$750 for each
44 live performance added beyond the base; and
- 45 (C) review the original or amended race date request submitted by each
46 association to establish race date baselines for specific associations if needed.

47 (3) Payment of Fee.

48 (A) For the period from March 1 through August 31, 2019:

49 (1) On the first business day of the month, an [A~~n~~] association that is
50 conducting live racing or simulcasting shall pay its [annual] license fee by remitting to
51 the Commission 1/6 ~~[1/12th]~~ of the fee remaining due as of March 1, 2019 ~~[on the first~~
52 ~~business day of each month].~~

53 (2) ~~[(B)]~~ On the first business day of the fiscal quarter, an [A~~n~~] association that
54 is not conducting live racing or simulcasting shall pay its [annual] license fee by
55 remitting to the Commission 1/2 of the fee remaining due as of March 1, 2019 ~~[in four~~
56 ~~equal installments on September 1, December 1, March 1, and June 1 of each fiscal~~
57 ~~year].~~

58 (B) For the period beginning September 1, 2019:

59 (1) An association that is conducting live racing or simulcasting shall pay its
60 license fee by remitting to the Commission 1/12 of the total fee on the first business day
61 of each month.

62 (2) An association that is not conducting live racing or simulcasting shall pay
63 its license fee in four equal installments on September 1, December 1, March 1, and
64 June 1 of each fiscal year.

65 (d) If the executive secretary determines that the total revenue from the [~~annual~~] fees
66 exceeds the amount needed to pay those costs, the executive secretary may order a
67 moratorium on all or part of the [~~annual~~] license fees remitted monthly by any or all of
68 the associations. Before entering a moratorium order, the executive secretary shall
69 develop a formula for providing the moratorium in an equitable manner among the
70 associations. In developing the formula, the executive secretary shall consider the
71 amount of excess revenue received by the Commission, the source of the revenue, the
72 Commission's costs associated with regulating each association, the Commission's
73 projected receipts for the next fiscal year, and the Commission's projected expenses
74 during the next fiscal year.