



TEXAS RACING COMMISSION
P. O. Box 12080
Austin, TX 78711-2080
(512) 833-6699
Fax (512) 833-6907

Texas Racing Commission
Tuesday, June 9, 2009
10:30 a.m.
John H. Reagan Building
105 W. 15th Street, Room 120
Austin, Texas

AGENDA

- I. CALL TO ORDER**
Roll Call

- II. PUBLIC COMMENT**

- III. GENERAL BUSINESS**
Discussion and consideration of the following matters:
 - A. Budget and Finance Update III-1
 - B. Report on Racetrack Inspections III-5
 - C. Report and Update by the Executive Director and Staff
Regarding Administrative Matters
 - 1. Legislative Report
 - 2. Racing Report
 - 3. Report on the Association of Racing Commissioners
International (ARCI)
 - 4. Status Report on Austin Jockey Club's Application for a
Transfer of Pecuniary Interests and Change of Location
for Longhorn Downs

5. Report on Authority and Responsibilities of Stewards and Judges

D. Report by Rules Committee

Discussion, consideration, and possible action on the following matters:

E. Designation of New Members on the Committee on Rules

F. State Legislation Enacted or Proposed by the 81st Legislature and the Application of the Sunset Act under Texas Racing Act § 18.01 III-7

IV. PROCEEDINGS ON RACETRACKS

Discussion and consideration of the following matters:

A. Report by Laredo Race Park on Status of Construction in Preparation for Simulcast Operations

B. Report by Gulf Coast Racing (Corpus Christi Greyhound Race Track) on Status of Reopening Racetrack

Discussion, consideration, and possible action on the following matters:

C. Request by Gulf Coast Racing for Approval of Its Totalisator Contract with United Tote Company IV-1

D. Request by Retama Park for a Change in Live Race Dates for 2009 Thoroughbred Meeting IV-2

E. Designation by the Commission of an Application Period for Race Dates under Commission Rule 303.41 IV-4

V. PROCEEDINGS ON RULEMAKING

A. Rule Proposals

1. Proposal to Amend § 309.355, Grading System V-2

2. Proposal to Amend § 309.363, Official Program V-3

3. Proposal to Amend § 309.307, Lures V-4

4. Proposal for New § 315.43, Track Superintendent V-5

5. Proposal for New § 315.44, Brakeman V-6

B. Rule Adoptions

1. Adoption of Amendment to § 309.8, Racetrack License Fees V-8

- | | |
|---|------|
| 2. Adoption of New § 309.11, Fees for Requests to Approve a Transfer of Pecuniary Interests | V-10 |
| 3. Adoption of New § 309.12, Fees for Requests to Approve Change of Location | V-13 |
| 4. Adoption of Amendment to § 311.5, License Fees | V-14 |
| 5. Adoption of Amendment to § 311.104, Trainers | V-17 |
| 6. Adoption of Amendment to § 315.1, Required Officials | V-18 |

VI. EXECUTIVE SESSION

The following items may be discussed and considered in executive session or open meeting and have action taken in the open meeting:

- A. Under Government Code Sec. 551.071, the Commission may open an executive session to confer with its attorney regarding pending or contemplated litigation on any matter listed in this agenda.
- B. Under Government Code Sec. 551.071(2), the Commission may open an executive session to discuss all matters identified in this agenda where the commission seeks the advice of their attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and to discuss the Open Meetings Act and the Administrative Procedures Act.
- C. Under Texas Racing Act, Art. 179e, Sec. 6.03, Vernon's Texas Civil Statutes, the Commission may open an executive session to review management, concession, and totalisator contracts.

VII. OLD/NEW BUSINESS

Schedule next Commission Meeting
(Tentative: Tuesday, August 18, 2009)

VIII. ADJOURN

Texas Racing Commission

LBB-4

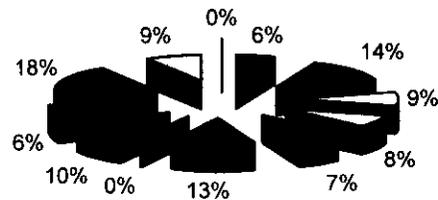
FYE 08/31/2009
 Cumulative Operating Budget Status
 by LBB Expenditure Object/Codes

Strategy	Description	FY 2009 Annual Budget	FY 2009 Expended Thru 4/30/2009	FY 2009 Unexpended Bal 4/30/2009	With 66.67% of Year Lapsed % of Budget Expended
\$ 125,191	FTE's = 72.25 Sum Of All Strategies other than A.2.1				
	1001 Salaries and Wages	3,696,109	2,241,017	1,455,092	60.63%
	1002 Other Personnel Cost	181,418	58,308	123,110	32.14%
	2001 Prof Fees and Services	194,221	60,606	133,615	31.20%
	2003 Consumables	30,500	14,094	16,406	46.21%
	2004 Utilities	24,500	17,976	6,525	73.37%
	2005 Travel	276,650	87,992	188,658	31.81%
	2006 Rent Building	108,014	81,310	26,704	75.28%
	2007 Rent Machine	15,900	8,240	7,660	51.83%
	2009 Other Operating Cost	291,440	181,527	109,913	62.29%
	CB Computer Equipment	35,340	292	35,048	0.83%
\$ 4,854,092	Total Operating Budget	4,854,092	2,751,361	2,102,731	56.68%
\$ 4,882,428	Strategy A.2.1. TX Bred Incentive	4,882,428	2,678,006	2,204,422	54.85%
\$ 9,736,520	Total All Strategies	9,736,520	5,429,367	4,307,153	55.76%

Expended Operational Budget By Strategy

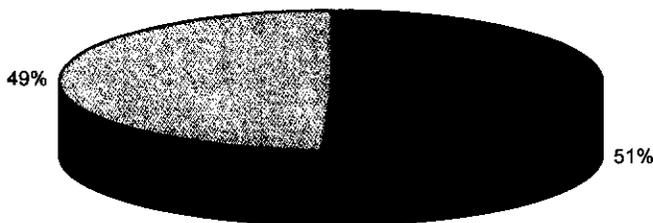
Regulate Racetrack Owners	\$ 167,653
Supervise Racing	\$ 394,750
Monitor Licensee Activities	\$ 239,320
Inspect & Provide Emergency Care	\$ 212,164
Administer Drug Test	\$ 203,209
Occupational Licensing Program	\$ 362,643
Texas On-Line Program	\$ 10,408
Monitor Pari-Mutuel Wagering	\$ 274,233
Wagering & Compliance Inspection	\$ 173,132
Central Administration	\$ 468,450
Information Resources	\$ 245,399
Other Support Services	\$ -

Expended Operational Budget



- Regulate Racetrack Owners
- Monitor Licensee Activities
- Administer Drug Test
- Texas On-Line Program
- Wagering & Compliance Inspection
- Information Resources
- Supervise Racing
- Inspect & Provide Emergency Care
- Occupational Licensing Program
- Monitor Pari-Mutuel Wagering
- Central Administration
- Other Support Services

Expended Appropriations



- Operational Budget
- ATB Budget

Expended Appropriations

Operational Budget	\$ 2,751,361
ATB Budget	\$ 2,678,006

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Texas Racing Commission

LBB-1

FYE 08/31/2009
 Cumulative Operating Budget Status
 by LBB Expenditure Object/Codes

Strategy	Description	FY 2009 Annual Budget	FY 2009 Expended Thru 4/30/2009	FY 2009 Unexpended Bal 4/30/2009	With 66.67% of Year Lapsed % of Budget Expended
A.1.1.	FTE's = 4.00 <u>Regulate Racetrack Owners</u>				
	1001 Salaries and Wages	239,278	159,420	79,859	66.63%
	1002 Other Personnel Cost	4,540	3,019	1,521	66.50%
	2001 Prof Fees and Services	5,000	628	4,372	12.56%
	2003 Consumables	500	635	(135)	126.98%
	2004 Utilities	-	-	-	
	2005 Travel	10,200	2,201	7,999	21.57%
	2006 Rent Building	-	-	-	
\$ 8,076	2007 Rent Machine	-	-	-	
\$ 251,895	2009 Other Operating Cost	6,075	1,751	4,324	28.82%
\$ 5,622	CB Computer Equipment	-	-	-	
\$ 265,593	Total Strategy A.1.1.	265,593	167,653	97,940	63.12%
A.2.1.	FTE's = - <u>Texas Bred Incentive</u> ATB Money Expended				
\$ 4,882,428	Total Strategy A.2.1.	4,882,428	2,678,006	2,204,422	54.85%
A.3.1.	FTE's = 12.10 <u>Supervise Racing and Licensees</u>				
	1001 Salaries and Wages	752,833	362,089	390,743	48.10%
	1002 Other Personnel Cost	19,940	6,719	13,221	33.70%
	2001 Prof Fees and Services	16,721	-	16,721	
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	67,250	23,128	44,122	34.39%
	2006 Rent Building	-	-	-	
\$ 25,819	2007 Rent Machine	-	-	-	
\$ 829,374	2009 Other Operating Cost	4,875	2,521	2,354	51.71%
\$ 41,766	CB Computer Equipment	35,340	292	35,048	0.83%
\$ 896,959	Total Strategy A.3.1.	896,959	394,750	502,209	44.01%
A.3.2.	FTE's = 6.00 <u>Monitor Occupational Licensee Act.</u>				
	1001 Salaries and Wages	340,936	227,160	113,776	66.63%
	1002 Other Personnel Cost	23,920	5,280	18,640	22.07%
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	-	18	(18)	
	2004 Utilities	-	-	-	
	2005 Travel	25,500	3,221	22,279	12.63%
	2006 Rent Building	-	-	-	
\$ 13,214	2007 Rent Machine	-	-	-	
\$ 435,947	2009 Other Operating Cost	3,875	3,641	234	93.95%
\$ (54,930)	CB Computer Equipment	-	-	-	
\$ 394,231	Total Strategy A.3.2.	394,231	239,320	154,912	60.71%
A.4.1.	FTE's = 5.55 <u>Inspect and Provide Emerg. Care</u>				
	1001 Salaries and Wages	307,991	175,793	132,198	57.08%
	1002 Other Personnel Cost	20,560	3,620	16,940	17.61%
	2001 Prof Fees and Services	23,000	10,528	12,472	45.77%
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	19,700	15,493	4,207	78.65%
	2006 Rent Building	-	-	-	
\$ 10,339	2007 Rent Machine	-	-	-	
\$ 437,982	2009 Other Operating Cost	7,125	6,730	395	94.46%
\$ (69,945)	CB Computer Equipment	-	-	-	
\$ 378,376	Total Strategy A.4.1.	378,376	212,164	166,211	56.07%

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Texas Racing Commission

LBB-2

FYE 08/31/2009
 Cumulative Operating Budget Status
 by LBB Expenditure Object/Codes

Strategy	Description	FY 2009 Annual Budget	FY 2009 Expended Thru 4/30/2009	FY 2009 Unexpended Bal 4/30/2009	With 66.67% of Year Lapsed % of Budget Expended
A.4.2.	FTE's = 6.50 <u>Administer Drug Testing</u>				
	1001 Salaries and Wages	294,884	184,517	110,367	62.57%
	1002 Other Personnel Cost	18,020	3,980	14,040	22.09%
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	28,500	9,906	18,594	34.76%
	2006 Rent Building	-	-	-	
\$ 10,993	2007 Rent Machine	-	-	-	
\$ 326,803	2009 Other Operating Cost	6,375	4,806	1,569	75.39%
\$ 9,983	CB Computer Equipment	-	-	-	
\$ 347,779	Total Strategy A.4.2.	347,779	203,209	144,570	58.43%
B.1.1.	FTE's = 12.10 <u>Occupational Licensing</u>				
	1001 Salaries and Wages	416,322	277,045	139,277	66.55%
	1002 Other Personnel Cost	28,420	10,162	18,258	35.76%
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	2,500	1,419	1,081	56.78%
	2004 Utilities	-	-	-	
	2005 Travel	33,500	10,914	22,586	32.58%
	2006 Rent Building	-	-	-	
\$ 16,097	2007 Rent Machine	13,400	6,492	6,908	48.45%
\$ 549,532	2009 Other Operating Cost	36,625	56,611	(19,986)	154.57%
\$ (34,862)	CB Computer Equipment	-	-	-	
\$ 530,767	Total Strategy B.1.1.	530,767	362,643	168,124	68.32%
B.1.2.	FTE's = - <u>Texas OnLine</u>				
	1001 Salaries and Wages	-	-	-	
	1002 Other Personnel Cost	-	-	-	
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	-	-	-	
	2006 Rent Building	-	-	-	
	2007 Rent Machine	-	-	-	
\$ 23,250	2009 Other Operating Cost	23,250	10,408	12,842	44.77%
\$ -	CB Computer Equipment	-	-	-	
\$ 23,250	Total Strategy B.1.2.	23,250	10,408	12,842	44.77%
C.1.1.	FTE's = 8.00 <u>Monitor Wagering and Audit</u>				
	1001 Salaries and Wages	382,013	254,675	127,338	66.67%
	1002 Other Personnel Cost	10,980	7,060	3,920	64.30%
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	30,000	6,823	23,177	22.74%
	2006 Rent Building	-	-	-	
	2007 Rent Machine	-	-	-	
\$ 14,834	2009 Other Operating Cost	19,235	5,674	13,561	29.50%
\$ 457,938	CB Computer Equipment	-	-	-	
\$ (30,544)					
\$ 442,228	Total Strategy C.1.1.	442,228	274,233	167,995	62.01%
C.1.2.	FTE's = 5.00 <u>Wagering & Compliance Inspections</u>				
	1001 Salaries and Wages	235,624	157,082	78,541	66.67%
	1002 Other Personnel Cost	8,460	5,560	2,900	65.72%
	2001 Prof Fees and Services	75,000	-	75,000	0.00%
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	28,500	8,061	20,439	28.28%
	2006 Rent Building	-	-	-	
\$ 8,097	2007 Rent Machine	-	-	-	
\$ 327,883	2009 Other Operating Cost	4,125	2,429	1,696	58.87%
\$ 15,729	CB Computer Equipment	-	-	-	
\$ 351,709	Total Strategy C.1.2.	351,709	173,132	178,577	49.23%

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Texas Racing Commission

LBB-3

FYE 08/31/2009
 Cumulative Operating Budget Status
 by LBB Expenditure Object/Codes

Strategy	Description	FY 2009 Annual Budget	FY 2009 Expended Thru 4/30/2009	FY 2009 Unexpended Bal 4/30/2009	With 66.67% of Year Lapsed % of Budget Expended
D.1.1.	FTE's = 8.00 Central Administration				
	1001 Salaries and Wages	435,273	286,579	148,694	65.84%
	1002 Other Personnel Cost	30,278	8,748	21,530	28.89%
	2001 Prof Fees and Services	28,000	4,526	23,475	16.16%
	2003 Consumables	25,500	9,227	16,274	36.18%
	2004 Utilities	24,500	17,568	6,932	71.71%
	2005 Travel	30,500	7,453	23,047	24.43%
	2006 Rent Building	105,314	78,610	26,704	74.64%
\$ 12,729	2007 Rent Machine	2,500	1,748	752	69.93%
\$ 760,698	2009 Other Operating Cost	106,857	53,992	52,865	50.53%
\$ 15,295	CB Computer Equipment	-	-	-	
\$ 788,722	Total Strategy D.1.1.	788,722	468,450	320,271	59.39%
D.2.1.	FTE's = 5.00 Information Resources				
	1001 Salaries and Wages	290,956	156,656	134,299	53.84%
	1002 Other Personnel Cost	16,300	4,160	12,140	25.52%
	2001 Prof Fees and Services	46,500	44,925	1,575	96.61%
	2003 Consumables	2,000	2,795	(795)	
	2004 Utilities	-	407	(407)	
	2005 Travel	3,000	792	2,208	26.41%
	2006 Rent Building	2,700	2,700	-	
\$ 10,096	2007 Rent Machine	-	-	-	
\$ 386,349	2009 Other Operating Cost	73,023	32,964	40,059	45.14%
\$ 38,033	CB Computer Equipment	-	-	-	
\$ 434,479	Total Strategy D.1.2.	434,479	245,399	189,079	56.48%
D.1.3.	FTE's = - Other Support Services				
	1001 Salaries and Wages	-	-	-	
	1002 Other Personnel Cost	-	-	-	
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	-	-	-	
	2006 Rent Building	-	-	-	
\$ -	2007 Rent Machine	-	-	-	
\$ -	2009 Other Operating Cost	-	-	-	
\$ -	CB Computer Equipment	-	-	-	
\$ -	Total Strategy D.1.3.	-	-	-	
\$ 130,293	Estimated 2% & 2% appropriation rider				
\$ 4,723,798	Operating Budget regular appropriations	4,854,092	2,751,361	1,611,830	56.68%
\$ 4,882,428	Strategy A.2.1. TX Bred Incentive	4,882,428	2,678,006	2,204,422	54.85%
\$ 9,861,711	Total M.O.F.				
\$ 9,736,520	Total All Strategies	9,736,520	5,429,367	3,816,252	55.76%

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**Texas Racing Commission
Report on Racetrack Inspection Activities
June 9, 2009**

Date of Inspection	Track	Type of Inspection	Number of Unsatisfactory Items	Track Remediation	Unsatisfactory Items Remaining
Mar. 26, 2009	Manor	Stewards	0		0
Apr. 4, 2009	Manor	Veterinary	0		0
Apr. 1, 2009	Lone Star	Safety & Security	2	Resolved Apr. 7, 2009	0
Apr. 3, 2009	Lone Star	Pari-mutuel	0		0
Apr. 3, 2009	Lone Star	Stewards	1	Resolved May 13, 2009	0
Apr. 9, 2009	Lone Star	Veterinary	2	Resolved May 28, 2009	0
Apr. 8, 2009	Valley	Safety & Security	0		0
Apr. 15, 2009	Gulf	Veterinary	5	1 Resolved May 10, 2009	4
Apr. 15, 2009	Gulf	Judges	0		0
Apr. 17, 2009	Sam Houston	Safety & Security	0		0
Apr. 22, 2009	Sam Houston	Pari-mutuel	0		0
Apr. 22, 2009	Sam Houston	Administrative	0		0
Apr. 28, 2009	Sam Houston	Pari-mutuel	1	Resolved May 17, 2009	0
Apr. 28, 2009	Sam Houston	Veterinary	0		0
Apr. 30, 2009	Sam Houston	Stewards	0		0
May 8, 2009	Sam Houston	Safety & Security	0		0
Training Tracks					
Apr. 22, 2009	Valhalla	Training	0		0

Total Inspections: 17

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Notes:

Staff conducted mid-meet inspections of Manor Downs. There are no outstanding items.

Staff conducted pre-meet inspections of Lone Star Park. There are no outstanding items.

Staff conducted scheduled inspections of Gulf Greyhound Park. Problems still exist with latches and doors on crates in both kennels and lockout pens.

Staff conducted pre-meet inspections of Sam Houston Race Park. There are no outstanding items.

Staff inspected Valhalla Training Center in Rockdale, TX. There are no outstanding items.

Texas Racing Act

Sec. 18.01. Application of Sunset Act.

(a) The Texas Racing Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c) of this section, the commission is abolished and this Act expires September 1, 2009.

(b) If, at the time that the commission would be abolished under Subsection (a) of this section, an association created under this Act has outstanding long-term liabilities:

(1) the association may continue to operate for a period not to exceed one year after those liabilities are satisfied; and

(2) the commission and this Act are continued in effect for the purpose of regulating that association under this Act.

(c) If the commission and this Act are continued in effect under Subsection (b) of this section, the commission is abolished and this Act expires on the first day of the fiscal year following the fiscal year in which the commission certifies to the secretary of state that no associations are operating under the terms of Subsection (b) of this section.

(d) An association that continues to operate under Subsection (b) of this section may not incur any new liabilities without the approval of the commission. At the beginning of that period, the commission shall review the outstanding liabilities of the association and shall set a specific date by which the association must retire its outstanding liabilities. Notwithstanding any contrary contract provisions, an association regulated under this Act may prepay any debt incurred by the association in conducting racing under this Act.



5302 Leopard Street
Corpus Christi, Texas 78408

★
361.289.9333

www.gulfcoastracetrack.com

June 1, 2009

Ms. Charla Ann King
Texas Racing Commission
P. O. Box 12080
Austin, TX 78711-2080

Re: United Tote Contract

Dear Ms. King:

Please place the United Tote Contract for Gulf Coast Racing on the Agenda for the June 9, 2009, Texas Racing Commission meeting.

If you have questions or need additional information, please let me know. Thank you.

Yours truly,

Sally B. Briggs



Memorandum

Date: May 28, 2009

To: Mark Fenner, General Counsel

From:  Sammy Jackson, Deputy Director

RE: Tote Contract for Gulf Coast Racing (*i.e. Corpus Christi Greyhound Racetrack*)

Attached to this memorandum is the tote contract between Gulf Coast Racing and United Tote Company that is to be placed on the June 9, 2009 Commission Agenda for consideration. Staff has completed a review of the contract and finds it to be in compliance with the Texas Racing Act and the Texas Rules of Racing.

If you have any questions, please feel free to contact Carol Olewin or me.

Cc: Carol Olewin, Compliance Audit Administrator
Gulf Coast Racing File



RECEIVED
TEXAS RACING
COMMISSION

RETAMA PARK™

2009 MAY 29 PM 1:31

May 26, 2009

Mr. Mark Fenner
General Counsel
Texas Racing Commission
P.O. Box 12080
Austin, Tx 78711-2080

Dear Mark:

Per Commission Rule 303.4 (e), please accept this letter as the request for the following agenda item to be placed on the June 9, 2009 Texas Racing Commission meeting agenda:

- * Request by Retama Park for a Change in Live Race Dates for 2009 Thoroughbred Meeting

Also attached is a copy of data relating to the request.

Please note that over the next few days we will be meeting with representatives of the Texas Thoroughbred Association and the Texas Thoroughbred HBPA to determine the best course of action with regard to the Retama 2009 Thoroughbred Meeting. As the data attached shows, Retama is projecting purses of approximately \$80,000 per day which may be insufficient for the 32 days of racing scheduled. The focus of our meetings with HBPA and TTA representatives will be to set the ideal number of days, purse structure and stakes schedule for the race meeting. Once these meetings have taken place and a plan has been developed, we will send a more specific proposal for the Commission's consideration.

Many thanks for your assistance.

Bryan Brown
Chief Executive Officer

cc: Chairman Rolando Pablos
Charla Ann King

**RETAMA PARK
PURSE PROJECTION
THOROUGHBRED MEET - YEAR 2009**

<u>Projection on May 24, 2009</u>	<u>5/24/09</u>
Purse Account Balance	980,324
Purse Funds Accruing From Simulcasting (see attached)	1,120,415
Overnight Purse Funds Generated by Live On-track Handle (80,000 x 7.37% x 32 race days x 96%)	181,125
Overnight Purse Funds Generated by Live Outbound Handle (600,000 x 2.9% x 37% x 32 race days x 96%)	<u>197,775</u>
Total Overnight Purse Funds Generated	2,479,639
Cross Species Funds	30,020
Cross Species Funds - 1.25% of Greyhound Wagering	<u>45,782</u>
Total Overnight Purse Funds Available	2,555,441
Race Dates	<u>32</u>
Overnight Purses Per Day	79,858



TEXAS RACING COMMISSION
8505 Cross Park Dr. #110
Austin, Texas 78711
512-833-6699
512-833-6907 FAX

To: Texas Racing Commissioners
From: Charla Ann King, Executive Director
Date: June 2, 2009
Subject: Designation by the Commission of an Application Period for Race Dates under Commission Rule 303.41

In accordance with Commission Rule 303.41, I recommend that the Texas Racing Commission designate an application period for race dates at the June 9th Commission meeting. Please note, in regard to the race date calendar for 2010, the Commission has already granted race dates for Lone Star Park, Gulf Coast Racing (Corpus Christi), Gillespie County Fair and Festivals Association, and Laredo Race Park through August 2010.

I recommend that the Commission request that the associations submit proposed race dates for calendar year 2010.

I also recommend that the Commission allow an association or group of associations to request any race dates between January 1 and August 31, 2011, which will provide the Commission with a longer-term view.

IV-4
corrected

RULE PROPOSALS

Texas Racing Commission
Title 16, Part VIII
Chapter 309. Racetrack Licenses and Operations
Subchapter D. Greyhound Racetracks
Facilities and Equipment

1 **309.355. Grading System**

2 (a)-(b) (No change.)

3 (c) The racing secretary shall use seven grades of AA, A, B, C,
4 J, D, and M. Grade M is for maidens of any age and Grade J is
5 for winning maidens.

6 (d)-(e) (No change.)

7 (f) The racing secretary shall advance a greyhound that wins a
8 maiden race to Grade J. The racing secretary shall advance a
9 greyhound that wins a Grade J race to Grade C. On request by a
10 kennel owner or trainer, the racing secretary may regrade
11 ~~advance~~ a greyhound that finishes second, third, or fourth in a
12 maiden or a Grade J race to Grade D or C. For a greyhound
13 regraded on request under this subsection, an association shall
14 place the letter "M" or "J" after the greyhound's name in the
15 racing program.

16 (g)-(n) (No change.)

17 ~~(o) A greyhound that has advanced from Grade M and has been~~
18 ~~dropped from further racing without winning another official~~
19 ~~start may be requalified after a period of 30 days.~~

20 (o) ~~(p)~~ If a maiden fails to finish in the top four positions in
21 six consecutive starts, the maiden may not race again at the
22 race meeting until it requalifies. If the maiden fails to finish
23 in the top four positions in the two starts after requalifying,
24 the maiden may not race again at the race meeting.

Texas Racing Commission
Title 16, Part VIII
Chapter 309. Racetrack Licenses and Operations
Subchapter D. Greyhound Racetracks
Facilities and Equipment

- 1 **309.363. Official Program**
2 (a) (No change.)
3 (b) The official program must contain at least two past
4 performances for each greyhound scheduled to race. The program
5 must also contain, for each greyhound scheduled to race:
6 (1) the name;
7 (2) color;
8 (3) sex;
9 (4) date of whelping;
10 (5) breeding;
11 (6) established racing weight;
12 (7) number of starts in official races;
13 (8) number of times finishing first, second, and third;
14 (9) name of owner and lessee, if applicable;
15 (10) name of trainer; ~~and~~
16 (11) the Texas-bred emblem if the greyhound is an
17 Accredited Texas-bred; and
18 (12) other information to enable the public to properly
19 judge the greyhound's ability.
20 (c) (No change.)

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Facilities and Equipment

1 **309.307. Lures**

2 An association shall provide an inside dual equipped lure with
3 an extendable arm and an audible squawker at the escape.

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1 **315.43. Track Superintendent.**

2 The track superintendent shall ensure that the racetrack is
3 properly maintained. The track superintendent shall ensure that
4 all track equipment is operable for all races and during
5 training hours.

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- 1 **315.44. Brakeman.**
- 2 The brakeman shall ensure that the lure is stopped on the
- 3 designated revolution on the racetrack at the end of each race.

RULE ADOPTIONS

1 **Sec. 309.8. Racetrack License Fees**

2 (a)-(b) (No change.)

3 (c) Annual License Fee.

4 [~~(1) Active License Fee for State Fiscal Year Ending~~
5 ~~August 31, 2007. An association that is licensed and that~~
6 ~~is conducting live racing or simulcasting shall pay an~~
7 ~~annual active license fee. The fee is due to the Commission~~
8 ~~on April 16, 2007, for the State fiscal year ending August~~
9 ~~31, 2007. The active license fee for a greyhound racing~~
10 ~~association is \$80,000. The active license fee for a horse~~
11 ~~racing association is:]~~

12 [~~(A) for a Class 1 racetrack, \$27,500;]~~

13 [~~(B) for a Class 2 racetrack, \$15,000; and]~~

14 [~~(C) for a Class 3 or 4 racetrack, \$5,000.]~~

15 (1) [(+2)] Active License Fee for State Fiscal Years
16 Beginning September 1, 2007, and thereafter. An association
17 that is licensed and that is conducting live racing or
18 simulcasting shall pay an annual active license fee. The
19 fee is due to the Commission on January 31 of each State
20 fiscal year. The active license fee for a greyhound racing
21 association is \$175,000. The active license fee for a horse
22 racing association is:

23 (A) for a Class 1 racetrack, \$45,000;

24 (B) for a Class 2 racetrack, \$15,000; and

25 (C) for a Class 3 or 4 racetrack, \$5,000.

26 (2) [(+3)] Inactive License Fee for State Fiscal Year
27 Ending August 31, 2009[7]. An association that is licensed
28 but is not conducting live racing or simulcasting shall pay
29 an inactive license fee in two separate payments. The fee
30 is due to the Commission on September 1, 2008 and March 15,
31 2009 [April 16, 2007], for the State fiscal year ending
32 August 31, 2009[7]. The total inactive license fee for a
33 greyhound racing association is \$150,000 [~~\$125,000~~] to be
34 paid \$125,000 on September 1, 2008 and \$25,000 on March 15,
35 2009. The total inactive license fee for a horse racing
36 association is:

37 (A) \$150,000 for a Class 1 racetrack, to be paid
38 \$125,000 on September 1, 2008 and \$25,000 on March 15, 2009
39 [~~\$125,000~~];

40 (B) \$100,000 for a Class 2 racetrack, to be paid
41 \$75,000 on September 1, 2008 and \$25,000 on March 15, 2009
42 [~~\$55,000~~]; and

43 (C) \$50,000 for a Class 3 or 4 racetrack, to be
44 paid \$25,000 on September 1, 2008 and \$25,000 on March 15,
45 2009 [~~\$25,000~~].

1 (3)[~~4~~] Inactive License Fee for State Fiscal Years
2 Beginning September 1, 2009[7], and thereafter. An
3 association that is licensed but is not conducting live
4 racing or simulcasting shall pay an inactive license fee.
5 The fee is due to the Commission on September 1 of each
6 year. The inactive license fee for a greyhound racing
7 association is \$150,000[~~\$125,000~~]. The inactive license fee
8 for a horse racing association is:
9 (A) for a Class 1 racetrack, \$150,000[~~\$125,000~~];
10 (B) for a Class 2 racetrack, \$100,000[~~\$75,000~~];
11 and
12 (C) for a Class 3 or 4 racetrack, \$50,000
13 [~~\$25,000~~].
14 (d)-(e) (No change.)

1 **309.11. Fees for Requests to Approve a Transfer of**
2 **Pecuniary Interests**

3 (a) General Provisions. A license holder who requests
4 Commission approval to transfer a pecuniary interest in a
5 racetrack license must submit with the request a fee in an
6 amount set by the Commission.

7 (b) Fees.

8 (1) The request fee is composed of a variable
9 processing charge and investigation charge. The processing
10 charge is the amount needed by the Commission to cover the
11 administrative costs of processing the request. The
12 investigation charge is the amount needed by the Commission
13 to cover the costs incurred by the Department of Public
14 Safety and Commission staff for conducting the background
15 investigation on the proposed transferee. A license holder
16 must pay all charges contemporaneously with filing the
17 request. The Commission will take no action on a request
18 under this section unless the requestor submits the total
19 amount of the request fee with the request. The Commission
20 shall hold the request fee in the state treasury in a
21 suspense account. The Commission may transfer the
22 processing funds due to the Commission to the Texas Racing
23 Commission Fund as costs are incurred. If the actual costs
24 to the Commission of processing the request or conducting
25 the investigation exceed the amount deposited for the
26 applicable charge, the requestor shall pay the remaining
27 amount not later than 10 business days after receipt of a
28 bill from the Commission. If the costs of processing the
29 request or conducting the investigation are less than the
30 amount of the charge, the Commission shall refund the
31 excess not later than 10 business days after the
32 Commission's decision on the request becomes final.

33 (2) The fees for a request for Commission approval to
34 approve a transfer of pecuniary interests in a racetrack
35 license that effects a change in the controlling interest
36 of that license are as follows:

37 (A) The amount to be deposited for the processing
38 charge for a horse racetrack request is:

- 39 (i) for a Class 1 racetrack, \$50,000;
40 (ii) for a Class 2 racetrack, \$25,000;
41 (iii) for a Class 3 racetrack, \$10,000; and
42 (iv) for a Class 4 racetrack, \$2,500.

43 (B) The amount to be deposited for the
44 investigation charge for a horse racetrack request is:

- 45 (i) for a Class 1 racetrack, \$25,000;

- 1 (ii) for a Class 2 racetrack, \$10,000;
- 2 (iii) for a Class 3 racetrack, \$1,500; and
- 3 (iv) for a Class 4 racetrack, \$1,000.

4 (C) The amount to be deposited for the processing
5 charge for a greyhound racetrack request is \$50,000.

6 (D) The amount to be deposited for the
7 investigation charge for a greyhound racetrack request is
8 \$25,000.

9 (3) The fees for a request for Commission approval to
10 approve a transfer of pecuniary interests of 5.0% or more
11 in a racetrack license, but that does not effect a change
12 in the controlling interest of that license, are as
13 follows:

14 (A) The amount to be deposited for the processing
15 charge for a horse racetrack request is:

- 16 (i) for a Class 1 racetrack, \$500;
- 17 (ii) for a Class 2 racetrack, \$250;
- 18 (iii) for a Class 3 racetrack, \$100; and
- 19 (iv) for a Class 4 racetrack, \$50.

20 (B) For each proposed transfer of pecuniary
21 interests of 5.0% or more, the amount to be deposited for
22 the investigation charge for a horse racetrack request is:

- 23 (i) for a Class 1 racetrack, \$1,000;
- 24 (ii) for a Class 2 racetrack, \$500;
- 25 (iii) for a Class 3 racetrack, \$250; and
- 26 (iv) for a Class 4 racetrack, \$125.

27 (C) The amount to be deposited for the processing
28 charge for a greyhound racetrack request is \$500.

29 (D) The amount to be deposited for the
30 investigation charge for a greyhound racetrack license
31 request is \$1,000.

32 (4) The fees for a request for Commission approval to
33 approve a transfer of pecuniary interests of more than 1.0%
34 and less than 5.0% in a racetrack license and that does not
35 effect a change in the controlling interest of that license
36 are as follows:

37 (A) The amount to be deposited for the processing
38 charge for a horse racetrack request is:

- 39 (i) for a Class 1 racetrack, \$100;
- 40 (ii) for a Class 2 racetrack, \$100;
- 41 (iii) for a Class 3 racetrack, \$50; and
- 42 (iv) for a Class 4 racetrack, \$25.

43 (B) For each proposed transfer of pecuniary
44 interests of more than 1.0% and less than 5.0%, the amount

1 to be deposited for the investigation charge for a horse
2 racetrack request is:

3 (i) for a Class 1 racetrack, \$500;

4 (ii) for a Class 2 racetrack, \$250;

5 (iii) for a Class 3 racetrack, \$125; and

6 (iv) for a Class 4 racetrack, \$50.

7 (C) The amount to be deposited for the processing
8 charge for a greyhound racetrack request is \$100.

9 (D) The amount to be deposited for the
10 investigation charge for a greyhound racetrack request is
11 \$500.

12 (5) The fees for a request for Commission approval to
13 approve a transfer of pecuniary interests of 1.0% or less
14 in a racetrack license and that does not effect a change in
15 the controlling interest of that license are as follows:

16 (A) The amount to be deposited for the processing
17 charge for a horse racetrack request is \$25.

18 (B) For each proposed transfer of pecuniary
19 interests of 1.0% or less, the amount to be deposited for
20 the investigation charge for a horse racetrack request is
21 \$50.

22 (C) The amount to be deposited for the processing
23 charge for a greyhound racetrack request is \$25.

24 (D) The amount to be deposited for the
25 investigation charge for a greyhound racetrack request is
26 \$50.

1 **Sec. 309.12. Fees for Requests to Approve Change of**
2 **Location**

3 (a) General Provisions. A license holder who requests
4 Commission approval to change the location of a racetrack
5 license must submit with the request a fee in an amount set
6 by the Commission.

7 (b) Fees.

8 (1) The request fee is composed of a variable
9 processing charge. The processing charge is the amount
10 needed by the Commission to cover the administrative costs
11 of processing the request. A license holder must pay all
12 charges contemporaneously with filing the request. The
13 Commission will take no action on a request under this
14 section unless the requestor submits the total amount of
15 the request fee with the request. The Commission shall hold
16 the request fee in the state treasury in a suspense
17 account. The Commission may transfer the processing funds
18 due to the Commission to the Texas Racing Commission Fund
19 as costs are incurred. If the actual cost to the Commission
20 of processing the request exceeds the amount deposited for
21 the applicable charge, the requestor shall pay the
22 remaining amount not later than 10 business days after
23 receipt of a bill from the Commission. If the costs of
24 processing the request are less than the amount of the
25 charge, the Commission shall refund the excess not later
26 than 10 business days after the Commission's decision on
27 the request becomes final.

28 (2) The fees for a request for Commission approval to
29 change the location of a racetrack license are as follows:

30 (A) The amount to be deposited for the processing
31 charge for a horse racetrack request is:

32 (i) for a Class 1 racetrack, \$100,000;

33 (ii) for a Class 2 racetrack, \$50,000;

34 (iii) for a Class 3 racetrack, \$15,000; and

35 (iv) for a Class 4 racetrack, \$7,500.

36 (B) The amount to be deposited for the processing
37 charge for a greyhound racetrack request is \$100,000.

1 **Sec. 311.5. License Fees.**

2 (a)-(b) (No change.)

3 (c) The fee for an occupational license is as follows:

Type of License	1 Year Fee	2 Year Fee	3 Year Fee
Adoption Program Personnel	<u>\$25</u> [\$20]		
Announcer	<u>\$35</u> [\$25]		
Apprentice Jockey	<u>\$75</u> [\$55]		
Assistant Farrier/Plater/Blacksmith	<u>\$25</u> [\$20]		
Assistant Starter	<u>\$25</u> [\$20]		
Assistant Trainer	<u>\$100</u> [\$75]		
Assistant Trainer/Owner	<u>\$100</u> [\$75]		
Association Assistant Management	<u>\$50</u> [\$35]		
Association Management Personnel	<u>\$75</u> [\$50]		
Association Officer/Director	<u>\$100</u> [\$75]		
Association Other	<u>\$75</u> [\$50]		
Association Staff	<u>\$35</u> [\$25]		
Association Veterinarian	<u>\$75</u> [\$50]		
Authorized Agent	<u>\$15</u> [\$10]		
Chaplain	<u>\$25</u> [\$20]		
Chaplain Assistant	<u>\$25</u> [\$20]		
Exercise Rider	<u>\$25</u> [\$20]		
Farrier/Plater/Blacksmith	<u>\$75</u> [\$55]		
Groom/Hot Walker	<u>\$25</u> [\$20]		
Jockey	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]

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Jockey Agent	<u>\$100</u> [\$75]		
Kennel	<u>\$75</u> [\$50]		
Kennel Helper	<u>\$25</u> [\$20]		
Kennel Owner	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Kennel Owner/Owner	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Kennel Owner/Owner-Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Kennel Owner/Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Lead-Out	<u>\$25</u> [\$20]		
Maintenance	<u>\$35</u> [\$20]		
Medical Staff	<u>\$35</u> [\$25]		
Miscellaneous	<u>\$25</u> [\$20]		
Multiple Owner	<u>\$35</u> [\$25]	<u>\$70</u> [\$50]	<u>\$100</u> [\$75]
Mutuel Clerk	<u>\$35</u> [\$25]		
Mutuel Other	<u>\$35</u> [\$25]		
Owner	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Owner-Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Pony Person	<u>\$25</u> [\$20]		
Racing Industry Representative	<u>\$100</u> [\$75]		
Racing Industry Staff	<u>\$30</u> [\$25]		
Racing Official	<u>\$50</u> [\$25]		
Security Officer	<u>\$30</u> [\$25]		
Stable Foreman	<u>\$50</u> [\$25]		

Tattooer	<u>\$100</u> [\$75]		
Test Technician	<u>\$25</u> [\$20]		
Tooth Floater	<u>\$100</u> [\$75]		
Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Training Facility Employee	<u>\$30</u> [\$25]		
Training Facility General Manager	<u>\$50</u> [\$25]		
Valet	<u>\$25</u> [\$20]		
Vendor Concessionaire	<u>\$100</u> [\$75]		
Vendor/Concessionaire Employee	<u>\$30</u> [\$25]		
<u>Vendor Totalisator</u>	<u>\$500</u>		
<u>Vendor/ Totalisator Employee</u>	<u>\$50</u>		
Veterinarian	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Veterinarian Assistant	<u>\$30</u> [\$25]		

1

1 **Sec. 311.104. Trainers.**

2 (a) Licensing.

3 (1) (No change.)

4 (2) The standard for passing the written examination must
5 be printed on the examination. A \$50 non-refundable testing fee
6 is assessed for administering the written and practical
7 examinations. The fee is due and payable at the time the first
8 examination appointment is scheduled. A minimum of 48 hours
9 advance notice is required to reschedule an examination
10 appointment without loss of the testing fee. An applicant who
11 fails to timely reschedule an examination appointment must pay a
12 new testing fee to reschedule the appointment. An applicant who
13 fails the written examination may not take the examination again
14 before the 60th day after the date the applicant failed the
15 examination. An applicant who fails the practical examination
16 may not reschedule the practical examination again before the
17 180th day after the applicant failed the practical examination.
18 An applicant who fails the practical examination for a second
19 time may not reschedule another practical examination for 365
20 calendar days after the day the applicant failed the **second**
21 practical examination and the applicant must pay an additional
22 \$50 non-refundable testing fee. The Commission may waive the
23 requirement of a written and/or practical examination for a
24 person who has a current license issued by another pari-mutuel
25 racing jurisdiction. If a person for whom the examination
26 requirement was waived demonstrates an inability to adequately
27 perform the duties of a trainer, through excessive injuries,
28 rulings, or other behavior, the stewards or racing judges may
29 require the person to take the written examination. If such a
30 person fails the examination, the stewards or racing judges
31 shall suspend the person's license for 60 days with
32 reinstatement contingent upon passing the written examination.

33 (3)-(4) (No change.)

34 (b)-(k) (No change.)

1 **315.1. Required Officials**

2 (a) The following officials must be present at each
3 greyhound race conducted in this state:

- 4 (1) at least two [~~three~~] racing judges;
5 (2) a commission veterinarian;
6 (3) an association veterinarian;
7 (4) a racing secretary;
8 (5) an assistant racing secretary;
9 (6) a paddock judge;
10 (7) a starter;
11 (8) a clerk of scales;
12 (9) a mutuel manager;
13 (10) a chart writer;
14 (11) a photofinish operator and timer;
15 (12) a kennel master; and
16 (13) a mechanical lure operator.

17 (b)-(c) (No change.)