



TEXAS RACING COMMISSION
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Texas Racing Commission
Committee on Rules
Monday, November 16, 2009
10:30 a.m.
Texas Department of Public Safety
6100 Guadalupe
Criminal Law Enforcement, Building E
First Floor Auditorium
Austin, Texas 78752

AGENDA

Discussion and public input relating to the following:

- A. Policies and Possible Rulemaking in Regard to:
 - 1. Issues and Problems Identified by the Committee on Racetrack Licensing in its February 2009 Report to the Commission
 - 2. Racetrack Ownership and Management Reviews under Section 6.06(k) of the Texas Racing Act
 - 3. Proposed Amendments to the Texas Racing Act Considered by the 81st Legislature as Part of the Sunset Review Process
- B. Policies and Possible Rulemaking under Texas Racing Act Section 14.11, Bribery and Corrupt Influence
- C. Rule Adoptions
 - 1. Adoption of Amendment to § 311.104, Trainers
 - 2. Adoption of Amendment to § 313.41, Racing Secretary
 - 3. Adoption of Amendment to § 313.101, Entry Procedure
 - 4. Adoption of Amendment to § 313.106, Closing Entries
 - 5. Adoption of Amendment to § 313.301, Eligibility to Claim
 - 6. Adoption of Amendment to § 313.406, Colors and Numbers
 - 7. Adoption of Amendment to § 313.441, The Start

8. Adoption of Amendment to § 313.505, Workout Requirements
 9. Adoption of Amendment to § 313.507, Employees of Training Facilities
- D. Rule Review
1. Review of Chapter 307, Proceedings Before the Commission
 2. Review of Chapter 321, Pari-mutuel Wagering
 3. Review of Chapter 323, Disciplinary Action and Enforcement
- E. Solicitation of Input on Topics to be Addressed at the RCI Model Rules and Practices Committee Meeting on December 5, 2009.

ITEM A.

**POLICIES & POSSIBLE
RULEMAKING IN REGARD TO:**

- 1) *REPORT BY THE COMMITTEE
ON RACETRACK LICENSING*
- 2) *TEXAS RACING ACT, SEC. 6.06(k),
RACETRACK OWNERSHIP &
MANAGEMENT REVIEWS*
- 3) *81ST LEGISLATURE SUNSET
REVIEW PROCESS*

A.1. COMMITTEE ON RACETRACK LICENSING – REPORT SUMMARY

Beginning in Dec. 2008, the Committee on Racetrack Licensing conducted an initial review of existing racetrack licensing policies in statute and rule. In Feb. 2009, the Committee issued a report identifying six key issues in four categories for further policymaking and regulatory improvements for the future.

RACETRACK LICENSE HOLDER ISSUES	PUBLIC INPUT AND PARTICIPATION	MANAGING AGENCY PROCESSES	MARKET EXPANSION AND CONTROL
<p>Issue 1: Should the Texas Racing Commission's rules on racetrack license holder non-compliance be further clarified and improved?</p> <ul style="list-style-type: none"> • Should a racetrack license holder be penalized for failure to build a racetrack facility? If so, how and when? • Should a racetrack license holder be penalized for failure to have a TxRC-approved site on which to build a racetrack facility? If so, how and when? • Should a racetrack license holder be penalized for failure to appropriately maintain its existing facility? If so, how and when? 	<p>Issue 2: Should regulations require public input on changes of location in addition to applications for original licenses?</p> <ul style="list-style-type: none"> • Should input from existing racetracks affected by an original application or a proposed location change be required? • Should such input weigh more heavily in the Commission's review process? 	<p>Issue 3: Should rules be established to guide the agency's requests for information for proposed changes of ownerships? Should the process be simplified?</p> <p>Issue 4: Should application processing timelines be established in rule to govern the length of time it takes to approve changes to racetrack licenses including issuance of original licenses, changes in ownership, changes in location, and conducting background checks?</p>	<p>Issue 5: Should the Commission explore potential opportunities for non-licensed tracks to become licensed?</p> <p>Issue 6: Should the number of Class 2, 3, and 4 racetrack licenses be guided by market principles of supply and demand for horse racing?</p>
<p>RACETRACK SPECIFIC PROBLEMS:</p> <ol style="list-style-type: none"> 1. Some license holders have not built facilities. 2. An inactive facility that is seeking a transfer of ownership may not be in compliance with Commission rules. <p style="text-align: right; font-size: 2em;">2</p>	<p>Public hearings have not been held in advance, in the community where a racetrack is proposed to be built, but instead have been limited to the TxRC meeting in Austin at the time the Commission takes up consideration of the proposal for its decision.</p>	<ol style="list-style-type: none"> 1. The Commission has not consistently required security from racetrack licensees in order to ensure compliance with the Act and the Rules. 2. The Commission has not reviewed whether or not licensees have exercised reasonable diligence in preparing a racetrack to begin racing on the date approved by TxRC. 3. Racetrack license holders have entered into sales contracts that set short timeframes for performance by the buyer. 4. The process of approving original licenses and significant changes to existing racetrack licenses takes a substantial commitment of time and resources both by the licensees (and prospective purchasers) & by TxRC. 5. Prospective buyers of racetrack interests have requested that DPS proceed with its background investigation and that TxRC approve the transfer while litigation over the ownership of the buyer is pending. 	<ol style="list-style-type: none"> 1. A greyhound racetrack or Class 1 horse racetrack that ceases to operate causes economic disadvantages to the industry. 2. The number of Class II, III, and IV racetrack licenses in the future may be limited by the economic racing environment in the State of Texas.

A.2. RACETRACK OWNERSHIP AND MANAGEMENT REVIEWS - Current statutory language requires a racetrack license review every five years.

Texas Racing Act, Sec. 6.06. Racetrack Licenses; Grounds for Denial, Revocation, and Suspension.

(k) The commission shall review the ownership and management of a license issued under this article every five years beginning on the fifth anniversary of the issuance of the license. In performing the review, the commission may require the license holder to provide any information that would be required to be provided in connection with an original license application under Article 5 of this Act or this article. The commission shall charge fees for the review in amounts sufficient to implement this subsection.

A.3. POLICY OPTIONS FROM SUNSET REVIEW PROCESS - Three areas have been identified from the 81st Legislature's Sunset process.

OPTION 1 - TxRC License Review & Renewal Process

Elements of process identified in one or more versions of Sunset Bill:

- **Review and Renewal Process** – requires both review and renewal.
- **Review Schedule for Active and Inactive Tracks** – review of active tracks not less than once every five years or every ten years; annual review of inactive licenses.
- **Criteria for Review and/or Determination of Renewal:**
 - license holder's financial stability and ability to conduct live racing events,
 - license holder's ability to construct and maintain a racetrack facility, and
 - other factors considered in the issuance of the original license.
- **Required Information from License Holders** – require license holder to provide any information that would be required in connection with an original license application or require information the Commission determines is "necessary" to complete the review process.
- **Designation of "Active" Tracks** – in order to be designated as "active," license holder must hold live racing at the track or make significant efforts to engage in the construction of a racetrack or other good faith efforts preparatory to conducting live racing.
- **Expiration v. Renewal** – Commission may adopt a system under which racetrack licenses either expire or are renewed, or adopt a system under which inactive track license holders are required to meet standards in order to continue to hold license.
- **Non-renewal v. Revocation** – Commission authorized to make determination that "allowing the license holder to hold the license is not in the best interests of the racing industry or public" as grounds for refusal to renew or for revocation.

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OPTION 2 – Security Bonds & Disciplinary Action

Security Bond:

Introduced version of Sunset bill authorizes Commission to require both the racetrack license holder and an applicant for an initial license to post security. Senate version and House floor amendment removed all bond authority.

Current statute, TRA §6.04(b), requires an applicant, before issuance of a license, to post security in an amount determined by the Commission to ensure compliance with the Act and the Rules. The security shall be returned after the conditions of the security are met.

Current rule, Sec. 309.6(c), authorizes the Commission to require a current association to post security if the association has not completed its racetrack or it failed to conduct live racing in the previous calendar year. The rule also provides that forfeited bonds amounts go primarily to the breed associations and to the state's general revenue fund.

Disciplinary Action:

All versions of Sunset bill include new section that requires Commission to establish procedures for disciplinary action against a racetrack license holder and clarifies Commission's authority to revoke, suspend, or refuse to renew a racetrack license and to impose an administrative penalty.

The Commission's current statute and rules related to procedures for disciplinary action are listed below:

1. Denial, Revocation, Suspension

TRA §6.06. Racetrack Licenses; Grounds for Denial, Revocation, and Suspension – Subsection (a) authorizes Commission to refuse to issue a license or revoke or suspend a license after notice and hearing.

TxRC Rule Sec. 309.9. Denial, Suspension, and Revocation of Licenses – lists the grounds for denying, suspending, or revoking a license.
TxRC Rule Sec. 309.10. Notice and Curative Right to Debt Holders – lists notice requirements to, and rights of, debt holders if Executive Secretary initiates a disciplinary action proposing license suspension or revocation against an association which has outstanding debt.

2. Administrative Penalty

TRA §15.03. Administrative Penalty – authorizes assessment of administrative penalty in an amount not to exceed \$10,000; requires Commission to issue a preliminary report if there is a determination that a violation has occurred; and if a hearing is requested by the person charged – the hearing shall be conducted as a contested case hearing under the Administrative Procedures Act.

TxRC Rule, Sec. 323.101. Administrative Penalties – authorizes Commission to assess an administrative penalty; delegates to the Executive Secretary the authority to prepare and issue preliminary reports pursuant to TRA §15.03.

3. Procedures for Contested Case Hearings

TxRC Rule, Chpt. 307. Proceedings Before the Commission, Subchpt. B. Contested Cases – outlines the procedures for contested cases including SOAH procedures.

3a

OPTION 3 – Licensing Racing Industry Occupations

Sunset recommendation would require Commission to license only those applicants directly involved with pari-mutuel racing. Racetracks would be responsible for ensuring employees' compliance with the Racing Act and Rules of Racing.

Some stakeholders have indicated a preference for a single consistent standard for licensing all racetrack employees rather than different standards for different categories of employees/licensees.

Commissioner feedback indicated that the current licensing process should be continued.

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ITEM B.

**POLICIES & POSSIBLE
RULEMAKING UNDER:**

*TEXAS RACING ACT SEC. 14.11,
BRIBERY AND CORRUPT INFLUENCE*

Texas Racing Commission
Title 16, Part VIII
Chapter 323. Disciplinary Action and Enforcement
Subchapter A. General Provisions

1 VERSION 1

2 Sec. 323.6. Bribery and Corrupt Influence

3 A racing official shall not engage in any activity or incur any
4 obligation that conflicts with the official's ability to conduct
5 the official's duties in the public's interest. An official shall
6 not:

7 (1) solicit, accept, or agree to accept any benefit, other
8 than the official's regular compensation, that might reasonably
9 tend to influence the official in the discharge of official
10 duties, or that the official knows or should know is being
11 offered with the intent to influence the official's conduct;

12 (2) intentionally or knowingly solicit, accept, or agree to
13 accept, any benefit other than the official's regular salary for
14 having exercised official powers or performed official duties in
15 favor of another.

Texas Racing Commission
Title 16, Part VIII
Chapter 323. Disciplinary Action and Enforcement
Subchapter A. General Provisions

1 **VERSION 2**

2 **Sec. 323.6. Bribery and Corrupt Influence**

3 A person may not, with the intent to influence or affect the
4 outcome of a race in a manner contrary to the Act or a Commission
5 Rule, offer, confer, agree to confer on another, or solicit,
6 accept, or agree to accept from another person, any benefit
7 relating to the conduct, decision, opinion, recommendation, vote,
8 or exercise of discretion as a licensee or any other person
9 associated with or interested in any stable, kennel, horse,
10 greyhound, or horse or greyhound race.

6

Texas Racing Commission
Title 16, Part VIII
Chapter 323. Disciplinary Action and Enforcement
Subchapter A. General Provisions

1 **VERSION 3**

2 **Sec. 323.6. Bribery and Corrupt Influence**

3 A licensee may not, with the intent to improperly influence or
4 affect the outcome of a race or of the pari-mutuel wagering on a
5 race, offer, confer, agree to confer on another, or solicit,
6 accept, or agree to accept from another person, any benefit as
7 consideration for a person's conduct, decision, opinion,
8 recommendation, vote, or exercise of discretion in connection
9 with the conduct of racing.

ITEM C.

RULES ELIGIBLE FOR ADOPTION

*RULE PROPOSALS AS POSTED
IN TEXAS REGISTER
OCTOBER 30, 2009*

1 **Sec. 311.104. Trainers.**

2 (a) Licensing.

3 (1) Except as otherwise provided by this subsection, a trainer
4 must obtain a trainer's license before the trainer may enter a
5 horse or greyhound in a race. A trainer may enter a horse or
6 greyhound in a stakes race without first obtaining a license,
7 but must obtain a license before the horse or greyhound may
8 start in the stakes race. Except as otherwise provided by this
9 section, to be licensed by the Commission as a trainer, a person
10 must:

11 (A) be at least 18 years old;

12 (B) submit a minimum of two written statements from
13 licensed trainers, veterinarians, owners, or kennel owners,
14 attesting to the applicant's character and qualifications;

15 (C) interview with the board of stewards or judges;

16 (D) ~~[(B)]~~ satisfactorily complete a written examination
17 prescribed by the Commission; and

18 (E) ~~[(C)]~~ satisfactorily complete a practical examination
19 prescribed by the Commission and administered by the stewards or
20 racing judges or designee of the stewards or racing judges.

21 (2) Examinations.

22 (A) ~~[The standard for passing the written examination must~~
23 ~~be printed on the examination.]~~ A \$50 non-refundable testing fee
24 is assessed for administering the written and practical
25 examinations. The fee is due and payable at the time the written
26 ~~[-first]~~ examination ~~[appointment]~~ is scheduled. If the
27 applicant fails the written or practical examination, the
28 applicant will be allowed to retake it once without an
29 additional fee. The applicant must pay a \$50.00 non-refundable
30 testing fee to schedule an examination after each retest. A

1 minimum of 48 hours advance notice is required to reschedule an
2 examination appointment without loss of the testing fee. An
3 applicant who fails to timely reschedule an examination
4 appointment must pay a new testing fee to reschedule the
5 appointment. A steward or judge may waive the additional fee if,
6 in the opinion of the steward or judge, the applicant shows good
7 cause for the failure to timely reschedule an examination
8 appointment.

9 (B) The standard for passing the written examination must
10 be printed on the examination. An applicant who fails the
11 written examination may not take [~~reschedule~~] the written
12 examination again before the 90th [60th] day after the applicant
13 failed the written examination. An applicant who fails the
14 written examination for a second or any subsequent time may not
15 reschedule the written examination for 180 calendar days after
16 the last failure and the applicant must pay an additional \$50
17 non-refundable testing fee. After successful completion of the
18 written exam an applicant has 365 calendar days to successfully
19 complete the practical exam.

20 (C) An applicant who fails the practical examination may
21 not reschedule the practical examination again before the 180th
22 day after the applicant failed the practical examination. An
23 applicant who fails the practical examination for a second time
24 may not reschedule another practical examination for 365
25 calendar days after the day the applicant failed the second
26 practical examination and the applicant must pay an additional
27 \$50 non-refundable testing fee.

28 (D) The Commission may waive the requirement of a written
29 and/or practical examination for a person who has a current
30 license issued by another pari-mutuel racing jurisdiction. If a

1 person for whom the examination requirement was waived
2 demonstrates an inability to adequately perform the duties of a
3 trainer, through excessive injuries, rulings, or other behavior,
4 the stewards or racing judges may require the person to take the
5 written and/or practical examination. If such a person fails the
6 examination, the stewards or racing judges shall suspend the
7 person's license for 90 [~~60~~] days with reinstatement contingent
8 upon passing the written and/or practical examination.

9 (3) - (4) (No change.)

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

1 **Sec. 313.41. Racing Secretary.**

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

3 (c) In handicap races, the racing secretary shall assign weight
4 to each horse and shall post the weights in handicaps before the
5 end of [~~10:30 a.m. on~~] the day set for publication of the
6 assigned weights.

1 **Sec. 313.101. Entry Procedure.**

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

3 (c) An entry must be made in writing, [~~may be made~~] by
4 telephone, or by facsimile to the racing secretary, but must be
5 confirmed in writing should the stewards or racing secretary so
6 request. [~~not later than three hours before post time for the~~
7 ~~first race on the day the entry is to run.~~]

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

1 **Sec. 313.106. Closing Entries.**

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

3 (d) If a race is canceled because of insufficient entries, the
4 racing secretary may split any overnight race or write a
5 substitute race in place of the canceled race. Where an
6 overnight race is split, forming two or more separate races, the
7 racing secretary shall give notice of not less than 15 minutes
8 before such races are closed to grant time for making additional
9 entries to such split races.

10 (e) (No change.)

1 **Sec. 313.301. Eligibility to Claim.**

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

3 (c) If the person making a claim is a minor, the claim must be
4 co-signed by a licensed adult parent or guardian of the minor. A
5 parent or guardian who co-signs a claim is liable for the claim.
6 A claim made by a minor that is not co-signed in accordance with
7 this subsection is invalid.

1 **Sec. 313.406. Colors and Number.**

2 (a) A horse starting in a race must carry a conspicuous saddle
3 cloth number [~~, and shall carry a head number,~~] corresponding to
4 its number in the official program. Quarter Horses, Paints, and
5 Appaloosas shall, and Thoroughbreds and Arabians may, wear head
6 numbers that correspond to their numbers in the official
7 program.

8 (b) The jockey for a horse starting in a race shall be properly
9 attired for riding in the race and wear:

10 (1) the racing colors provided by the owner of the horse the
11 jockey is to ride, plus white riding pants, boots, and a number
12 on the right shoulder corresponding to the mount's number as
13 shown on the saddle cloth, head number if provided, and in the
14 official [~~daily~~] program; and

15 (2) an A.S.T.M. approved safety helmet [~~a helmet of a type~~
16 ~~approved by the executive secretary~~] while mounted on any horse
17 at a licensed racetrack.

18 (c) (No change.)

1 **Sec. 313.441. The Start.**

2 (a) The starter is responsible for assuring that each
3 participant receives a fair start.

4 (b) [(a)] A horse is considered a starter for all purposes when
5 the stall doors of the starting gate open in front of the horse
6 at the time the starter dispatches the horses in a valid start.

7 ~~[(b) The stewards shall declare a horse a non-starter if the~~
8 ~~stewards determine the horse was left at the post because the~~
9 ~~horse was not in the starting gate stall or the starting gate~~
10 ~~malfunctioned.]~~

11 (c) If, when the starter dispatches the field, any door at the
12 front of the starting gate stalls should not open properly due
13 to a mechanical failure or malfunction or should any action by
14 any starting personnel directly cause a horse to receive an
15 unfair start, the stewards may declare such a horse a non-
16 starter.

17 (d) Should a horse, not scratched prior to the start, not be in
18 the starting gate stall thereby causing it to be left when the
19 field is dispatched by the starter, the horse shall be declared
20 a non-starter by the stewards.

21 (e) Should an accident or malfunction of the starting gate, or
22 other unforeseeable event, compromise the fairness of the race
23 or the safety of race participants, the stewards may declare
24 individual horses to be non-starters, exclude individual horses
25 from all pari-mutuel pools, or declare a "no contest" and refund
26 all wagers except as otherwise provided in the rules involving
27 multi-race wagers.

1 **Sec. 313.505. Workout Requirements.**

2 (a) (No change.)

3 (b) The person riding a horse in an official workout [~~and the~~
4 ~~person bringing a horse to a licensed training facility for an~~
5 ~~official workout~~] must hold a valid Commission license as a
6 jockey, apprentice jockey, or exercise rider, or as the trainer
7 or assistant trainer of the horse. [~~in the appropriate~~
8 ~~category.~~]

9 (c) The horse identifier shall identify each horse before each
10 official workout. The original registration papers for each
11 horse that is to work, or a copy that satisfies the horse
12 identifier, must be submitted to the horse identifier before the
13 horse's initial workout at the facility to permit the identifier
14 to record the horse's color, gender, markings, and tattoo
15 number, if applicable. The horse identifier shall inspect all
16 documents of ownership, registration, or breeding necessary to
17 ensure the proper identification of the horse. The
18 identification procedures used at the training facility are
19 subject to the approval of the executive secretary. The
20 individual serving as the horse identifier may serve as timer or
21 starter also, with the approval of the executive secretary. The
22 timer may not serve as the starter.

23 (d) - (h) (No change.)

1 **Sec. 313.507. Employees of Training Facilities.**

2 (a) The general manager and chief executive officer of a
3 licensed training facility must obtain a training facility
4 general manager [employee] license from the Commission. The
5 license fee for a training facility employee, including a
6 general manager license, is defined in §311.5 of this title
7 (relating to License Fees) [license is \$20]. A training facility
8 employee license may be denied, suspended, or revoked for any of
9 the grounds listed in the Act, §7.04.

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

ITEM D.

RULE REVIEW

1. *Chpt. 307, Proceedings Before the Commission*
2. *Chpt. 321, Pari-mutuel Wagering*
3. *Chpt. 323, Disciplinary Action and Enforcement*

RULE REVIEW CHAPTERS 307, 321, & 323

Texas Government Code 2001.039 directs each state agency to review, and consider for readoption, each of its rules every four years. During the review, the Commission must assess whether the reasons for adopting the rules continue to exist.

To formally initiate the rule review process, the Commission must vote at a public meeting to publish notice in the *Texas Register* of the Commission's intention to review specific rules. After the time for public comment has passed, the Commission will take one of the following actions in regard to the rules in Chapter 307, Chapter 321, and Chapter 323: readoption, repeal, or readoption with revisions.

If the Commission readopts a rule (with no changes), notice of the readoption will appear in the *Texas Register* "Rules Review" section, but the text of the readopted rule will not be published.

Any proposed repeal of a rule or any proposed amendment to a rule will be published in the "Proposed Rules" section of the *Texas Register*, and will be the subject of an additional 30-day comment period.

The *Table of Contents* for Chapters 307, 321, and 323 are attached below.

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ITEM E.

RCI MODEL RULES AND PRACTICES COMMITTEE MEETING ON DECEMBER 5, 2009

Proposals for Changes to RCI Model Rules:

1. *Definition of Real Time Monitoring System*
2. *Prohibition against raising hand above shoulder when using crop*
3. *Jockeys weighing out and in*
4. *Scale of weights*
5. *Jockey Fees Schedule(s)*
6. *Androgenic Anabolic Steroids*
7. *Physical inspection of horses*
8. *Broader racing compact*
9. *Postmortem exams*

ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL
MODEL RULES AND PRACTICES COMMITTEE MEETING

SATURDAY, DECEMBER 5, 2009 9:00 AM

PRELIMINARY AGENDA

Call to Order

Introduction of Attendees

Minutes of July 30, 2009 Committee Meeting

Consideration of Proposals for Changes to ARCI Model Rules

1. Definition of Real Time Monitoring System
2. Prohibition against raising the hand above the shoulder when using the crop
3. Jockeys weighing out and in (Hugh Gallagher presenter)
4. Scale of weights
5. Jockey Fees Schedule(s)
6. Androgenic Anabolic Steroids
7. Physical inspection of horses
8. Broader racing compact (Rick Goodell presenter)
9. Postmortem exams
10. Hyberbaric Oxygen Chamber (discussion only)
11. Out of competition testing of horses (discussion only)
12. Planning for next meeting (April, 2010 in Lexington, KY ?)

Larry Eliason
Chairman

Hugh Gallagher
Vice chairman

Rick Goodell
Vice chairman

#1 Definition of Real Time Monitoring System



ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL

TO: Larry Eliason, Chair, RCI MODEL RULES COMMITTEE

FROM: Ed Martin

RE: Definition of the Term "Real Time"

DATE: October 15, 2009

Consistent with the RCI Board request that a definition of "real time" as it pertains to monitoring systems be developed for the Model Rules, the RCI Wagering Systems Security Committee met via conference call on September 24, 2009 to discuss this matter since the Wagering Systems Security Committee originated the current RCI model rules in this area.

The committee considered that the concept of "real time" had been addressed by the Association for Computing Machinery (ACM) and the Institute of Electrical and Electronics Engineers (IEEE). In defining "real time", both organizations connote deadline satisfaction and this is a commonly accepted standard for a system to be considered such in today's computational world.

The IEEE approach to defining this term includes the following language:

- "pertaining to a system or mode of operation in which computation is performed during the actual time that an external process occurs, in order that the computation results can be used to control, monitor, or respond in a timely manner to the external process";
- "an event or data transfer in which, unless accomplished within an allotted amount of time, the accomplishment of the action has either no value or diminishing value"; and
- "the actual time in the real world during which an event takes place."

After much discussion, the Wagering Systems Security Committee voted without objection to endorse the following definition of "real time" and submit it to the Model Rules Committee and the RCI Board or Membership for final adoption and inclusion in the Model Rules:

***Real Time Transaction Monitoring System** - An operating system that can respond to input immediately, within the actual time in the real world during which an event takes place. The system must be able to react to a steady flow of new information without interruption and perform its tasks within the same time constraints of the totalizator system it monitors.*

#2 Prohibition against raising the hand above the shoulder when using the crop.

ARCI-010-035 Running of the Race

- (c) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone, or applied by anyone to the horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.
 - (d) Riding crops shall not be used on two-year-old horses before April 1 of each year.
 - (e) The riding crop shall only be used for safety, correction and encouragement.
 - (f) All riders should comply with the following when using a riding crop:
 - (A) Showing the horse the riding crop and giving it time to respond before hitting it;
 - (B) Having used the riding crop, giving the horse a chance to respond before using it again;
 - (C) Using the riding crop in rhythm with the horse's stride.
 - (D) Not raise their hand(s) above their shoulder when using a riding crop.
 - (g) Prohibited use of the riding crop includes but are not limited to striking a horse:
 - (A) on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;
 - (B) during the post parade or after the finish of the race except when necessary to control the horse;
 - (C) excessively or brutally causing welts or breaks in the skin;
 - (D) when the horse is clearly out of the race or has obtained its maximum placing;
 - (E) persistently even though the horse is showing no response under the riding crop;
or
 - (F) striking another rider or horse.
 - (h) After the race, horses will be subject to inspection by a racing or official veterinarian looking for cuts, welts or bruises in the skin. Any adverse findings shall be reported to the stewards.
 - (i) The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave such instructions
- (7) Horse Leaving the Racecourse. If a horse leaves the racecourse during a race, it must turn back and resume the race from the point at which it originally left the course.
- (8) Order of Finish
- (a) The official order of finish shall be decided by the stewards with the aid the photo finish system, and in the absence of the photo finish film record, the video replay. The photo finish and video replay are only aids in the stewards' decision. The decision of the stewards shall be final in all cases.
 - (b) The nose of the horse shall determine the placement of the horse in relationship to other horses in the race.
- (9) Returning After the Finish
- (a) After a race has been run, the jockey shall ride promptly to the place designated by the stewards, dismount and report to the clerk of scales to be weighed in. Jockeys shall weigh in with all pieces of equipment with which they weighed out.

#3 Jockeys weighing out and in.

RCI MODEL RULES COMMITTEE PETITION FOR NEW RULE OR CHANGE TO EXISTING RULE

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A. Brief Description of the Issue

The ARCI Model Rule for jockeys' weighing in requirements are not specific enough and do not accurately list the equipment that is required at the time the jockey is weighed in after the race. This can cause confusion for the general racing fan or uneducated track employee that witnesses the weighing in process. Racing officials and jockeys are being scrutinized for not reporting the correct weight, but current rules necessitate allowing for weights (weighing in) that are well above those when weighing out or weights published in the daily program and racing form.

B. Discussion of the Issue

- **Provide background on the issue to build context.**
Even the lightest equipment a jockey will use when riding in a race will weigh at least ten (10) pounds. The actual equipment required to weigh out with in the current ARCI Model Rule may be as little as four (4) pounds. Therefore, a jockey's weight can vary six pounds or more from weighing out to weighing in while at all times abiding by the rules. This is exacerbated by additional clothing or equipment the jockey might wear during extreme temperatures or inclement weather.
- **What specific problems or concerns are involved in this issue?**
Jockeys and officials are coming under fire for allegedly not reporting correct weights because they are weighing in heavier than they weigh out or because they are stepping on the scale with clothing or equipment that is not supposed to be included in the weighing out process, but is always worn during the weighing in process, such as safety equipment and additional clothing approved by the Stewards and/or the Clerk of Scales in inclement weather.
- **Who does the issue affect?**
This issue affects the jockeys, racing officials, and the betting public.
- **What existing model rules relate to this issue?**
ARCI-010-035 Running of the Race
 - C. Jockey Requirements
 - 7. Weighing Out
 - E. Post to Finish
 - 9. Weighing In

- **What solution does this rule provide?**
The suggested changes to the ARCI Model Rule more accurately outline what is included in the jockey's weight during the weighing in process. It lists the same equipment that was used in the weighing out process. It also provides language for additional clothing or equipment that may be used under circumstances approved by the stewards and calls for a mandatory public notice of the procedures for weighing jockeys out and in.

C. Possible Solutions and Impact

- **Provide possible recommendations to solve the problem. Include details on each proposed solution.**
The ARCI Model Rules Committee has worked hard, in the jockeys' best interest, to clearly define what is included in a jockey's weight when weighing out to race. There has never been a problem with the weighing in process because all jockeys weigh in with the same equipment, everything they ride with, except at certain tracks that don't allow jockeys to weigh in with the saddle towel. Because of recent developments in New York and West Virginia, where individuals have compared the weights that jockeys weigh in with to weights listed in the program, accusations have been made that jockeys and/or officials are cheating the scales and manipulating the outcome of races.

The suggested changes benefit the jockeys and officials, by clearly outlining what is included in both the weighing out and weighing in process. The changes will also benefit track management, commissions, and investigators should any future allegations be made. The changes also should benefit the industry as the public will clearly be notified of the weighing out and in process and aware that weights may vary from the program or daily racing form.

D. Please identify any affected stakeholder groups that expressed support or opposition. (These stakeholders may include the racetracks, breed registries, owners, trainers, jockeys, vets, or others.)

This topic was introduced and discussed at a recent working group meeting of industry representatives. Committee members understood the need for clarifying the weighing out process, the weighing in process, and what horses actually carry when racing. The introduced language was a result of the meeting and received no negative feedback when circulated to members of the committee.

E. Attach the model rule language you are proposing. Please show new language with underlined text. If you are proposing that current model rule language be eliminated, please strikeout the language to be deleted.

Jockeys Weighing Out and Weighing In

Proposed rule change to Chapter 10, section 35

ARCI-010-035 Running of the Race

C. Jockey Requirements

- 1) Jockeys shall report to the jockeys' quarters at the time designated by the association. Jockeys shall report their engagements and any overweight to the clerk of scales. Jockeys shall not leave the jockeys' quarters, except to ride in scheduled races, until all of their riding engagements of the day have been fulfilled except as approved by the stewards.
- 2) A jockey who has not fulfilled all riding engagements, who desires to leave the jockeys' quarters, must first receive the permission of the stewards and must be accompanied by an association security guard.
- 3) While in the jockeys' quarters, jockeys shall have no contact or communication with any person outside the jockeys' quarters other than Commission personnel and officials, an owner or trainer for whom the jockey is riding or a representative of the regular news media, except with the permission of the stewards. Any communication permitted by the stewards may be conducted only in the presence of the clerk of scales or other person designated by the stewards.
- 4) Jockeys shall be weighed out for their respective mounts by the clerk of scales not more than 30 minutes before post time for each race.
- 5) Only valets employed by the association shall assist jockeys in weighing out.
- 6) A jockey must wear a safety vest when riding in any official race. ~~The safety vest shall weigh no more than two pounds and be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA).~~ The safety vest shall meet one of the standards for safety vests outlined in ARCI-008-010 General Provisions, (Y) Safety Equipment, (2) Vests.
- 7) Weighing Out
 - a) A jockey's weight shall include his/her clothing, boots, saddle and its attachments and any other equipment except the bridle, bit, blinkers, goggles, number cloth and safety equipment including helmet, vest, over-girth, reins and breast collar.
 - b) Upon Stewards approval, jockeys will be allowed up to two (2) pounds more than published weights to account for inclement weather clothing and equipment.
- 8) Seven pounds is the limit of overweight any horse is permitted to carry.
- 9) Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be re-admitted to the jockeys' quarters until after the

entire racing program for that day has been completed, except with permission of the stewards.

E. Post to Finish

(9) Weighing In

- (a) A jockey shall weigh in ~~at least at~~ no less than the same weight at which he/she weighed out, and if under that weight ~~by more than two pounds~~, his/her mount shall be disqualified from any portion of the purse money.

In the event of such disqualification, all monies wagered on the horse shall be refunded unless the race has been declared official.

- (b) A jockey's weight shall include his/her clothing, boots, saddle and its attachments and any other equipment except the bridle, bit, blinkers, goggles, number cloth and safety equipment including helmet, vest, over-girth, reins and breast collar.
- (c) Upon approval of the stewards, the jockeys may be allowed up to two (2) pounds more than published weights to account for inclement weather clothing and equipment.
- (d) The post-race weighing of jockeys includes any sweat, dirt and mud that have accumulated on the jockey, jockey's clothing, jockey's safety equipment and over-girth. This accounts for additional weight, depending on specific equipment, as well as weather, track and racing conditions.

~~No jockey shall weigh in at more than two pounds over the proper or declared weight, excluding the weight attributed to inclement weather conditions and/or of health and safety equipment approved by the stewards.~~

F. Do any racing jurisdictions currently have a version of this rule in effect? If yes, please attach copies of those rules.

No jurisdiction currently has this rule in effect. Two jurisdictions, New York and Illinois, currently attempt to explain the differences in jockeys' weights when weighing in compared to weighing out. They do this through a program notification. The NYRA notification follows.

G. Review the Model Rules and identify any other Model Rules this change would affect and submit proposed amendments to those rules to comply with changes that would be made by this proposal.

Another rule would be affected depending on, if adopted, where the ARCI Model Rules Committee decides is the best place to mandate an announcement regarding the weighing out and in practices. Language could appear as: A notice shall be included in the daily program that all jockeys will carry approximately three (3) pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, upon stewards' approval, jockeys may weigh in with an additional two (2) pounds for inclement weather gear when approved by the stewards.

#4 Scale of Weights

RCI MODEL RULES COMMITTEE PETITION FOR NEW RULE OR CHANGE TO EXISTING RULE

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A. Brief Description of the Issue

The ARCI Model Rule, ARCI-010-020 Weights Section, D. Scale of Weights is outdated and is no longer used by Racing Secretaries across the country. It has long been known and publicized that the human race is growing and today's jockeys are larger than jockeys of the past. It is uncommon now for any jockey to meet some of the weights listed in the current ARCI Model Rule. Additionally, movies, public scrutiny and international health studies on jockeys and other professional athletes, have raised awareness for the health and safety of the professional jockey. Weights listed in the current ARCI Model Rule are, for the most part, unattainable and have already been replaced and new scales have been implemented in most jurisdictions.

B. Discussion of the Issue

Jockey weight requirements have been a concern throughout the racing industry for years and circumstances surrounding jockey illnesses and deaths, and featured documentaries on major networks such as HBO, continue to focus on the topic. Changes to the rule would affect jockeys, horses, horsemen, racing officials and regulators. Jockeys would certainly be the most affected, as any move to increase the minimum weights would ease the burden of weight restrictions for a number of jockeys. However, because the weight scales have already been increased in most jurisdictions, substantial changes to the current ARCI scale would not lead to a huge increase in the scale of weights currently in place at most tracks.

C. Possible Solutions and Impact

After review of the current ARCI Model Rule and based on what Racing Secretaries are doing today throughout the country, we feel the model rule could be simplified by elimination of Table 1: Scale of Weights for Age.

Setting different weights for age and distance with changes every month really has no affect on the quality or integrity of racing and offers no incentives for gamblers. Alternatively, a new scale that offers minimum weights for jockeys allows racing secretaries to adjust weights upward for conditions and brings the U.S. scale of weights in line with what other countries are using. Handicappers and fans should not be affected

because the same allowances will be allotted for horses of equal age and condition, just as they are now.

D. Please identify any affected stakeholder groups that expressed support or opposition.

Requests for increases in the scale of weights throughout the past decade have received negative feedback from certain high-profile trainers, but an equal number of top trainers argue that horses carry much more weight in morning workouts and in steeplechase racing and that a reasonable amendment to the current scale of weights is in order. Despite objections, track management and racing officials have quietly increased the weights horses carry in most races with no public outcry from owners or trainers. Track officials and regulators, along with the NTRA Safety Alliance, are currently working on new ways to implement measures that are safer for horses and humans, including a further increase to the scale of weights. Focusing on jockeys' health should help industry representatives and track officials combat negative publicity regarding jockey health issues. Additionally, studies provided by other major racing countries, such as the Turf Club Ireland, that already have minimum weight requirements well above those in the U.S., intend to look at and adjust their scales upward based on recent studies that suggest jockey weight restrictions and weight reduction techniques may attribute to decreased bone density and increased risk of osteoporosis in jockeys.

The current proposal was introduced and recommended at an industry working group meeting hosted by the Jockey Club. Attendees acknowledged that the current ARCI Model Rule is no longer used in most racing jurisdictions and could be replaced by setting a minimum weight horses can carry. The drafted language was distributed to members of the working group and received no negative feedback.

E. Attach the model rule language you are proposing. Please show new language with underlined text. If you are proposing that current model rule language be eliminated, please strikeout the language to be deleted.

ARCI-010-020 Weights Section

D. Scale of Weights

~~The weights required in the following table shall be carried when not otherwise specified in the conditions of the race:~~

Table 1: Scale of Weights for Age

Distance	One Half Mile			
Age	Two years	Three years	Four years	Five years & up
Jan.	x	117	130	130
Feb.	x	117	130	130

Mar.	x	119	130	130
April	x	119	130	130
May	x	121	130	130
June	x	123	130	130
July	x	125	130	130
Aug.	105	126	130	130
Sept.	108	127	130	130
Oct.	111	128	130	130
Nov.	114	129	130	130
Dec.	114	129	130	130

Distance Six Furlongs

Age	Two years	Three years	Four years	Five years & up
Jan.	x	114	129	130
Feb.	x	114	129	130
Mar.	x	117	130	130
April	x	117	130	130
May	x	119	130	130
June	x	121	130	130
July	x	123	130	130
Aug.	102	125	130	130
Sept.	105	126	130	130
Oct.	108	127	130	130
Nov.	111	128	130	130
Dec.	111	128	130	130

Distance One Mile

Age	Two years	Three years	Four years	Five years & up
Jan.	x	107	127	128
Feb.	x	107	127	128
Mar.	x	111	128	128
April	x	111	128	128
May	x	113	127	127
June	x	115	126	126
July	x	117	126	126
Aug.	x	119	126	126
Sept.	96	121	126	126
Oct.	99	122	126	126
Nov.	102	123	126	126
Dec.	102	123	126	126

Distance One and a Quarter Miles

Age	Two years	Three years	Four years	Five years & up
Jan.	x	101	125	127

Feb.	x	101	125	127
Mar.	x	107	127	127
April	x	107	127	127
May	x	111	127	127
June	x	113	126	126
July	x	116	126	126
Aug.	x	118	126	126
Sept.	x	120	126	126
Oct.	x	121	126	126
Nov.	x	122	126	126
Dec.	x	122	126	126

Distance ~~One and a Half Miles~~

Age	Two years	Three years	Four years	Five years & up
Jan.	x	98	124	126
Feb.	x	98	124	126
Mar.	x	104	126	126
April	x	104	126	126
May	x	108	126	126
June	x	111	126	126
July	x	114	126	126
Aug.	x	117	126	126
Sept.	x	119	126	126
Oct.	x	121	126	126
Nov.	x	122	126	126
Dec.	x	122	126	126

Distance ~~Two Miles~~

Age	Two years	Three years	Four years	Five years & up
Jan.	x	96	124	126
Feb.	x	96	124	126
Mar.	x	102	126	126
April	x	102	126	126
May	x	106	126	126
June	x	109	126	126
July	x	112	126	126
Aug.	x	114	125	125
Sept.	x	117	125	125
Oct.	x	119	124	124
Nov.	x	120	124	124
Dec.	x	120	124	124

- (1) In races of intermediate lengths, the weights for the shorter distance are carried.
- (2) In races exclusively for three year olds or four year olds, the weight is 126 pounds, and in races exclusively for two year olds, it is 122 pounds.

- (3) With the exception of apprentices, no jockey shall be assigned a weight of less than 118 lbs.
- ~~(4) In all races except in handicaps and races where the conditions expressly state to the contrary, the scale of weights weight is less, by the following: for two-year-old fillies, 3 pounds; for fillies and mares, three years old and upward, five pounds before September 1, and three pounds thereafter.~~
- ~~(5) In all overnight races except handicaps, not more than six pounds may be deducted from the scale of weights for age, except for allowances, but in no case shall the total allowances of any type reduce the lowest weight below 101 pounds, except that this minimum weight need not apply to two-year-olds or three-year-olds when racing with older horses.~~
- ~~(6) In all handicaps which close more than 72 hours prior to the race the top weight shall not be less than 126 pounds, except that in handicaps for fillies and mares, the top weight shall not be less than 126 pounds less the sex allowance at the time the race is run; and scale weights for fillies and mares or three-year-olds may be used for open handicaps as minimum top weight in place of 126 pounds.~~
- ~~(7) In all overnight handicaps and in all claiming handicaps, the top weight shall not be less than 122 pounds.~~
- ~~(8) In all overnight races for two-year-olds, for three-year-olds or for four-year-olds and upward the minimum weight shall be 112 pounds, subject to sex and apprentice allowances. This rule shall not apply to handicaps, nor to races for three-year-olds and upward.~~
- (9) Quarter Horses, Appaloosas and Paints minimum scale weights shall be 120 pounds for two-year-olds, 122 pounds for three-year-olds, and 124 pounds for four-year-olds and older.
- (10) A notice shall be included in the daily program that all jockeys will carry approximately three (3) pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, upon stewards' approval, jockeys may weigh in with an additional two (2) pounds for inclement weather gear when approved by the stewards.

F. Do any racing jurisdictions currently have a version of this rule in effect? If yes, please attach copies of those rules.

We are not aware of any jurisdictions that have amended their rule on the scale of weights. However, examination of scales for weight that are published in condition books demonstrates that track officials and racing secretaries have communicated and worked together to quietly increase the weights horses carry throughout the racing jurisdictions in the United States.

5 Jockey Fee Schedule(s)

This is the proposal submitted by the Subcommittee
(Dan Hartman, Colorado, John Wayne, Delaware TB, Richard Krueger, Minnesota)

ARCI-008-030 Jockeys

G. Jockey Mount Fees

THE ORGANIZATIONS REPRESENTING THE MAJORITY OF HORSE OWNERS AND JOCKEYS SHOULD REACH AND PRESENT AN AGREEMENT TO THE COMMISSION 30 DAYS PRIOR TO THE START OF A RACE MEET. In the absence of a contract or special agreement, AND TAKING INTO CONSIDERATION LOCAL CONDITIONS AND TOTAL PURSES PAID AT THEIR RACING FACILITY, THE COMMISSION SHALL USE THE FOLLOWING AS A GUIDELINE FOR ESTABLISHING jockey mount fees shall be as follows:

PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	FOURTH MOUNT	OTHER MOUNTS
0 to \$2,499	10%	\$55	\$50	\$45	\$40
2,500 to \$4,999	10%	\$60 - \$75	\$55 - \$70	\$50 - \$65	\$45 - \$60
\$5,000 to \$9,999	10%	\$65 - \$85	\$60 - \$80	\$55 - \$75	\$50 - \$65
\$10,000 to \$24,999	10%	5%	\$90 - \$100	\$70 - \$90	\$65 - \$80
\$25,000 to \$49,999	10%	5%	5%	\$80 - \$100	\$75 - \$95
\$50,000 to \$99,999	10%	5%	5%	5%	\$80 - \$100
\$100,000 and up	10%	5%	5%	5%	\$105 - \$115

USING A BASE YEAR OF 2010 COMMISSIONS SHOULD ADJUST THIS TABLE BASED ON AN AVERAGE OF THE FOLLOWING INDEXES: US SOCIAL SECURITY ADMINISTRATION'S COST OF LIVING ADJUSTMENT (COLA), US DEPT. OF LABOR'S CPA INFLATION CALCULATOR ([HTTP://WWW.BLS.GOV](http://www.bls.gov)), AND CONSUMER PRICE INDEX (CPI), LOCAL PERCENT CHANGE IN PARI-MUTUEL HANDLE. AS A GUIDELINE, TAKING INTO ACCOUNT LOCAL CIRCUMSTANCES, TRACKS PAYING PURSES IN EXCESS OF \$250,000 PER DAY SHOULD MOVE TO THE TO THE HIGHER RANGE IN EACH CATEGORY AND TRACKS PAYING BELOW \$125,000 PER DAY IN PURSES SHOULD BE CONSIDERED AT THE LOWER OF THE RANGE.

RCI MODEL RULES COMMITTEE
PETITION FOR NEW RULE OR CHANGE TO EXISTING RULE

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A. Brief Description of the Issue

Jockey Mount fees are listed as an ARCI Model Rule. The current schedule is outdated and has only been amended once since the introduction of ARCI Model Rules. Jockey mount fees for losing mounts have effectively been cut in half by the failure to adjust them for the cost of living for so many years. In addition, the mount fee schedule format was introduced before there was exotic wagering that included places lower than third. The current scale therefore does not provide appropriate incentives to protect people who wager on those horses.

B. Discussion of the Issue

- **Provide background on the issue to build context.**
For many years, the Jockeys' Guild and the horsemen's groups have been parties to an agreement for jockey fees to be applicable in the absence of a special agreement to the contrary. Most states, excluding California and Illinois, have adopted the ARCI Model Rule for jockey mount fees. Recently, the Jockeys' Guild and representative horsemen's groups have entered into new agreements with regard to jockeys' fees, but no commission has yet changed its rule to reflect those new agreements.
- **What specific problems or concerns are involved in this issue?**
Some horsemen's groups are seeking to avoid negotiations because there is a regulation regarding jockey mount fees. In addition, some states have rejected joint requests from the Guild and the representative horsemen's group because there is a specific regulation regarding mount fees. Many states are now looking into the issue and would appreciate guidance from the ARCI.
- **Who does the issue affect?**
The primary groups affected by this rule change would be the owners who pay the jockey fees and the jockeys who receive them. Another group that is affected is the betting public. A change in the rule to add incentives for positions included in certain bets will give a better perception to gamblers that their interests are protected by incentives for jockeys who finish in those positions.

• **What existing model rules relate to this issue?**

ARCI-008-030 Jockeys

G. Jockey Mount Fees

In the absence of a contract or special agreement, jockey mount fees shall be as follows:

PURSE	WINNING MOUNT	SECOND PLACE MOUNT	THIRD PLACE MOUNT	LOSING (OTHER) MOUNT
\$599 and Under	\$33	\$33	\$33	\$33
\$600-\$699	\$36	\$33	\$33	\$33
\$700-\$1,499	10% of Win Purse	\$33	\$33	\$33
\$1,500-\$1,999	10% of Win Purse	\$35	\$33	\$33
\$2,000-\$3,499	10% of Win Purse	\$45	\$40	\$38
\$3,500-\$4,999	10% of Win Purse	\$55	\$45	\$40
\$5,000-\$9,999	10% of Win Purse	\$65	\$50	\$45
\$10,000-\$14,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$50
\$15,000-\$24,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$55
\$25,000-\$49,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$65
\$50,000-\$99,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$80
\$100,000 and Up	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$105

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

C. Possible Solutions and Impact

The Jockeys' Guild proposes an amendment to the current ARCI Model Rule that brings jockey mount fees more in line with what they were in 1985, the last time fees were increased except for a \$5 increase in 2000. In an effort to appease horsemen and not inhibit ownership at tracks that offer lower purse structures, we are including in our proposal a tiered structure that lists jockeys fees according to the purse distribution at the track. This amendment will effectively increase jockey mount fees to a more realistic level and allow jockeys to earn fees that will more appropriately pay them for the job they do and the risks they take. It will also not add an unjustified burden on the owners, especially those racing at tracks with purses that make it difficult to cover the expenses of racehorse ownership.

The proposed changes will certainly benefit the jockeys, but may also benefit other industry participants. Increased jockey fees will help jockeys cover expenditures that will increase safety such as new helmets, vests, stirrups, and riding crops. Many jockeys today are not making enough money through losing mount fees to cover the costs of new and improved safety equipment and are foregoing the improvements and allowing their

standard equipment such as stirrups, girths, and goggles to become worn to the point they are unsafe. Increasing fees should provide jockeys the necessary income to cover the costs of these expenditures. This could keep the injury rates for jockeys down and possibly result in lower insurance premiums to racetracks. Increasing fees for losing mounts will also provide additional incentives to jockeys to ride in races they otherwise might skip because of the risk and chance of earning very little money. This should provide for higher quality and safer racing. More experienced jockeys with better equipment may again affect the injury rates at tracks and result in lower premiums. More experienced jockeys could also result in lower injury rates to horses and a more positive outlook on racing.

D. Please identify any affected stakeholder groups that expressed support or opposition. (These stakeholders may include the racetracks, breed registries, owners, trainers, jockeys, vets, or others.)

Many state affiliates of the THA and HBPA have already entered into new contracts with the Jockeys' Guild and asked for commission approval to implement the new agreements. However, some state commissions and horsemen's groups are reluctant to enter into or allow such agreements because minimum fees are mandated by a state regulation. States that have been involved in negotiations have expressed their support for increases in jockey mount fees and most horsemen's groups have been sympathetic and willing to discuss the issue. Commissions such as Oklahoma have set up committees to address the problem and develop a recommendation for their commission to begin the rule change process. Some commissioners and horsemen's representatives have asked for an industry recommendation or have hesitated to discuss the issue without a recommendation from ARCI.

E. Attach the model rule language you are proposing. Please show new language with underlined text. If you are proposing that current model rule language be eliminated, please strikeout the language to be deleted.

ARCI-008-030 Jockeys

G. Jockey Mount Fees

In the absence of a contract or special agreement, jockey mount fees shall be as follows:

PURSE	WINNING MOUNT	SECOND PLACE MOUNT	THIRD PLACE MOUNT	LOSING OTHER MOUNT
\$500 and Under	\$33	\$33	\$33	\$33
\$600-\$699	\$36	\$33	\$33	\$33
\$700-\$1,499	10% of Win Purse	\$33	\$33	\$33
\$1,500-\$1,999	10% of Win Purse	\$35	\$33	\$33
\$2,000-\$3,499	10% of Win Purse	\$46	\$40	\$38
\$3,500-\$4,999	10% of Win Purse	\$66	\$46	\$40
\$5,000-\$9,999	10% of Win Purse	\$66	\$60	\$46
\$10,000-\$14,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$50
\$15,000-\$24,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$66
\$25,000-\$49,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$66
\$50,000-\$99,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$80
\$100,000 and Up	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$106

THE ORGANIZATIONS REPRESENTING THE MAJORITY OF HORSE OWNERS AND JOCKEYS SHOULD REACH AND PRESENT AN AGREEMENT TO THE COMMISSION 30 DAYS PRIOR TO THE START OF A RACE MEET. In the absence of a contract or special agreement, AND TAKING INTO CONSIDERATION LOCAL CONDITIONS AND TOTAL PURSES PAID AT THEIR RACING FACILITY, THE COMMISSION SHALL USE THE FOLLOWING AS A GUIDELINE FOR ESTABLISHING jockey mount fees shall be as follows:

PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	FOURTH MOUNT	OTHER MOUNTS
0 to \$2,499	10%	\$60	\$50	\$45	\$40
2,500 to \$4,999	10%	\$65 - \$75	\$60 - \$70	\$55 - \$65	\$50 - \$60
\$5,000 to \$9,999	10%	\$80 - \$90	\$65 - \$75	\$60 - \$70	\$55 - \$65
\$10,000 to \$24,999	10%	5%	\$90 - \$100	\$75 - \$95	\$70 - \$80
\$25,000 to \$49,999	10%	5%	5%	\$80 - \$100	\$75 - \$95
\$50,000 to \$99,999	10%	5%	5%	5%	\$80 - \$100
\$100,000 and up	10%	5%	5%	5%	\$105 - \$115

USING A BASE YEAR OF 2010 COMMISSIONS SHOULD ADJUST THIS TABLE BASED ON AN AVERAGE OF THE FOLLOWING INDEXES: US SOCIAL SECURITY ADMINISTRATION'S COST OF LIVING ADJUSTMENT (COLA), US DEPT. OF LABOR'S CPA INFLATION CALCULATOR ([HTTP://WWW.BLS.GOV](http://www.bls.gov)), AND CONSUMER PRICE INDEX (CPI), LOCAL PERCENT CHANGE IN PARI-MUTUEL HANDLE. AS A GUIDELINE, TAKING INTO ACCOUNT LOCAL CIRCUMSTANCES, TRACKS PAYING PURSES IN EXCESS OF \$250,000 PER DAY SHOULD MOVE TO THE TO THE HIGHER RANGE IN EACH CATEGORY AND TRACKS PAYING BELOW \$125,000 PER DAY IN PURSES SHOULD BE CONSIDERED AT THE LOWER OF THE RANGE.

F. Do any racing jurisdictions currently have a version of this rule in effect? If yes, please attach copies of those rules.

Copies of agreements in place currently:

NYRA (Class "A")
 Chicago (Class "B")
 Iowa (Class "B")
 Delaware (Class "B")
 Minnesota (Class "C")
 Arizona (Class "C")

G. Review the Model Rules and identify any other Model Rules this change would affect and submit proposed amendments to those rules to comply with changes that would be made by this proposal.

No other Model Rules would be affected.

H. Final Comments

The Jockeys' Guild understands the pressures facing the horse racing industry today and sympathizes with the owners when they say, "it is not the right time". However, the hard truth is that jockey mount fees have not kept up with the cost of living and leaves jockeys today riding for losing mount fees that are inadequate and insufficient to cover the cost of proper equipment and general living expenses. Seventy percent of the jockeys today do not earn enough money to cover costs of things they should be investing in such as health insurance, temporary disability insurance, and retirement savings. Each jockey can expect to miss six weeks of riding during the upcoming year due to injury and needs to earn enough on a weekly basis to cover insurance costs and time off for recovery. Jockeys in some racing jurisdictions earn less than \$20 for each mount they ride and are foregoing expenditures for safety equipment and supplies that potentially puts their life further at risk, as if they needed anything more.

The fact that there has only been one \$5 increase in mount fees in 25 years is hard to imagine when expenses for everything else associated with racing, i.e. daily rates for training, shoeing, vet care, exercise and pony people, have doubled and in some cases tripled. Because the ARCI Model Rules lists standard mount fees, and state commissions have almost unanimously adopted the model rule, the jockeys remain riding for a scale that is outdated and insufficient to cover necessary expenses and adequately provide for themselves and their families.

The proposed scale is amended from our initial submission to the ARCI Model Rules Committee and is the result of meetings with the National HBPA and input from a sub-committee established by the ARCI Model Rules Committee. The scale nearly mirrors the sub-committee's recommendation, but makes some minor changes to their scale to keep from reducing jockey fees in some categories, corrects a possible typo, and reduces the size of the range in some categories to bring recommended fees more in line with fees that have already been adopted in some jurisdictions. The proposal recommends a tiered scale based on purse structure, provides guidance to commissions on appropriate fee schedules, and provides for future increases based on industry performance and economic indicators.

We would like to thank Dan Hartman and the Mount Fees Sub-Committee for their help on this issue.

**New York Proposal
(NYRA)
(effective April 2,
2008)**



PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	FOURTH MOUNTS	FIFTH MOUNTS	OTHER MOUNTS
up to \$14,999	10%	5%	5%	\$100	\$100	\$100
\$15,000 to \$24,999	10%	5%	5%	\$100	\$100	\$100
\$25,000 to \$49,999	10%	5%	5%	\$100	\$100	\$100
\$50,000 to \$99,999	10%	5%	5%	\$100	\$100	\$100
\$100,000 and up	10%	5%	5%	\$105	\$105	\$105

Illinois THA tracks (effective 5/9/2008)



PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	FOURTH MOUNTS	FIFTH MOUNTS	OTHER MOUNTS
up to \$9,999	10%	\$100	\$95	\$90	\$85	\$80
\$10,000 to \$14,999	10%	5%	\$100	\$95	\$90	\$85
\$15,000 to \$24,999	10%	5%	\$125	\$100	\$95	\$90
\$25,000 to \$49,999	10%	5%	5%	\$105	\$100	\$95
\$50,000 to \$99,999	10%	5%	5%	\$110	\$105	\$100
\$100,000 and up	10%	5%	5%	\$125	\$110	\$105

Iowa Mount Fee Schedule (effective 2009)

PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	FOURTH MOUNTS	OTHER MOUNTS	\$ LM increase
up to \$12,499	10%	\$75+2%	\$75+2%	\$75+2%	\$75	\$25-\$30
\$12,500 to \$24,999	10%	5%	\$75+2%	\$75+2%	\$75	\$20
\$25,000 to \$49,999	10%	5%	5%	\$80+2%	\$80	\$15
\$50,000 to \$99,999	10%	5%	5%	\$90+2%	\$90	\$10
\$100,000 and up	10%	5%	5%	5%	\$105	\$0

Delaware Mount Fee Schedule (effective 2009)

Purse Level	Winning Mount	Second Place Mount Fee	Third Place Mount Fee	Other Mounts
Up to \$10,000.00	10%	\$100.00	\$85.00	\$75.00
\$10,001.00 to \$14,999.00	10%	5%	\$85.00	\$75.00
\$15,000.00 to \$19,999.00	10%	5%	\$90.00	\$75.00
\$20,000.00 to \$49,999.00	10%	5%	5%	\$75.00
\$50,000.00 to \$99,999.00	10%	5%	5%	\$85.00
\$100,000.00 and up	10%	5%	5%	\$105.00

Class "C" Tracks

Minnesota Mount Fee Schedule (effective 2009)

PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	OTHER MOUNTS
\$5,000 to \$9,999	10%	\$75	\$60	\$55
\$10,000 to \$14,999	10%	5%	\$75	\$60
\$15,000 to \$24,999	10%	5%	5%	\$65
\$25,000 to \$49,999	10%	5%	5%	\$75
\$50,000 to \$99,999	10%	5%	5%	\$90
\$100,000 and up	10%	5%	5%	\$105

Arizona Mount Fee Schedule (effective 2009)

PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	OTHER MOUNTS
\$5,000 to \$9,999	10%	\$75	\$60	\$55
\$10,000 to \$14,999	10%	5%	\$75	\$60
\$15,000 to \$24,999	10%	5%	5%	\$65
\$25,000 to \$49,999	10%	5%	5%	\$75
\$50,000 to \$99,999	10%	5%	5%	\$90
\$100,000 and up	10%	5%	5%	\$105

The following is a list of tracks with increases in minimum losing mount fees and their effective dates which were approved by the local Horsemen's organization.

Aqueduct	\$100	Effective April 2, 2008
Belmont	\$100	Effective April 2, 2008
Saratoga	\$100	Effective April 2, 2008
Atlantic City	\$100	Effective April 16, 2009
Meadowlands	\$100	Effective October 1, 2009
Monmouth Park	\$100	Effective May 9, 2009
Philadelphia Park	\$100	Effective June 2008

Arlington Park	\$80	Effective May 9, 2008
Hawthorne Race Course	\$80	Effective May 9, 2008

Calder Race Course	\$55-7/8/08	\$75	Effective January 15, 2009
Gulfstream Park	\$55-7/8/08	\$75	Effective January 15, 2009
Delaware Park		\$75	Effective April 25, 2009
Indiana Downs	\$60-5/26/08	\$75	Effective January 1, 2009
Hoosier Park	\$60-5/26/08	\$75	Effective January 1, 2009
Louisiana (Entire State)	<i>\$50 purses under 5,000</i>	<i>up to \$115</i>	Effective May 13, 2009
Charles Town		\$75	Effective February 23, 2009
Penn National		\$75	Effective August 20, 2008
Prairie Meadows	Additional 2% for 4 th place	\$75	Effective April 24, 2009

Fairmount Park	\$55	Effective August 4, 2008
Finger Lakes	\$55	Effective October 29, 2007
Tampa Bay Downs	\$55	Effective December 5, 2008
Turf Paradise	\$55	Effective January 1, 2009

Yavapai Downs	\$50	Effective May 23, 2009
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#6 Androgenic Anabolic Steroids

Proposed change to Chapter 11 (Equine Veterinary Practices, Health and Medication), Section 20 subsection J. Androgenic – Anabolic Steroids:

J. Androgenic-Anabolic Steroids (AAS)

- (1) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and testosterone, and the naturally occurring substances nandrolone, boldenone, and testosterone at concentrations less than the indicated thresholds.
- (2) Concentrations of these AAS shall not exceed the following plasma or serum thresholds for unchanged (i.e., not conjugated) substance or urine threshold for total (i.e., free drug or metabolite plus drug or metabolite liberated from its conjugates):
 - (a) Stanozolol – 1 ng/mL of total 16 β -hydroxystanozolol (metabolite of stanozolol) in urine of all horses regardless of sex; or 25 pg/mL of stanozolol in plasma or serum of all horses regardless of sex.
 - (b) Boldenone – 15 ng/mL of total boldenone in urine of male horses other than geldings; or 25 pg/mL of boldenone in plasma or serum of all horses regardless of sex.
 - (c) Nandrolone
 - (A) In geldings - 1 ng/mL of total nandrolone in urine or 25 pg/mL of nandrolone in plasma or serum;
 - (B) In fillies and mares – 1 ng/mL of total nandrolone in urine or 25 pg/mL of nandrolone in plasma or serum;
 - (C) In male horses other than geldings – 45 ng/mL of the metabolite, 5 α -oestrane-3 β ,17 α -diol in urine.
 - (d) Testosterone
 - (A) In geldings – 20 ng/mL of total testosterone in urine or 25 pg/mL of testosterone in plasma or serum;
 - (B) In fillies and mares – 55 ng/mL of total testosterone in urine or 25 pg/mL of testosterone in plasma or serum;
 - (C) in fillies and mares that are confirmed at the time of racing as being pregnant, testosterone is not regulated;
 - (D) In male horses other than geldings testosterone is not regulated under this provision.
- (3) All other AAS are prohibited in racing horses.
- (4) Post-race urine and plasma or serum samples must have the sex of the horse identified to the laboratory.
- (5) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine or drug in plasma or serum. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list

#7 Physical Inspection of horses



The National H.B.P.A., Inc.
NATIONAL HEADQUARTERS

870 Corporate Drive, Suite 300; Lexington, KY 40503 - 5419
(859) 259-0451 - Telephone (859) 259-0452 - Facsimile
email: racing@hbpa.org

Wednesday, October 22, 2009

President & Chairman
Joseph Santanna

Sent Via Email and Regular Mail

Chief Executive Officer
Remi Bellocq

Mr. Larry Eliason, Chairman
RCI Model Rules Committee

First Vice-President
Robin Richards

RE: Petition for Language Changes to ARCI-011-030 / Physical Inspection of Horses

Regional Vice Presidents
Rick Hiles
Mike Napier
Leroy Gessmann

Dear Chairman Eliason and Members of the RCI Model Rules Committee:

Secretary/Treasurer
Bill Walmsley

I am writing on behalf of the National HBPA Model Rules Working Group and the National HBPA Medication Committee to respectfully petition the ARCI Model Rules Committee for language changes to ARCI-011-030 (Physical Inspection of Horses). Now that this rule has been implemented, many of our horsemen have had been able to evaluate its impact in real time. As we have all often said, rules should always be subject to improvement based on science and "conditions on the ground". I've used the ARCI petition format, though we are simply proposing some minor language changes.

General Counsel
Douglas L. McSwain

At issue is section (B.) (5) of the rule which governs how horses can test off of the Veterinarian's List. As you will recall, during the initial discussions we raised some concerns about this particular part of the rule. Those concerns still exist and, we feel, would be reasonably addressed by the language we propose.

Veterinary Advisor
Dr. Thomas Tobin

We agree that an effective and strong pre-race inspection program will prove to be the best way to improve the safety and welfare of horse and rider. Nonetheless, as representatives of a very large group of horsemen, it is our obligation to - on their behalf - try to strike a reasonable balance between effective regulation and their ability to train their horses.

Insurance Advisor
Tom Metzger, Jr.

We look forward to discussing this during the December 5th ARCI Model Rules Committee Meeting.

Sincerely,

Remi Bellocq
CEO
National HBPA

Attachment

Petition For Change to Existing Rule

Contact Information:

Remi Bellocq, CEO
National HBPA, Inc.
870 Corporate Drive, Suite 300
Lexington, KY 40503
(859) 259-0451
Fax: (859) 259-0452
Email: rbellocq@hbpa.org

A. Brief Description of the Issue

Horses having generated a "positive" post race test for an ARCI Class I, II, III or IV substance must generate a negative test at the owners' expense in order to be removed from the Vet's List and be allowed to run. Because so many positive findings are Class III or IV therapeutic medications and, in many cases, are overages resulting from honest mistakes or environmental contamination, we feel a more reasonable approach to section (B.) (5) is warranted.

B. Discussion of the Issue and Problem

Industry experts such as Dr. Rick Arthur, Dr. Scot Waterman and many others contend that at least 80 % of all positives involve legal therapeutic medications that are caused by simple barn or management error. Nonetheless, section (B.) (5) as written, leaves no room for leniency ("shall" be required as opposed to "may") and requires that the horses which make up that 80% become ineligible to be entered until they have tested clean - a process that could take weeks. Since these horses are now on the Vet's List, they will be asked to work for the vet on a day the vet is available and that the track is to the trainer's liking. Then the test sample must be sent out and the wait begins for the test results which will require at least a week. Zero tolerance or limit of detection will presumably be used in the testing for a horse or horses which evidenced a positive for a therapeutic medication.

During this difficult economic period of time when owners are being asked to shoulder more expenses, we are now asking them to pay for an expensive lab test (in virtually every jurisdiction, testing labs will charge substantially more for a "special" test like this versus a test produced for a racing commission which is regulated under contractual agreements) to get his/her horse off the Vet's List for a simple Bute or Banamine overage? It will be argued that ARCI Class V medications were left out of the rule for this very reason. However, they account for only 20 of the 800 listed ARCI substances leaving quite a few legal and often used therapeutic medications subject to this rule.

ARCI-011-030

10/22/09

Page 3

C. Possible Solutions and Impact

We feel that it would be more reasonable to target the rule more toward those horses that have shown the presence of non-therapeutic and clearly performance enhancing medications versus those 80% of horses which have shown a simple therapeutic medication overage. The impact: keeping more horses in competition to the benefit of their owners and the racing secretaries who struggle daily to fill races.

Further, we feel that by excluding endogenous, dietary or environmental substances, we can avoid cases involving accidental overages and focus on the more serious and obvious infractions.

D. Stakeholder Groups

This petition is the position of the National HBPA which represents over 30,000 horsemen across North America.

E. Proposed Model Rule Language

(See Below - Language changes are highlighted in red)

F. Racing Jurisdictions With This Rule in Effect

We are not certain, at this time, how many racing jurisdictions and which ones have adopted ARCI-011-030 as amended in April, 2009.

G. Any Related Model Rule Changes Resulting from the Proposed Change

To our knowledge, none.

ARCI-011-030 Physical Inspection of Horses

A. Assessment of Racing Condition

- (1) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.
- (2) The inspection shall be conducted by the official veterinarian or the racing veterinarian.
- (3) The agency or the association employing the examining veterinarian(s) should provide a staffing level of not less than 2 veterinarians.
- (4) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by the examining veterinarian. Horses presented for examination must have bandages removed; the legs must be clean. Prior to examination horses may not be placed in ice nor shall any device or substance be applied that impedes veterinary clinical assessment.
- (5) The assessment of a horse's racing condition shall include:
 - (a) Proper identification of each horse inspected;
 - (b) Observation of each horse in motion;
 - (c) Manual palpation and passive flexion of both forelimbs;
 - (d) Visual inspection of the entire horse and assessment of overall condition;
 - (e) Clinical observation in the paddock and saddling area, during the parade to post and at the starting gate, during the running of the race, and following the race until the horse has exited the race track; and,
 - (f) Any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian.
- (6) The official veterinarian and/or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.
- (7) The official veterinarian and/or the racing veterinarian are authorized access to any and all horses housed on association grounds regardless of entry status.
- (8) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable to make a determination of racing soundness, the veterinarian will recommend to the Stewards the horse be scratched.
- (9) ~~Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the Veterinarian's List.~~ Horses scratched upon the recommendation of the official veterinarian or the racing veterinarian are to be placed on the Veterinarian's List with a written diagnosis/statement of the reason for the scratch.

B. Veterinarian's List

- (1) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or any other medical condition. Horses so listed are

ineligible to enter to race in any jurisdiction until released by an official veterinarian or racing veterinarian.

- (2) A horse may be removed from the Veterinarian's List when, in the opinion of the official veterinarian, the condition which caused the horse to be placed on the veterinarian's List is resolved and the horse's status is returned to that of racing soundness.
- (3) Horses working to be released from the Veterinarian's List are to be in compliance with ARCI-001-020 and are to be subjected to post-work biologic sample collection for laboratory confirmation or compliance.
- (4) Horses may be released from the Veterinarian's List only by authorization of an official veterinarian or the racing veterinarian.
- (5) ~~Horses having generated a "positive" post-race test for an RCI Class I, II, III, or IV substance shall be required to generate a negative test at the expense of the current owner prior to being entered for the first start following the positive test.~~ Horses having generated a 'positive' for any substance not on the AAEP's list of therapeutic medications or that is not an endogenous, dietary or environmental substance may be required to generate a non-positive test for the substance originally declared a 'positive' at the expense of the current owner prior to being entered for the first start following the positive test.

A. Postmortem Examinations

- (1) The Commission may conduct a postmortem examination of any horse that is injured in this jurisdiction while in training or in competition and that subsequently expires or is destroyed. In proceeding with a postmortem examination the Commission or its designee shall coordinate with the trainer and/or owner to determine and address any insurance requirements.
- (2) The Commission may conduct a postmortem examination of any horse that expires while housed on association grounds or at recognized training facilities within this jurisdiction. Trainers and owners shall be required to comply with such action as a condition of licensure.
- (3) The Commission may take possession of the horse upon death for postmortem examination. The Commission may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for analysis. Upon completion of the postmortem examination, the carcass may be returned to the owner or disposed of at the owner's option.
- (4) The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.
- (5) The cost of Commission-ordered postmortem examinations, testing and disposal shall be borne by the Commission.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02
Version 2.1 to 3.0 ARCI 4/3/04 NAPRA 4/3/04: Modify rule language

Eliason, Larry

From: Goodell, Rick (Schen-Leg) [RGOODELL@racing.state.ny.us]
Sent: Thursday, October 22, 2009 3:25 PM
To: Eliason, Larry; emartin@arci.com; pbowlinger@arci.com; hugh.gallagher@state.de.us; sbarham@ag.arizona.edu
Subject: MRC - broader compact

Larry,

Please include on the MRC agenda a review of NY bill and the model bill being written with help from CSG. I have some updates and expect something concrete by October 28.

Thanks,
Rick

P.S. From the Del Mar resolution:

3. The Model Rules Committee is directed to review the legislation pending in New York, to prepare all necessary materials to assist the foregoing process, and to examine how RCI members who are ineligible for an interstate compact may benefit or cooperate with the compact.

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10/22/2009

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The following RCI Board resolution was passed on July 31, 2009:

RESOLUTION IN SUPPORT OF A BROADER RACING COMPACT

WHEREAS, the Board of Directors of the Association of Racing Commissioners International, Inc. ("RCI") hereby finds that:

1. It is difficult for racing commissions to achieve a more uniform set of rules, to meet needs and challenges coming from outside the jurisdiction, and to make efficient and effective joint programs without an effective mechanism that directly permits them to act in unison;
2. There is legislation pending in New York to create an Interstate Compact on Regulation of Horse and Greyhound Racing and Pari-Mutuel Wagering Activities, organized on the following principles:
 - (a) to allow state racing commissions, without sacrificing any state authority, to conduct a national rule-making process and create national programs that can be enforced and implemented by state racing commissions;
 - (b) to permit state racing commissions jointly to adopt, through the interstate compact, rules and programs to advance a more uniform and effective regulation of racing and wagering with no rule or program to take effect or to continue in a state without its consent or vote;
 - (c) to cooperate with and eventually absorb the licensing duties of the Interstate Compact on Licensure of Participants in Live Racing with Pari-Mutuel Wagering;
 - (d) to generate little or no additional costs for state racing commissions; and
 - (e) to be governed by state racing commissions through continued RCI meetings, which currently provide a meaningful forum for the discussion of rules and programs, supported by program development and administrative assistance from the officers and staff of RCI.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The interstate compact proposed in New York is desirable to advance our important goals of enhancing the ability of states to achieve more uniformity in a sport that uniquely lacks a central league office; to regulate areas that need simultaneous action such as integrity standards for offshore betting sites or real-time wagering monitoring; and to strengthen and preserve the role of states and state regulatory bodies in pari-mutuel racing and wagering;
2. The Board of Directors hereby endorses the principles of the proposed Interstate Compact on Regulation of Horse and Greyhound Racing and Pari-Mutuel Wagering Activities and encourages its members states to enact enabling legislation to join such an interstate compact; and
3. The Model Rules Committee is directed to review the legislation pending in New York, to prepare all necessary materials to assist the foregoing process, and to examine how RCI members who are ineligible for an interstate compact may benefit or cooperate with the compact.

#9 Postmortem Exams

Postmortem Exams

Propose the following changes to Chapter 11 (Equine Veterinary Practices, Health and Medication), Section 30, Subsection C. Postmortem Examination:

C. Postmortem Examinations

- (1) The Commission ~~shall require a postmortem examination of any horse that dies or is euthanized on association grounds.~~
- (2) The Commission may ~~require a postmortem examination of any horse that dies or is euthanized at recognized training facilities within this jurisdiction.~~
- (3) ~~If a postmortem examination is to be conducted, the Commission shall take possession of the horse upon death for postmortem examination. All shoes and equipment on the horse's legs shall be left on the horse.~~
- (4) ~~If a postmortem examination is to be conducted, the Commission or its representative shall collect blood, urine, bodily fluids, or other biologic specimens immediately after the horse dies or is euthanized. The Commission may submit blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination for analysis. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.~~
- (5) ~~All licensees shall be required to comply with postmortem examination requirements as a condition of licensure. In proceeding with a postmortem examination the Commission or its designee shall coordinate with the owner or the owner's authorized agent to determine and address any insurance requirements.~~
- (6) ~~Postmortem examinations shall be conducted according to the *American Association of Equine Practitioners Guidelines for the Necropsy of Racehorses.*~~

AAEP GUIDELINES FOR THE NECROPSY OF RACEHORSES

General Guidelines

The AAEP recommends that all horses that die or are euthanized at a licensed racetrack or training facility undergo a complete necropsy by a board-certified veterinary pathologist at an accredited veterinary diagnostic laboratory. Necropsy findings should be entered into The Jockey Club Equine Injury Database.

It is recommended that regular communication and interaction between the on-site regulatory veterinarian(s), practicing racetrack veterinarians, and the pathology staff at the diagnostic laboratory be established. This will enhance the necropsy process and the resultant information. It will also facilitate collaborative efforts when specific research interests are identified.

Transportation options for necropsy cases should be identified prior to need. Storage, pending transport, and transportation of the body should be managed in such a way that tissue degradation and the development of post-mortem artifacts are minimized. Care should also be

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Deleted: is injured
Deleted: in this jurisdiction while in training or in competition and that subsequently expires or is destroyed. In proceeding with a postmortem examination the Commission or its designee shall coordinate with the trainer and/or owner to determine and address any insurance requirements.
Deleted: conduct
Deleted: expires while housed
Deleted: on association grounds or
Deleted: Trainers and owners shall be required to comply with such action as a condition of licensure.
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Deleted: or other tissue specimens
Deleted: Upon completion of the postmortem examination, the carcass may be returned to the owner or disposed of at the owner's option.
Deleted: The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.
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taken to employ good infection control practices with respect to equine infectious and/or zoonotic disease.

If time or distance constraints preclude the transport of a deceased horse to the veterinary diagnostic laboratory, a field necropsy is recommended.

Field Necropsy

It is recommended for racetracks where field necropsy must be performed that a dedicated facility be available for performing necropsies. This facility should be located in a secluded area and be enclosed and covered for both privacy and protection from the elements. (A temperature-controlled environment is recommended in areas where extreme weather conditions may exist.) Facility design should allow an equine ambulance to drive through. The enclosure should contain a large, well-drained concrete or asphalt slab with a rough finish providing adequate traction. Ample hot and cold water supply and hose are required to clean the area. Disinfection and/or sanitization protocols should be employed following each necropsy.

Field necropsy requires advance communication with carcass removal companies to determine requirements to insure that necropsied remains can be removed. Carcass removal and disposal should be performed by a licensed animal disposal company and in compliance with local, state, and federal regulations.

Regulatory veterinarians are encouraged to seek guidance from veterinary pathologists to establish field necropsy protocols. Minimum standards for field necropsy are as follows:

For appendicular injuries, the affected limb at the site of the injury should undergo gross dissection (+/- diagnostic imaging, toxicology, histopathology) and appropriate documentation of findings (written description and photography). The necropsy report should include identification of the affected anatomical structure(s) including a description of gross lesions found in bones, joints, ligaments, tendons, skin and blood vessels.

For non-appendicular conditions, reasonable effort should be made to determine and document the cause of death. For sudden death occurring during or immediately after a race, the cardiovascular and respiratory systems warrant as comprehensive an examination as is possible.

Race-related Fatalities

For race-related fatalities, a 'best practice' inquest protocol is recommended that incorporates ante-mortem information (examples include: interviews with personnel relevant to the horse and/or the incident, exercise history, race replay video, medical history) and post-mortem findings.

Ante- or immediately post-mortem blood samples (and urine, when available) should be collected, maintained under chain of custody protocols, and submitted to the official racing laboratory.

Approved by the AAEP Board of Directors, August 2009.