

TEXAS RACING COMMISSION

P. O. Box 12080 ★ Austin, TX 78711-2080
8505 Cross Park ★ Austin, TX 78754-4552
(512) 833-6699 ★ Fax (512) 833-6907



COMMITTEE ON RULES

Tuesday, January 24, 2012
1:30 p.m.
Animal Health Commission
2105 Kramer Lane
Austin, Texas 78758

Agenda

The Committee will discuss the following items.

The Committee will accept comments in response to the publication of the following rule proposals in the Texas Register:

- Proposal to Amend Rule 311.5, License Categories and Fees
- Proposal to Amend Rule 311.104, Trainers
- Proposal to Amend Rule 313.50, Horse Identifier
- Proposal to Amend Rule 313.308, Restrictions on Subsequent Use
- Proposal to Amend Rule 321.21, Certain Wagers Prohibited

Requests for Rule Changes

- Proposal to Amend Rule 311.105(b)(2), Jockeys (Requested by Staff)
- Proposal to Amend Rule 311.3(a)(4), Information for Background Investigation (Requested by Staff)
- Proposal to Amend Rule 313.103(i), Eligibility Requirements (Requested by Larry Sherwood)
- Update on potential changes to Chapter 315 to:
 - provide for inspections of greyhound breeding farms; and
 - provide for inspections of greyhound training facilities(Requested by Staff)

- Proposals to amend and add additional rules to prohibit the use of live lures in the training of greyhounds (Requested by Staff)
 - Amend Rule 309.359, Live Lures
 - Amend Rule 311.6, Denial, Suspension, and Revocation of Licenses
 - Amend Rule 311.102, Greyhound Owners
 - Amend Rule 311.104, Trainers
 - Add Rule 311.217, Greyhound Training
 - Add Rule 315.112, Ineligibility Due to Improper Greyhound Training
- Proposal to Amend Rule 311.103(e), Kennel Owners (Requested by Staff to correct technical error)

The Committee will discuss the following rule proposals to implement the requirements of Section 4 of HB 2271, 82nd Regular Legislative Session.

- Proposal to Amend Rule 307.67, Appeal to the Commission
- Proposal to Amend Rule 307.69, Action by Commission

In addition, the Committee will continue to discuss approaches towards implementing Sections 7, 10, 11 and 28 of HB 2271, relating to bonds and the designation of active and inactive racetrack licenses

The public will be given an opportunity to address the Committee and identify any potential subjects that it would like placed on the agenda for discussion at a future committee meeting.

Title 16, Part VIII
Chapter 311. Other Licenses
Subchapter A. Licensing Provisions
Division 1. Occupational Licenses

Section 311.5. License Categories and Fees

(a) An applicant for a license must submit with the application documents the license fee in the amount set by the Commission in subsection ~~(e)~~(d) of this section.

(b) A license fee paid at a racetrack or at the Commission's headquarters must be paid by a money order, a certified check, a cashier's check, a credit card, or a personal check. The executive secretary may approve payment in cash at a racetrack if the association submits a plan that is approved by the executive secretary. The plan shall provide for the safety and security of the licensing office where the cash will be received and stored and licensing employees who will be responsible for handling and depositing the cash received. A license fee paid through the Texas OnLine portal may be paid by any method approved by the Texas OnLine Authority.

(c) Association Employees. Association employees in the following occupations must hold valid licenses issued by the Commission to work on association grounds:

- (1) Adoption Program Personnel - A person employed by a greyhound association to work with an adoption program.
- (2) Announcer - A person employed to announce races.
- (3) Assistant Starter - A person employed to perform duties required by the Starter at the starting gate of a horse racetrack.
- (4) Association Management Staff - A person employed to manage a department and who has the authority to hire or fire other employees or whose recommendations as to

Title 16, Part VIII
Chapter 311. Other Licenses
Subchapter A. Licensing Provisions
Division 1. Occupational Licenses

hiring and firing decisions are given particular weight.

(5) Association Officer/Director - A person employed as an officer of an association or who serves on an association's board of directors or management committee.

(6) Association Staff (with Access to Backside or Secured Areas) - A person employed to provide various services on the backside or in areas of a racetrack that are required by the Commission to be secured. These services may include, but are not limited to, clerical, accounting, admissions, food service, housekeeping, and general maintenance.

(7) Association Veterinarian - A person employed to provide veterinary services for greyhounds.

(8) Law Enforcement - A person employed as a security officer who is commissioned as a Texas peace officer.

(9) Lead Out - A person employed to lead greyhounds in the post parade to the starting box.

(10) Maintenance - A person employed to work or maintain the racetrack.

(11) Medical Staff - A person employed directly by the association to provide medical assistance.

(12) Mutuel Clerk - A person employed to work at the betting windows.

(13) Mutuel Other - A person employed in the mutuel department in a capacity other than mutuel clerk.

(14) Racing Official - A person employed to act as an official under Chapter 313 of this Title (relating to

Title 16, Part VIII
Chapter 311. Other Licenses
Subchapter A. Licensing Provisions
Division 1. Occupational Licenses

Officials and Rules of Horse Racing) or Chapter 315 of
this Title (relating to Officials and Rules for
Greyhound Racing).

(15) Security Officer - A person employed to provide
security for the racetrack grounds.

(16) Test Technician - A person employed to collect blood
and urine samples and provide other services in the
test barn or testing area.

(17) Test Barn Escort - A person employed to lead horses
from the finish line to the test barn for post race
testing.

(18) Valet - A person employed to assist jockeys with their
tack and silks in the jockeys' rooms.

(d)~~(e)~~ The fee for an occupational license is as follows:

(No change to fee schedule.)

Texas Racing Commission
Title 16, Part VIII,
Chapter 311. Other Licenses
Subchapter B. Specific Licenses

1 **Section 311.104. Trainers.**

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

3 (k) Other Responsibilities - A trainer is responsible for:

4 (1) - (9) (No change.)

5 (10) ensuring the fitness of a animal to perform creditably at
6 the distance entered; ~~and~~

7 (11) ensuring that the trainer's horse is properly shod,
8 bandaged and equipped; and-

9 (12) reporting the correct sex of the horses in his/her care
10 to the Commission veterinarian and the horse identifier.

Texas Racing Commission
Title 16, Part VIII,
Chapter 313. Officials and Rules of Horse Racing
Subchapter A. Officials
Division 3. Duties of Other Officials

1 **Section 313.50. Horse Identifier.**

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

3 (e) The horse identifier is responsible for the correction of
4 registration papers and proper designation in the program of the
5 proper sex of each horse participating in a race meeting.

Texas Racing Commission
Title 16, Part VIII,
Chapter 313. Officials and Rules of Horse Racing
Subchapter C. Claiming Races

Section 313.308. Restrictions on Subsequent Use.

(a) A horse claimed in a claiming race in Texas:

(1) may not be sold or transferred, in whole or part, by any method other than a claiming race during the 30-day period after the initial claim; and

(2) is ineligible to start in a race at a race meeting other than the one at which it was claimed until the end of the race meeting at which the horse was claimed, except in a stakes race after verification by the stewards.

(b) A horse claimed in another state is subject to the eligibility requirements for claimed horses in effect at the time of the claim in the jurisdiction in which the horse was claimed.

Texas Racing Commission
Title 16, Part VIII,
Chapter 321. Pari-Mutuel Wagering
Subchapter A. Mutuel Operations
Division 1. General Provisions

Section 321.21. Certain Wagers Prohibited

(a) An association may not accept a wager made by mail, by telephone, or by internet. A data communications link for common pooling purposes is not considered a wager for purposes of this section.

(b) An association may not accept a wager made on credit.

(c) A person who is not an association may not accept from a Texas resident while the resident is in this state a wager on the result of a greyhound race or horse race conducted inside or outside this state.

TEXAS RACING COMMISSION

COMMITTEE ON RULES

Date of
Request:

July 12, 2011

Request for Proposed Change to an Existing Rule or Addition of a New Rule to the Rules of Racing

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission
8505 Cross Park Drive, Suite 110
Austin, TX 78754-4552
Phone: 512/833-6699 Fax: 512-833-6907
email: info@txrc.state.tx.us

Contact Information:

Name:	J. David Rollinson	Phone(s):	512-833-6699
E-mail address:	David.Rollinson@txrc.state.tx.us	Fax number:	512-833-6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, TX 78754		

☐ Personal Submission *OR*

☒ Submission on behalf of Staff

(Name of Organization)

☒ If known, Proposed Change to Chapter: 311, Rule 105(b)(2)

☐ If known, Proposed Addition to Chapter: _____

☐ If known, Other Rules Affected by Proposal: _____

A. Brief Description of the Issue

To be eligible to ride in a race, a jockey must have on file with the Commission proof of a satisfactory physical examination conducted by a physician during the 12-month period preceding the date of the race. Mandating the exam be conducted by a physician unnecessarily limits a jockey's choice when other health professionals are available and qualified to perform a physical exam.

B. Discussion of the Issue and Problem

Provide background on the issue to build context. Address the following:

- *What specific problems or concerns are involved in this issue?*
- *Who does the issue affect?*
- *What existing model rules relate to this issue?*
- *Provide relevant quantitative or statistical information if possible.*

The Texas rule regarding examinations mirrors the ARCI model rule. If this proposed change is approved, staff will suggest the model rule be changed.

Despite the ARCI model rule, several jurisdictions have no requirement for proof of a satisfactory jockey physical exam. Therefore, some jockeys coming to Texas to ride find that they need to get a physical exam performed by a physician on a very short notice. There are several types of health care professionals qualified to perform a physical exam. Updating the rule to include all of these professionals will give potential licensees more choices.

C. Possible Solutions and Impact

Provide possible recommendations to solve the problem. Include details on each proposed solution such as:

- *What solution does this proposal provide?*
- *How will the solution fix the problem?*
- *How will the change affect any entities or stakeholders?*
- *How will you or your organization be affected by the proposed change?*
- *What are the benefits of the proposed change?*
- *What are the possible drawbacks of the proposed change?*
- *Identify possible fiscal impact of the recommended change.*

Staff proposes changing the rule to recognize a physical examination performed by any of the following properly licensed health care professionals: a Doctor of Medicine, a Doctor of Osteopathy, a Chiropractor, an Advanced Practice Nurses, or a Physician's Assistant.

Authorizing these health care professionals to conduct an examination mirrors the policy of the U.S. Department of Transportation for commercial motor vehicle licensees as well as the University of Interscholastic League's Preparticipation Physical Evaluation. (Forms attached.)

This change would recognize all of the health care professionals that are typically authorized to perform a physical exam.

D. Support or Opposition

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

- *For those stakeholder groups that have expressed an opinion, please list the points on which they agree or disagree, and the arguments they have expressed.*
- *Are there any affected stakeholder groups that have not been consulted on this proposal?*
- *Please submit any formal letters of support or opposition by stakeholder groups.*

Johnny Beech, the Regional Representative for the Jockey's Guild has participated with staff in developing this proposed change. Although Staff knows of no opposition to this proposed change, stakeholders and the general public will have additional opportunities throughout the rule proposal process to voice their support or opposition.

E. Proposal

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

Sec 311.105 Jockeys

(a) No change

(b) Physical Examination.

(1) To be eligible to ride in a race, a jockey or apprentice jockey must have on file with the Commission proof of a satisfactory physical examination conducted during the 12-month period preceding the date of the race.

(2) An examination required by this section must be performed by a currently licensed physician Doctor of Medicine, Doctor of Osteopath, Chiropractor, Nurse Practitioner, or Physician's Assistant. and The exam must include tests for visual acuity and hearing.

(3) The Commission or the stewards may require a jockey or apprentice jockey to be reexamined at any time and may refuse to permit a jockey or apprentice jockey to ride until proof of a satisfactory examination is submitted.

(c) - (d) No change.



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

FORMS | CONTACT US | MEDIA | FMCSA PORTAL | DOT.GOV

Search All FMCSA Sites



HOME

RULES & REGULATIONS

REGISTRATION & LICENSING

SAFETY & SECURITY

FACTS & RESEARCH

ABOUT FMCSA

Home > Rules & Regulations > The DOT Medical Exam and CMV Certification

Overview

The DOT Medical Exam and CMV Certification



Federal Regulations

All
Driver
Vehicle
Company
FMCSA Hazmat
Regulatory Guidance

A Department of Transportation (DOT) physical examination is conducted by a licensed "medical examiner." The term includes, but is not limited to, doctors of medicine (MD), doctors of osteopathy (DO), physician assistants (PA), advanced practice nurses (APN), and doctors of chiropractic (DC).

To find a medical examiner to conduct the DOT physical exam you may contact your primary care provider to inquire if they will conduct a "DOT physical exam." You may also find a medical examiner in the yellow pages of your telephone book, or on the Internet by using an Internet directory or search engine. Look under "Occupational Health." If your medical examiner does not have a Medical Examination Report, one may be downloaded.

A DOT physical exam is valid for up to 24 months. The medical examiner may also issue a medical examiner's certificate for less than 24 months when it is desirable to monitor a condition, such as high blood pressure.

Rulemakings and Notices

Final Rules
Interim Final Rules
Proposed Rules
Notices

Recordkeeping

If the medical examiner finds that the person he/she examined is physically qualified to drive a commercial motor vehicle (CMV), the medical examiner will furnish one copy of the results to the person who was examined and complete a Medical Examiner's Certificate (page 9 of the Medical Examination Report). If a driver wishes the Certificate to be in card form, he/she may:

- Purchase a separate "medical card" from an industry supplier of motor carrier forms (e.g., State trucking association) before the physical exam and ask the medical examiner to complete and sign it, in addition to the Medical Examination Report form; or
- Print the Certificate on cardstock paper. It is permissible to reduce the size of the Certificate.

Topics of Interest

Current HOS Regulations
HOS Proposed Rule
Summary of Changes
Hours-of-Service (HOS)
Final Rule Summary
Hazardous Materials
Intermodal Equipment
Providers (IEP)
New Entrant Safety
Assurance
Medical Program
Medical Expert Panels
NAFTA Rules
Drug & Alcohol Testing

Alerts

Attention Medical Examiners:
Important Message About
Examiner Certification

Related Links

Medical Examination Report

Feedback | Privacy Policy | USA.gov | Freedom of Information Act (FOIA) | Accessibility | OIG Hotline | Web Policies and Important Links | Site Map | Plug-ins

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • Field Office Contacts

PREPARTICIPATION PHYSICAL EVALUATION -- MEDICAL HISTORY

REVISED 1-6-09

This **MEDICAL HISTORY FORM** must be completed **annually** by parent (or guardian) and student in order for the student to participate in athletic activities. These questions are designed to determine if the student has developed any condition which would make it hazardous to participate in an athletic event.

Student's Name: (print) _____ Sex _____ Age _____ Date of Birth _____

Address _____ Phone _____

Grade _____ School _____

Personal Physician _____ Phone _____

In case of emergency, contact:

Name _____ Relationship _____ Phone (H) _____ (W) _____

Explain "Yes" answers in the box below. Circle questions you don't know the answers to. Any Yes answer to questions 1, 2, 3, 4, 5, or 6 requires further medical evaluation which may include a physical examination. Written clearance from a physician, physician assistant, chiropractor, or nurse practitioner is required before any participation in UIL practices, games or matches**

	Yes	No		Yes	No
1. Have you had a medical illness or injury since your last check up or sports physical?	<input type="checkbox"/>	<input type="checkbox"/>	13. Have you ever gotten unexpectedly short of breath with exercise?	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you been hospitalized overnight in the past year?	<input type="checkbox"/>	<input type="checkbox"/>	Do you have asthma?	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever had surgery?	<input type="checkbox"/>	<input type="checkbox"/>	Do you have seasonal allergies that require medical treatment?	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you ever passed out during or after exercise?	<input type="checkbox"/>	<input type="checkbox"/>	14. Do you use any special protective or corrective equipment or devices that aren't usually used for your sport or position (for example, knee brace, special neck roll, foot orthotics, retainer on your teeth, hearing aid)?	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever had chest pain during or after exercise?	<input type="checkbox"/>	<input type="checkbox"/>	15. Have you ever had a sprain, strain, or swelling after injury?	<input type="checkbox"/>	<input type="checkbox"/>
Do you get tired more quickly than your friends do during exercise?	<input type="checkbox"/>	<input type="checkbox"/>	Have you broken or fractured any bones or dislocated any joints?	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever had racing of your heart or skipped heartbeats?	<input type="checkbox"/>	<input type="checkbox"/>	Have you had any other problems with pain or swelling in muscles, tendons, bones, or joints?	<input type="checkbox"/>	<input type="checkbox"/>
Have you had high blood pressure or high cholesterol?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, check appropriate box and explain below.		
Have you ever been told you have a heart murmur?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Head <input type="checkbox"/> Elbow <input type="checkbox"/> Hip		
Has any family member or relative died of heart problems or of sudden unexpected death before age 50?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Neck <input type="checkbox"/> Forearm <input type="checkbox"/> Thigh		
Has any family member been diagnosed with enlarged heart, (dilated cardiomyopathy), hypertrophic cardiomyopathy, long QT syndrome or other ion channelopathy (Brugada syndrome, etc), Marfan's syndrome, or abnormal heart rhythm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Back <input type="checkbox"/> Wrist <input type="checkbox"/> Knee		
Have you had a severe viral infection (for example, myocarditis or mononucleosis) within the last month?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Chest <input type="checkbox"/> Hand <input type="checkbox"/> Shin/Calf		
Has a physician ever denied or restricted your participation in sports for any heart problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Shoulder <input type="checkbox"/> Finger <input type="checkbox"/> Ankle		
4. Have you ever had a head injury or concussion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Upper Arm <input type="checkbox"/> Foot		
Have you ever been knocked out, become unconscious, or lost your memory?	<input type="checkbox"/>	<input type="checkbox"/>	16. Do you want to weigh more or less than you do now?	<input type="checkbox"/>	<input type="checkbox"/>
If yes, how many times? _____ When was the last concussion? _____			Do you lose weight regularly to meet weight requirements for your sport?	<input type="checkbox"/>	<input type="checkbox"/>
How severe was each one? (Explain below)			17. Do you feel stressed out?	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever had a seizure?	<input type="checkbox"/>	<input type="checkbox"/>	18. Have you ever been diagnosed with or treated for sickle cell trait or sickle cell disease?	<input type="checkbox"/>	<input type="checkbox"/>
Do you have frequent or severe headaches?	<input type="checkbox"/>	<input type="checkbox"/>	Females Only		
Have you ever had numbness or tingling in your arms, hands, legs, or feet?	<input type="checkbox"/>	<input type="checkbox"/>	19. When was your first menstrual period? _____		
Have you ever had a stinger, burner, or pinched nerve?	<input type="checkbox"/>	<input type="checkbox"/>	When was your most recent menstrual period? _____		
5. Are you missing any paired organs?	<input type="checkbox"/>	<input type="checkbox"/>	How much time do you usually have from the start of one period to the start of another? _____		
6. Are you under a doctor's care?	<input type="checkbox"/>	<input type="checkbox"/>	How many periods have you had in the last year? _____		
7. Are you currently taking any prescription or non-prescription (over-the-counter) medication or pills or using an inhaler?	<input type="checkbox"/>	<input type="checkbox"/>	What was the longest time between periods in the last year? _____		
8. Do you have any allergies (for example, to pollen, medicine, food, or stinging insects)?	<input type="checkbox"/>	<input type="checkbox"/>	An individual answering in the affirmative to any question relating to a possible cardiovascular health issue (question three above), as identified on the form, should be restricted from further participation until the individual is examined and cleared by a physician, physician assistant, chiropractor, or nurse practitioner.		
9. Have you ever been dizzy during or after exercise?	<input type="checkbox"/>	<input type="checkbox"/>	**EXPLAIN 'YES' ANSWERS IN THE BOX BELOW (attach another sheet if necessary):		
10. Do you have any current skin problems (for example, itching, rashes, acne, warts, fungus, or blisters)?	<input type="checkbox"/>	<input type="checkbox"/>	_____		
11. Have you ever become ill from exercising in the heat?	<input type="checkbox"/>	<input type="checkbox"/>	_____		
12. Have you had any problems with your eyes or vision?	<input type="checkbox"/>	<input type="checkbox"/>	_____		

It is understood that even though protective equipment is worn by the athlete, whenever needed, the possibility of an accident still remains. Neither the University Interscholastic League nor the school assumes any responsibility in case an accident occurs.

If, in the judgment of any representative of the school, the above student should need immediate care and treatment as a result of any injury or sickness, I do hereby request, authorize, and consent to such care and treatment as may be given said student by any physician, athletic trainer, nurse or school representative. I do hereby agree to indemnify and save harmless the school and any school or hospital representative from any claim by any person on account of such care and treatment of said student.

If, between this date and the beginning of athletic competition, any illness or injury should occur that may limit this student's participation, I agree to notify the school authorities of such illness or injury.

I hereby state that, to the best of my knowledge, my answers to the above questions are complete and correct. Failure to provide truthful responses could subject the student in question to penalties determined by the UIL

Student Signature: _____ Parent/Guardian Signature: _____ Date: _____

THIS FORM MUST BE ON FILE PRIOR TO PARTICIPATION IN ANY PRACTICE, SCRIMMAGE OR CONTEST BEFORE, DURING OR AFTER SCHOOL.

For School Use Only:

This Medical History Form was reviewed by: Printed Name _____ Date _____ Signature _____

PREPARTICIPATION PHYSICAL EVALUATION -- PHYSICAL EXAMINATION

Student's Name _____ Sex _____ Age _____ Date of Birth _____
 Height _____ Weight _____ % Body fat (optional) _____ Pulse _____ BP _____/_____(_____/_____, ____/_____) brachial blood pressure while sitting
 Vision R 20/____ L 20/____ Corrected: ☐ Y ☐ N Pupils: ☐ Equal ☐ Unequal

As a minimum requirement, this **Physical Examination Form** must be completed prior to junior high athletic participation and again prior to first and third years of high school athletic participation. It **must** be completed if there are yes answers to specific questions on the student's MEDICAL HISTORY FORM on the reverse side. *** Local district policy may require an annual physical exam.**

	NORMAL	ABNORMAL FINDINGS	INITIALS*
MEDICAL			
Appearance			
Eyes/Ears/Nose/Throat			
Lymph Nodes			
Heart-Auscultation of the heart in the supine position.			
Heart-Auscultation of the heart in the standing position.			
Heart-Lower extremity pulses			
Pulses			
Lungs			
Abdomen			
Genitalia (males only)			
Skin			
Marfan's stigmata (arachnodactyly, pectus excavatum, joint hypermobility, scoliosis)			
MUSCULOSKELETAL			
Neck			
Back			
Shoulder/Arm			
Elbow/Forearm			
Wrist/Hand			
Hip/Thigh			
Knee			
Leg/Ankle			
Foot			

*station-based examination only

CLEARANCE

☐ Cleared
☐ Cleared after completing evaluation/rehabilitation for: _____

☐ Not cleared for: _____ Reason: _____

Recommendations: _____

The following information must be filled in and signed by either a Physician, a Physician Assistant licensed by a State Board of Physician Assistant Examiners, a Registered Nurse recognized as an Advanced Practice Nurse by the Board of Nurse Examiners, or a Doctor of Chiropractic. Examination forms signed by any other health care practitioner, will not be accepted.

Name (print/type) _____ Date of Examination: _____

Address: _____

Phone Number: _____

Signature: _____

Must be completed before a student participates in any practice, before, during or after school, (both in-season and out-of-season) or games/matches.

TEXAS RACING COMMISSION
COMMITTEE ON RULES

Date of Request: 12/15/2011

***Request for Proposed Change to an Existing Rule or
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission
8505 Cross Park Drive, Suite 110
Austin, TX 78754-4552
Phone: 512/833-6699 Fax: 512-833-6907
email: info@txrc.state.tx.us

Contact Information:

Name:	TxRC Staff	Phone(s):	512-833-6699
E-mail address:	Cathy@txrc.state.tx.us	Fax number:	512-833-6907
Mailing address:	8505 Cross Park Dr Ste 110 Austin Texas 78754		

Check appropriate box(s)

<input type="checkbox"/>	Personal Submission <i>OR</i>
<input checked="" type="checkbox"/>	Submission on behalf of <u>Texas Racing Commission</u> (Name of Organization)

<input checked="" type="checkbox"/>	If known, Proposed Change to Chapter:	Chapter: <u>311.3</u>	Rule: <u>(a)(4)</u>
<input type="checkbox"/>	If known, Proposed Addition to Chapter:	Chapter: _____	Rule: _____
<input type="checkbox"/>	If known, Other Rules Affected by Proposal:	Chapter: _____	Rule: _____
		Chapter: _____	Rule: _____
		Chapter: _____	Rule: _____
		Chapter: _____	Rule: _____

A. Brief Description of the Issue

Effective January 1, 2012, the fingerprint fee increased from \$12.00 to \$44.20 per applicant to cover the full cost of the DPS and FBI checks. Applicants are required to remit this fee every time the Commission requires fingerprints. The agency started to investigate possible options to mitigate the potential financial consequences of the necessary fee increase.

B. Discussion of the Issue and Problem

Provide background on the issue to build context. Address the following:

- *What specific problems or concerns are involved in this issue?*
- *Who does the issue affect?*
- *What existing model rules relate to this issue?*
- *Provide relevant quantitative or statistical information if possible.*

Under the current rule, an applicant must submit fingerprints every three years and pay a \$44.20 processing fee. The Commission is very mindful of the impact this increase has on the licensed population. To reduce the cost, the agency began researching the fingerprinting process for potential savings.

In FY 2011, the agency processed 5,809 renewals fingerprints. The cost to applicants during the period was \$69,708 for fingerprint renewals. The agency projects it will process 6,000 fingerprint renewals in FY 2012 at a cost to the applicants of \$265,200.

C. Possible Solutions and Impact

Provide possible recommendations to solve the problem. Include details on each proposed solution such as:

- *What solution does this proposal provide?*
- *How will the solution fix the problem?*
- *How will the change affect any entities or stakeholders?*
- *How will you or your organization be affected by the proposed change?*
- *What are the benefits of the proposed change?*
- *What are the possible drawbacks of the proposed change?*
- *Identify possible fiscal impact of the recommended change.*

During its research, the agency discovered that DPS has implemented a new process. If DPS has original fingerprints on file, the agency can ask for resubmission of those prints. The fee for this process is \$34.25, or \$9.95 less than the fingerprint fee for the current process. Over time, this could be a considerable saving for renewal applicants because they were fingerprinted upon initial licensure.

An additional benefit, and perhaps more important than the potential savings to the applicant, is the convenience factor. Applicants would no longer have to go out and secure fingerprint services every three years. This is especially true for out-of-state owners who will not have to go to a local police station for fingerprinting which, in many cases, tacks on an additional cost.

Moreover, other states are transitioning to electronic fingerprinting and can not provide a hard copy of the fingerprints. It is very difficult for owners in these states to complete the fingerprint process. In some cases, the applicant may have to travel a great

distance to get fingerprinted. Under the new process, an applicant for renewal would not have to make that trip.

Filing renewals online also stands to be greatly simplified under DPS's new process. Currently, the agency mails fingerprint cards to those online applicants for whom it is time to submit a three year renewal fingerprint. The applicant schedules to be fingerprinted at a local police station or travels to a Texas racetrack. The applicant has 21 days to return the fingerprint card to the Texas Racing Commission. If this rule is revised, the applicant would pay the fingerprinting fee, the agency would issue a license, and then the agency would simply request DPS to resubmit the original fingerprint card.

Finally, this process would save licensing time because staff would not need to fingerprint every applicant that requires a three-year renewal fingerprint. If the rule is revised, staff simply would submit a request to DPS to resubmit the original fingerprint cards of renewal applicants to the FBI. The agency would get the results just as it currently does.

D. Support or Opposition

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

- *For those stakeholder groups that have expressed an opinion, please list the points on which they agree or disagree, and the arguments they have expressed.*
- *Are there any affected stakeholder groups that have not been consulted on this proposal?*
- *Please submit any formal letters of support or opposition by stakeholder groups.*

The Commission does not anticipate any opposition to this revision.

E. Proposal

Provide rule language you are proposing. If you are proposing that current rule language be eliminated, please strikethrough the language to be deleted. Please show new language with underlined text.

<u>TITLE 16</u>	ECONOMIC REGULATION
<u>PART 8</u>	TEXAS RACING COMMISSION
<u>CHAPTER 311</u>	OTHER LICENSES
<u>SUBCHAPTER A</u>	LICENSING PROVISIONS
<u>DIVISION 1</u>	OCCUPATIONAL LICENSES
<u>RULE §311.3</u>	Information for Background Investigation

(a) Fingerprint Requirements and Procedure.

(1) Except as otherwise provided by this section, an applicant for a license or license renewal must submit with the application documents a set of the applicant's fingerprints in a form prescribed by the Department of Public Safety. If the applicant is not an individual, the applicant must submit a set of fingerprints on the above-referenced forms for each individual who:

(A) serves as a director, officer, or partner of the applicant;

- (B) holds a beneficial ownership interest in the applicant of 5.0% or more; or
- (C) owns any interest in the applicant, if requested by the Department of Public Safety.
- (2) The fingerprints must be taken by a peace officer or a person authorized by the Commission.
- (3) Not later than 10 business days after the day the Commission receives the sets of fingerprints under this section, the Commission shall forward the fingerprints to the Department of Public Safety.
- (4) A person who desires to renew an occupational license must:
 - (A) have submitted a set of fingerprints pursuant to this section within the three years prior to renewal; ~~or~~
 - (B) provide a new set of fingerprints for classification by the Federal Bureau of Investigation; or
 - (C) if the applicant's original fingerprints are classified and on file with the Department of Public Safety, the applicant must pay a processing fee of \$34.25 to resubmit the original fingerprints in lieu of submitting another set of fingerprints under paragraph (6) of this subsection.
- (5) Waiver.
 - (A) Pursuant to Texas Civil Statutes, Article 179e, §7.10, the Commission will waive the fingerprint requirements in this section for an applicant for an owner or trainer license if:
 - (i) the individual presents proof of a valid owner or trainer license issued in a racing jurisdiction that requires the submission of fingerprints to the Federal Bureau of Investigation and the Commission verifies that fingerprints were submitted by that jurisdiction for the applicant within the three years preceding the date of the application in Texas; and
 - (ii) the applicant's permanent residence is outside the State of Texas.
 - (B) This subsection does not apply to an applicant who:
 - (i) has a criminal history in another state, as revealed by a report by the Federal Bureau of Investigation or other reliable criminal information sources;
 - (ii) maintains a residence or is employed, whether self-employed or otherwise, in Texas; or
 - (iii) obtains a license badge issued by the Commission which gives the applicant access to a restricted area on association grounds.
 - (C) Notwithstanding a waiver of the fingerprint requirements under this subsection, the Commission reserves the right, at its sole discretion, to require the submission of fingerprints after a license has been issued.
- (6) If an applicant for a license or license renewal is required to submit fingerprints under this section, the applicant must also submit a fingerprinting fee of \$44.20.
- (b) Criminal History Record.
 - (1) For each individual who submits fingerprints under subsection (a) of this section, the Commission shall obtain a criminal history record maintained by the Texas Department of Public Safety and the Federal Bureau of Investigation.
 - (2) The Commission may obtain criminal history record information from any law enforcement agency.
 - (3) Except as otherwise provided by this subsection, the criminal history record information received under this section from any law enforcement agency that requires the information to be kept confidential as a condition of release of the information is for the exclusive use of the Commission and its agents and is privileged and confidential. The information may not be released or otherwise disclosed to any person or agency except in a criminal proceeding, in a hearing conducted by the Commission, on court order, or with the consent of the applicant. Information that is in a form available to the public is not privileged or confidential under this subsection and is subject to public disclosure.

Source Note: The provisions of this §311.3 adopted to be effective October 21, 1999, 24 TexReg 8973; amended to be effective September 1, 2000, 25 TexReg 8402; amended to be effective July 1, 2003, 28 TexReg 4632; amended to be effective July 16, 2008, 33 TexReg 5523; amended to be effective December 1, 2008, 33 TexReg 8942; amended to be effective December 8, 2011, 36 TexReg 8371

TEXAS RACING COMMISSION COMMITTEE ON RULES

Date of Request: 12-13-11

Request for Proposed Change to an Existing Rule or Addition of a New Rule to the Rules of Racing

Please submit this information to the attention of the Executive Director at least 14 days in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission
 8505 Cross Park Drive, Suite 110
 Austin, TX 78754-4552
 Phone: 512/833-8899 Fax: 512-833-8907
 email: info@txrc.state.tx.us

Contact Information:

Name:	<u>LARRY SHERWOOD</u>	Phone(s):	<u>361 676 4666</u>
E-mail address:		Fax number:	<u>361 645 1260</u>
Mailing address:	<u>Box 933 GOLIAH TX 77963</u>		

Check appropriate box(s)

☒ Personal Submission *OR*
☐ Submission on behalf of _____
 (Name of Organization)

☒ If known, Proposed Change to Chapter: Chapter: 313-163 Rule: 1
☐ If known, Proposed Addition to Chapter: Chapter: _____ Rule: _____
☐ If known, Other Rules Affected by Proposal: Chapter: _____ Rule: _____
 Chapter: _____ Rule: _____
 Chapter: _____ Rule: _____
 Chapter: _____ Rule: _____

2012 JAN -6 AM 11:47
 RECEIVED
 TEXAS RACING
 COMMISSION

A. Brief Description of the Issue

WITH A LIMITED AMOUNT OF QUARTER HORSES
AND PAINTS RACING IN TEXAS, AND VERY LIMITED
FOR PAINTS RULE 313.103 SECTION I HAPPENS
THE AMOUNT OF RACES THAT DOUBLE REGISTERED
HORSES CAN RUN.

TEXAS HAS MANY PROBLEMS AT THE PRESENT
TIME BY NOT GETTING ENOUGH HORSES IN
EACH RACE

IF THIS RULE WAS ABOLISHED IT WOULD
HELP FILL RACES THAT CAN NOT BE USED
AT THE PRESENT TIME

B. Discussion of the Issue and Problem

Provide background on the issue to build context. Address the following:

- What specific problems or concerns are involved in this issue?
- Who does the issue affect?
- What existing model rules relate to this issue?
- Provide relevant quantitative or statistical information if possible.

IN 2012 TEXAS IS GOING TO FREE LESS
HORSES AT EACH RACE TRACK AS HORSES ARE
BEING MOVED TO TRACKS OUT OF STATE TO
RAISE FOR LARGER PURSES
WE NEED THE DUAL REGISTERED HORSES TO
HELP FILL THE COUNTRY HORSES RACES

C. Possible Solutions and Impact

Provide possible recommendations to solve the problem. Include details on each proposed solution such as:

- What solution does this proposal provide?
- How will the solution fix the problem?
- How will the change affect any entities or stakeholders?
- How will you or your organization be affected by the proposed change?
- What are the benefits of the proposed change?
- What are the possible drawbacks of the proposed change?
- Identify possible fiscal impact of the recommended change.

WITH ONLY TWO PAINT RACES PER MEET, PAINT HORSES HAVE TO WAIT TO RUN IN A PAINT STAKE WITH NO WAY TO RUN IN A PREP RACE BEFORE THE STAKE. IF THE HORSE WAS DUAL REGISTERED HE COULD RUN IN A COUNTRY HORSE RACE TO GET READY FOR THE PAINT STAKE. AND HELP FILL THE COUNTRY HORSE RACES

D. Support or Opposition

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

- For those stakeholder groups that have expressed an opinion, please list the points on which they agree or disagree, and the arguments they have expressed.
- Are there any affected stakeholder groups that have not been consulted on this proposal?
- Please submit any formal letters of support or opposition by stakeholder groups.

ERIC JOHNSON RACING SECRETARY AT
SMT HOUSTON, BART LANG DIRECTOR OF
RACING AT LONE STAR JAMES LEATHERMAN
RACING SECRETARY AT RETAIA PARK AND
BOB WERTER HEAD OF THE TULSA HAWK
NO PROBLEM WITH THIS RULE CHANGE

E. Proposal

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

JUST DELETE RULE 313.103 /

Texas Racing Commission
Title 16, Part VIII,
Chapter 313. Officials and Rules of Horse Racing
Subchapter B. Entries, Scratches, and Allowances
Division 1. Entries

Sec. 313.103. Eligibility Requirements

(a) To be entered in a race, a horse must:

(1) be properly registered with the appropriate national breed registry;

(2) be eligible to enter the race under the conditions of the race; and

(3) if the horse is to start for the first time:

(A) be approved by a licensed starter for proficiency in the starting gate within 90 days of the race entered; and

(B) have two published workouts, one within 90 days and one within 45 days of the race entered.

(b) A horse that has been barred in any racing jurisdiction is ineligible to start or be entered in a race without the approval of the stewards.

(c) To be eligible to enter a Texas-bred race, the horse must be an accredited Texas-bred horse and be registered with the appropriate breed registry.

(d) A horse may not be entered in more than one race scheduled for one race day, unless at least one of the races is a stakes race.

(e) A horse may not start in a stakes race unless:

(1) the nominating, sustaining, entry, and starting fees have been paid in full by cash, cashier's check, certified check, or money order on or before the time specified in the conditions of the race; or

Texas Racing Commission
Title 16, Part VIII,
Chapter 313. Officials and Rules of Horse Racing
Subchapter B. Entries, Scratches, and Allowances
Division 1. Entries

(2) the amount of the applicable fees are on account with the horsemen's bookkeeper at the time the fees are due as specified by the conditions of the race.

(f) Except as otherwise provided by this section for first-time starters, to be eligible to start in a race, a horse must have either started in a race or had a published workout in the 45-day period preceding a race.

(g) To be entered in a race around a turn for the first time, a quarter horse must:

(1) have a published workout around a turn at a minimum distance of 660 yards in the 45-day period preceding the race; and

(2) be approved by the clocker, the outrider and, if the horse is worked from the gate, the starter.

(h) To be eligible to start in a race, a horse must be properly tattooed and the horse's registration certificate showing the tattoo number of the horse must be on file with the racing secretary before scratch time for the race, unless the stewards authorize the certificate to be filed at a later time.

~~(i) A horse may not participate as a member of more than one breed at the same race meeting, even though the horse may be registered in more than one breed registry.~~

TEXAS RACING COMMISSION

COMMITTEE ON RULES

Date of
Request: August 1, 2011

Request for Proposed Change to an Existing Rule or Addition of a New Rule to the Rules of Racing

Please submit this information to the attention of the Executive Director *at least 21 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission
8505 Cross Park Drive, Suite 110
Austin, TX 78754-4552
Phone: 512/833-6699 Fax: 512-833-6907
email: info@txrc.state.tx.us

Contact Information:

Name:	Ken Quirk, DVM	Phone(s):	512-833-6699
E-mail address:		Fax number:	512-833-6907
Mailing address:			

☐ Personal Submission *OR*

☒ Submission on behalf of TxRC Staff
(Name of Organization)

☒ Proposed Addition to Chapter 315. Rule 315.112, Ineligibility due to Improper Lure Training

☐ Proposed Additions/Modification to Chapters: 309 and 311

☒ If known, Other Rules Affected by Proposal: none

A. Brief Description of the Issue

The Commission has learned of a licensee who trains greyhounds using live animals as a lure. This practice, once thought to be obsolete, is not only against greyhound racing rules, it is also a felony for animal cruelty under Chapter 42 of the Texas Penal Code. Following a hearing before a panel of three Commission judges, the individual agreed to surrender his Owner/Trainer license for revocation and waived all appeal rights.

The practice of using live lures in greyhound training and racing is outlawed by every jurisdiction and is banned by the American Greyhound Council and the Greyhound Racing Association of America. Both of these organizations have the following statement under the Frequently Asked Questions on their websites:

FAQ's

Does the industry use live lures?

No, the industry has banned the use of live lures in training and racing. In all states, state laws and/or racing rules prohibit the use of live lures in training or racing. Industry members who violate this practice may be expelled from the sport for life.

Most states, like Texas, also ban this practice under their state's animal cruelty laws.

TEXAS PENAL CODE

CHAPTER 42

§ 42.092. Cruelty to Nonlivestock Animals

(a) In this section:

(1) "Abandon" includes abandoning an animal in the person's custody without making reasonable arrangements for assumption of custody by another person.

(2) "Animal" means a domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured. The term does not include an uncaptured wild living creature or a livestock animal.

(3) "Cruel manner" includes a manner that causes or permits unjustified or unwarranted pain or suffering.

(4) "Custody" includes responsibility for the health, safety, and welfare of an animal subject to the person's care and control, regardless of ownership of the animal.

(5) "Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife Code.

(6) "Livestock animal" has the meaning assigned by Section 42.09.

(7) "Necessary food, water, care, or shelter" includes food, water, care, or shelter provided to the extent required to maintain the animal in a state of good health.

(8) "Torture" includes any act that causes unjustifiable pain or suffering.

(b) A person commits an offense if the person intentionally, knowingly, or recklessly:

(1) tortures an animal or in a cruel manner kills or causes serious bodily injury to an animal;

(2) without the owner's effective consent, kills, administers poison to, or causes serious bodily injury to an animal;

(3) fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;

(4) abandons unreasonably an animal in the person's custody;

(5) transports or confines an animal in a cruel manner;

(6) without the owner's effective consent, causes bodily injury to an animal;

(7) causes one animal to fight with another animal, if either animal is not a dog;

(8) uses a live animal as a lure in dog race training or in dog coursing on a racetrack; or

(9) seriously overworks an animal.

(c) An offense under Subsection (b)(3), (4), (5), (6), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted

two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09. An offense under Subsection (b)(1), (2), (7), or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

(d) It is a defense to prosecution under this section that:

(1) the actor had a reasonable fear of bodily injury to the actor or to another person by a dangerous wild animal as defined by Section 822.101, Health and Safety Code; or

(2) the actor was engaged in bona fide experimentation for scientific research.

(e) It is a defense to prosecution under Subsection (b)(2) or (6) that:

(1) the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery; or

(2) the person killed or injured the animal within the scope of the person's employment as a public servant or in furtherance of activities or operations associated with electricity transmission or distribution, electricity generation or operations associated with the generation of electricity, or natural gas delivery.

(f) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:

(1) form of conduct occurring solely for the purpose of or in support of:

(A) fishing, hunting, or trapping; or

(B) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or

(2) animal husbandry or agriculture practice involving livestock animals.

(g) This section does not create a civil cause of action for damages or enforcement of the section.

B. Discussion of the Issue and Problem

Provide background on the issue to build context. Address the following:

- *What specific problems or concerns are involved in this issue?*
- *Who does the issue affect?*
- *What existing model rules relate to this issue?*
- *Provide relevant quantitative or statistical information if possible.*

TEXAS RULES

SECTION 309.359. Live Lures.

(a) An association may not permit the use of a live lure on association grounds.

(b) An association may not permit a greyhound to be kennelled or to race on association grounds if the association knows or can reasonably be expected to know that the greyhound was trained in a state that by statute or rule does not prohibit the knowing use of live lures.

Following are pertinent parts of the RCI Model Rule and selections from other jurisdictions' rules.

RCI MODEL RULE:

ARCI-016-010 Prohibited Acts

(pertinent sections)

No person shall:

(14) use any lure except the association's artificial lure for training or racing a greyhound at any time at any facility under the Commission's jurisdiction or at anyplace after the greyhound has been booked to race in this jurisdiction;

(15) use live animals or animals killed for the purpose of training greyhounds;

(46) submit any animal in their charge to cruel or inhumane treatment. Cruel or inhumane treatment includes, but is not limited to:

(d) prohibited conduct described in (jurisdiction's cruelty statute) in the form the statute provided on the effective date of this rule.

ARIZONA

Rules of Greyhound Racing

R19-2-311. Prohibited Acts

Generally:

14. Any person licensed by the Department found guilty of using live rabbits, cats, or fowl in the training of racing greyhounds may be fined or suspended or both by the stewards, who shall report all such cases to the Department.

FLORIDA

Chapter 550.2415. Racing of animals under certain conditions prohibited; penalties; exceptions.

(6)(a) It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

(b) The division shall, by rule, establish the procedures for euthanizing greyhounds. However, a greyhound may not be put to death by any means other than by lethal injection of the drug sodium pentobarbital. A greyhound may not be removed from this state for the purpose of being destroyed.

(c) It is a violation of this chapter for an occupational licensee to train a greyhound using live or dead animals. A greyhound may not be taken from this state for the purpose of being trained through the use of live or dead animals.

(d) Any act committed by any licensee that would constitute cruelty to animals as defined in s. 828.02 involving any animal constitutes a violation of this chapter. Imposition of any penalty by the division for violation of this chapter or any rule adopted by the division pursuant to this chapter shall not prohibit a criminal prosecution for cruelty to animals.

MINNESOTA

343.315 Live lure greyhound training or racing.

No person may train a greyhound for racing using a live lure or live bait or conduct a greyhound race using a live lure or live bait.

WEST VIRGINIA

Rules of Racing 178-2-40. Disciplinary Action

40.7 It is a misdemeanor for any person to use any animal or fowl in the training or racing of greyhounds, which are being trained for pari-mutuel racing. Any greyhound that has been trained utilizing an animal or fowl shall be banned from participating in pari-mutuel racing for life. The Racing Commission shall notify the pari-mutuel racing facilities within the state in which it has jurisdiction and shall notify all jurisdictions within the United States that the greyhound is on the banned list.

West Virginia's animal cruelty law

61-8-19

(b) A person who intentionally tortures, or mutilates or maliciously kills an animal, or causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal, is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less than one nor more than five years and be fined not less than one thousand dollars nor more than five thousand dollars. For the purposes of this subsection, "torture" means an action taken for the primary purpose of inflicting pain.

C. Possible Solutions and Impact

Provide possible recommendations to solve the problem. Include details on each proposed solution such as:

- *What solution does this proposal provide?*
- *How will the solution fix the problem?*
- *How will the change affect any entities or stakeholders?*
- *How will you or your organization be affected by the proposed change?*
- *What are the benefits of the proposed change?*
- *What are the possible drawbacks of the proposed change?*
- *Identify possible fiscal impact of the recommended change.*

Proposed Solution:

Amend the present rule and add additional rules to ensure that the training of any greyhound by using any animal or fowl, living or dead, in this state or out of this state is a violation of the Texas Racing Commission's rules and is grounds for license revocation. Additionally, any greyhound that was trained using this method shall be banned for life from participating in pari-mutuel racing in Texas. Any greyhound whelped or trained at a specific facility or by a specific person that has been found to have used a live or dead animal or fowl shall also be banned for life. The Racing Commission will notify all greyhound racing jurisdictions and the National Greyhound Association of any banned greyhounds.

D. Support or Opposition

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

- *For those stakeholder groups that have expressed an opinion, please list the points on which they agree or disagree, and the arguments they have expressed.*
- *Are there any affected stakeholder groups that have not been consulted on this proposal?*
- *Please submit any formal letters of support or opposition by stakeholder groups.*

As this practice is banned by both regulators and the national associations for greyhounds, there should be no opposition to strengthening the rules to ensure compliance. To prevent animal cruelty while training greyhounds and to ensure each greyhound is competing with similar training practices, the Texas Rules of Racing should explicitly ban this practice. These changes will protect the animals, the industry, and the wagering public.

E. Proposal

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

Sec. 309.359. Live Lures Training.

(a) An association may not permit the use of a live or dead animal or fowl for training purposes ~~lure~~ on association grounds.

(b) An association may not permit a greyhound to be kenneled or to race on association grounds if the association knows or can reasonably be expected to know that the greyhound was trained in a state that by statute or rule does not prohibit the knowing use of a live or dead animal or fowl for training purposes ~~lures~~.

(c) An association may not permit a greyhound to be kenneled or to race on association grounds if the greyhound has been banned from pari-mutuel racing by any racing jurisdiction.

Sec. 311.6. Denial, Suspension, and Revocation of Licenses.

(a) (No change.)

(b)(1)–(4) (No change.)

(5) Detrimental Practices. A license may be denied, suspended or revoked if it is determined that the licensee is engaged in activities or practices that are detrimental to the best interests of the public, racing animals, or to the racing industry.

Sec. 311.102. Greyhound Owners.

(a)–(c) (No change.)

(d) Restriction on Racing. An owner may not enter a greyhound or cause a greyhound to be entered in a race at a racetrack if:

(1) the owner knows or can reasonably be expected to know that the greyhound was trained using a live or dead animal or fowl as a lure in this state or out of this state.

(2) the owner or trainer is employed by the racetrack association in a management or supervisory position that is capable of affecting the conduct of races or pari-mutuel wagering at the racetrack;

(3)(2) the owner or trainer is involved in any way with the sale or publication of tip sheets on association grounds.

Sec. 311.104. Trainers.

(a)–(e) (No change.)

(f) Restriction on Racing. A trainer may not enter a race animal or cause a race animal to be entered in a race at a racetrack if:

(1) the trainer knows or can reasonably be expected to know that the greyhound was trained using a live or dead animal or fowl as a lure in this state or out of this state.

(2) the owner or trainer is employed by the racetrack association in a management or supervisory position that is capable of affecting the conduct of races or pari-mutuel wagering at the racetrack;

(3)(2) the owner or trainer is involved in any way with the sale or publication of tip sheets on association grounds.

Sec. 311.217. Greyhound Training.

A person may not use a live or dead animal or fowl to train a greyhound, or send a greyhound to a facility located in this state or out of state for the purpose of being trained using a live or dead animal or fowl. Such activities and practices are detrimental to the best interests of a racing animal and the racing industry.

Sec. 315.112. Ineligibility due to Improper Greyhound Training

(a) The board of racing judges may ban a greyhound for life from being kenneled or participating in racing on association grounds if it finds that the greyhound's owner, trainer, or kennel owner has engaged in any detrimental practice related to the training of greyhounds using a live or dead animal or fowl.

(b) The board of racing judges may ban a greyhound for life from being kenneled or participating in racing on association grounds if it finds that the greyhound has been trained at any facility that has engaged in any detrimental practice related to the training of greyhounds using a live or dead animal or fowl.

Texas Racing Commission
Title 16, Part VIII
Chapter 311. Other Licenses
Subchapter B. Specific Licenses

Section 311.103. Kennel Owners

(a) - (d) (No change.)

(e) Restrictions on Placement in Kennels. A person who owns an interest in a kennel booked at one Texas racetrack may not:

(1) own an interest in another kennel booked at that racetrack; ~~or~~

(2) be residentially domiciled with a person who owns an interest in another kennel booked at that racetrack; or

(3) own an interest in a greyhound that is racing out of another kennel booked at that racetrack.

(f) (No change.)

[<<Back](#)

Texas Register

TITLE 16 **ECONOMIC REGULATION**
PART 8 **TEXAS RACING COMMISSION**
CHAPTER 311 **OTHER LICENSES**
SUBCHAPTER B **SPECIFIC LICENSES**
RULE §311.103 **Kennel Owners**

Issue: 03/08/2002 Final/Adopted

Issue: 01/18/2002 Proposed

Issue: 12/21/2001 Final/Adopted

Issue: 10/26/2001 Proposed

Issue: 03/16/2001 Final/Adopted

Issue: 01/05/2001 Proposed

[<<Exit](#)

Texas Register Preamble

The Texas Racing Commission proposes an amendment to §311.103, relating to kennel owners. Currently, there is a prohibition against "dual ownership" in kennels - that is, a person cannot own more than one kennel under contract at a particular greyhound racetrack. The amendment would clarify the intent of the rule by prohibiting ownership of multiple kennels by persons who are residentially domiciled together.

Judith L. Kennison, General Counsel for the Texas Racing Commission, determined that for the first five-year period the rule is in effect will be no fiscal implications for state or local government as a result of enforcing the proposals. The proposal has no effect on the state's agricultural, horse breeding, or horse training, greyhound breeding, and greyhound training industries.

Ms. Kennison has also determined that the anticipated public benefit for each of the first five years the rule will be increased clarity in the Rules, resulting in better understanding. Because the amendment only clarifies language in the rule, there will be no fiscal impact for small or micro-businesses. There is no anticipated economic cost to an individual required to comply with the rule as proposed.

Comments on the proposal may be submitted before November 21, 2001, to Judith L. Kennison, General Counsel for the Texas Racing Commission, P.O. Box 12080, Austin, Texas 78711-2080.

The amendment is proposed under the Texas Civil Statutes, Article 179e, §3.02, which authorizes the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; and §6.06, which authorizes the Commission to adopt rules relating to all aspects of pari-mutuel tracks.

The proposed amendment implements Texas Civil Statutes, Article 179e.

[Next Page](#)[Previous Page](#)

2011 | 2010 | 2009 | 2008 | 2007 | 2006 | 2005 | 2004 | 2003 | 2002 | 2001 | 2000 | 1999 | 1998 | 1997 | 1996 | 1995 | 1994 | 1993 | 1992 | 1991 | 1990 | 1989 | 1988 | 1987 | 1986 | 1985 | 1984 | 1983 | 1982 | 1981 | 1980 | 1979 | 1978 | 1977 | 1976 | 1975 | 1974 | 1973 | 1972 | 1971 | 1970 | 1969 | 1968 | 1967 | 1966 | 1965 | 1964 | 1963 | 1962 | 1961 | 1960 | 1959 | 1958 | 1957 | 1956 | 1955 | 1954 | 1953 | 1952 | 1951 | 1950 | 1949 | 1948 | 1947 | 1946 | 1945 | 1944 | 1943 | 1942 | 1941 | 1940 | 1939 | 1938 | 1937 | 1936 | 1935 | 1934 | 1933 | 1932 | 1931 | 1930 | 1929 | 1928 | 1927 | 1926 | 1925 | 1924 | 1923 | 1922 | 1921 | 1920 | 1919 | 1918 | 1917 | 1916 | 1915 | 1914 | 1913 | 1912 | 1911 | 1910 | 1909 | 1908 | 1907 | 1906 | 1905 | 1904 | 1903 | 1902 | 1901 | 1900 | 1899 | 1898 | 1897 | 1896 | 1895 | 1894 | 1893 | 1892 | 1891 | 1890 | 1889 | 1888 | 1887 | 1886 | 1885 | 1884 | 1883 | 1882 | 1881 | 1880 | 1879 | 1878 | 1877 | 1876 | 1875 | 1874 | 1873 | 1872 | 1871 | 1870 | 1869 | 1868 | 1867 | 1866 | 1865 | 1864 | 1863 | 1862 | 1861 | 1860 | 1859 | 1858 | 1857 | 1856 | 1855 | 1854 | 1853 | 1852 | 1851 | 1850 | 1849 | 1848 | 1847 | 1846 | 1845 | 1844 | 1843 | 1842 | 1841 | 1840 | 1839 | 1838 | 1837 | 1836 | 1835 | 1834 | 1833 | 1832 | 1831 | 1830 | 1829 | 1828 | 1827 | 1826 | 1825 | 1824 | 1823 | 1822 | 1821 | 1820 | 1819 | 1818 | 1817 | 1816 | 1815 | 1814 | 1813 | 1812 | 1811 | 1810 | 1809 | 1808 | 1807 | 1806 | 1805 | 1804 | 1803 | 1802 | 1801 | 1800 | 1799 | 1798 | 1797 | 1796 | 1795 | 1794 | 1793 | 1792 | 1791 | 1790 | 1789 | 1788 | 1787 | 1786 | 1785 | 1784 | 1783 | 1782 | 1781 | 1780 | 1779 | 1778 | 1777 | 1776 | 1775 | 1774 | 1773 | 1772 | 1771 | 1770 | 1769 | 1768 | 1767 | 1766 | 1765 | 1764 | 1763 | 1762 | 1761 | 1760 | 1759 | 1758 | 1757 | 1756 | 1755 | 1754 | 1753 | 1752 | 1751 | 1750 | 1749 | 1748 | 1747 | 1746 | 1745 | 1744 | 1743 | 1742 | 1741 | 1740 | 1739 | 1738 | 1737 | 1736 | 1735 | 1734 | 1733 | 1732 | 1731 | 1730 | 1729 | 1728 | 1727 | 1726 | 1725 | 1724 | 1723 | 1722 | 1721 | 1720 | 1719 | 1718 | 1717 | 1716 | 1715 | 1714 | 1713 | 1712 | 1711 | 1710 | 1709 | 1708 | 1707 | 1706 | 1705 | 1704 | 1703 | 1702 | 1701 | 1700 | 1699 | 1698 | 1697 | 1696 | 1695 | 1694 | 1693 | 1692 | 1691 | 1690 | 1689 | 1688 | 1687 | 1686 | 1685 | 1684 | 1683 | 1682 | 1681 | 1680 | 1679 | 1678 | 1677 | 1676 | 1675 | 1674 | 1673 | 1672 | 1671 | 1670 | 1669 | 1668 | 1667 | 1666 | 1665 | 1664 | 1663 | 1662 | 1661 | 1660 | 1659 | 1658 | 1657 | 1656 | 1655 | 1654 | 1653 | 1652 | 1651 | 1650 | 1649 | 1648 | 1647 | 1646 | 1645 | 1644 | 1643 | 1642 | 1641 | 1640 | 1639 | 1638 | 1637 | 1636 | 1635 | 1634 | 1633 | 1632 | 1631 | 1630 | 1629 | 1628 | 1627 | 1626 | 1625 | 1624 | 1623 | 1622 | 1621 | 1620 | 1619 | 1618 | 1617 | 1616 | 1615 | 1614 | 1613 | 1612 | 1611 | 1610 | 1609 | 1608 | 1607 | 1606 | 1605 | 1604 | 1603 | 1602 | 1601 | 1600 | 1599 | 1598 | 1597 | 1596 | 1595 | 1594 | 1593 | 1592 | 1591 | 1590 | 1589 | 1588 | 1587 | 1586 | 1585 | 1584 | 1583 | 1582 | 1581 | 1580 | 1579 | 1578 | 1577 | 1576 | 1575 | 1574 | 1573 | 1572 | 1571 | 1570 | 1569 | 1568 | 1567 | 1566 | 1565 | 1564 | 1563 | 1562 | 1561 | 1560 | 1559 | 1558 | 1557 | 1556 | 1555 | 1554 | 1553 | 1552 | 1551 | 1550 | 1549 | 1548 | 1547 | 1546 | 1545 | 1544 | 1543 | 1542 | 1541 | 1540 | 1539 | 1538 | 1537 | 1536 | 1535 | 1534 | 1533 | 1532 | 1531 | 1530 | 1529 | 1528 | 1527 | 1526 | 1525 | 1524 | 1523 | 1522 | 1521 | 1520 | 1519 | 1518 | 1517 | 1516 | 1515 | 1514 | 1513 | 1512 | 1511 | 1510 | 1509 | 1508 | 1507 | 1506 | 1505 | 1504 | 1503 | 1502 | 1501 | 1500 | 1499 | 1498 | 1497 | 1496 | 1495 | 1494 | 1493 | 1492 | 1491 | 1490 | 1489 | 1488 | 1487 | 1486 | 1485 | 1484 | 1483 | 1482 | 1481 | 1480 | 1479 | 1478 | 1477 | 1476 | 1475 | 1474 | 1473 | 1472 | 1471 | 1470 | 1469 | 1468 | 1467 | 1466 | 1465 | 1464 | 1463 | 1462 | 1461 | 1460 | 1459 | 1458 | 1457 | 1456 | 1455 | 1454 | 1453 | 1452 | 1451 | 1450 | 1449 | 1448 | 1447 | 1446 | 1445 | 1444 | 1443 | 1442 | 1441 | 1440 | 1439 | 1438 | 1437 | 1436 | 1435 | 1434 | 1433 | 1432 | 1431 | 1430 | 1429 | 1428 | 1427 | 1426 | 1425 | 1424 | 1423 | 1422 | 1421 | 1420 | 1419 | 1418 | 1417 | 1416 | 1415 | 1414 | 1413 | 1412 | 1411 | 1410 | 1409 | 1408 | 1407 | 1406 | 1405 | 1404 | 1403 | 1402 | 1401 | 1400 | 1399 | 1398 | 1397 | 1396 | 1395 | 1394 | 1393 | 1392 | 1391 | 1390 | 1389 | 1388 | 1387 | 1386 | 1385 | 1384 | 1383 | 1382 | 1381 | 1380 | 1379 | 1378 | 1377 | 1376 | 1375 | 1374 | 1373 | 1372 | 1371 | 1370 | 1369 | 1368 | 1367 | 1366 | 1365 | 1364 | 1363 | 1362 | 1361 | 1360 | 1359 | 1358 | 1357 | 1356 | 1355 | 1354 | 1353 | 1352 | 1351 | 1350 | 1349 | 1348 | 1347 | 1346 | 1345 | 1344 | 1343 | 1342 | 1341 | 1340 | 1339 | 1338 | 1337 | 1336 | 1335 | 1334 | 1333 | 1332 | 1331 | 1330 | 1329 | 1328 | 1327 | 1326 | 1325 | 1324 | 1323 | 1322 | 1321 | 1320 | 1319 | 1318 | 1317 | 1316 | 1315 | 1314 | 1313 | 1312 | 1311 | 1310 | 1309 | 1308 | 1307 | 1306 | 1305 | 1304 | 1303 | 1302 | 1301 | 1300 | 1299 | 1298 | 1297 | 1296 | 1295 | 1294 | 1293 | 1292 | 1291 | 1290 | 1289 | 1288 | 1287 | 1286 | 1285 | 1284 | 1283 | 1282 | 1281 | 1280 | 1279 | 1278 | 1277 | 1276 | 1275 | 1274 | 1273 | 1272 | 1271 | 1270 | 1269 | 1268 | 1267 | 1266 | 1265 | 1264 | 1263 | 1262 | 1261 | 1260 | 1259 | 1258 | 1257 | 1256 | 1255 | 1254 | 1253 | 1252 | 1251 | 1250 | 1249 | 1248 | 1247 | 1246 | 1245 | 1244 | 1243 | 1242 | 1241 | 1240 | 1239 | 1238 | 1237 | 1236 | 1235 | 1234 | 1233 | 1232 | 1231 | 1230 | 1229 | 1228 | 1227 | 1226 | 1225 | 1224 | 1223 | 1222 | 1221 | 1220 | 1219 | 1218 | 1217 | 1216 | 1215 | 1214 | 1213 | 1212 | 1211 | 1210 | 1209 | 1208 | 1207 | 1206 | 1205 | 1204 | 1203 | 1202 | 1201 | 1200 | 1199 | 1198 | 1197 | 1196 | 1195 | 1194 | 1193 | 1192 | 1191 | 1190 | 1189 | 1188 | 1187 | 1186 | 1185 | 1184 | 1183 | 1182 | 1181 | 1180 | 1179 | 1178 | 1177 | 1176 | 1175 | 1174 | 1173 | 1172 | 1171 | 1170 | 1169 | 1168 | 1167 | 1166 | 1165 | 1164 | 1163 | 1162 | 1161 | 1160 | 1159 | 1158 | 1157 | 1156 | 1155 | 1154 | 1153 | 1152 | 1151 | 1150 | 1149 | 1148 | 1147 | 1146 | 1145 | 1144 | 1143 | 1142 | 1141 | 1140 | 1139 | 1138 | 1137 | 1136 | 1135 | 1134 | 1133 | 1132 | 1131 | 1130 | 1129 | 1128 | 1127 | 1126 | 1125 | 1124 | 1123 | 1122 | 1121 | 1120 | 1119 | 1118 | 1117 | 1116 | 1115 | 1114 | 1113 | 1112 | 1111 | 1110 | 1109 | 1108 | 1107 | 1106 | 1105 | 1104 | 1103 | 1102 | 1101 | 1100 | 1099 | 1098 | 1097 | 1096 | 1095 | 1094 | 1093 | 1092 | 1091 | 1090 | 1089 | 1088 | 1087 | 1086 | 1085 | 1084 | 1083 | 1082 | 1081 | 1080 | 1079 | 1078 | 1077 | 1076 | 1075 | 1074 | 1073 | 1072 | 1071 | 1070 | 1069 | 1068 | 1067 | 1066 | 1065 | 1064 | 1063 | 1062 | 1061 | 1060 | 1059 | 1058 | 1057 | 1056 | 1055 | 1054 | 1053 | 1052 | 1051 | 1050 | 1049 | 1048 | 1047 | 1046 | 1045 | 1044 | 1043 | 1042 | 1041 | 1040 | 1039 | 1038 | 1037 | 1036 | 1035 | 1034 | 1033 | 1032 | 1031 | 1030 | 1029 | 1028 | 1027 | 1026 | 1025 | 1024 | 1023 | 1022 | 1021 | 1020 | 1019 | 1018 | 1017 | 1016 | 1015 | 1014 | 1013 | 1012 | 1011 | 1010 | 1009 | 1008 | 1007 | 1006 | 1005 | 1004 | 1003 | 1002 | 1001 | 1000 | 999 | 998 | 997 | 996 | 995 | 994 | 993 | 992 | 991 | 990 | 989 | 988 | 987 | 986 | 985 | 984 | 983 | 982 | 981 | 980 | 979 | 978 | 977 | 976 | 975 | 974 | 973 | 972 | 971 | 970 | 969 | 968 | 967 | 966 | 965 | 964 | 963 | 962 | 961 | 960 | 959 | 958 | 957 | 956 | 955 | 954 | 953 | 952 | 951 | 950 | 949 | 948 | 947 | 946 | 945 | 944 | 943 | 942 | 941 | 940 | 939 | 938 | 937 | 936 | 935 | 934 | 933 | 932 | 931 | 930 | 929 | 928 | 927 | 926 | 925 | 924 | 923 | 922 | 921 | 920 | 919 | 918 | 917 | 916 | 915 | 914 | 913 | 912 | 911 | 910 | 909 | 908 | 907 | 906 | 905 | 904 | 903 | 902 | 901 | 900 | 899 | 898 | 897 | 896 | 895 | 894 | 893 | 892 | 891 | 890 | 889 | 888 | 887 | 886 | 885 | 884 | 883 | 882 | 881 | 880 | 879 | 878 | 877 | 876 | 875 | 874 | 873 | 872 | 871 | 870 | 869 | 868 | 867 | 866 | 865 | 864 | 863 | 862 | 861 | 860 | 859 | 858 | 857 | 856 | 855 | 854 | 853 | 852 | 851 | 850 | 849 | 848 | 847 | 846 | 845 | 844 | 843 | 842 | 841 | 840 | 839 | 838 | 837 | 836 | 835 | 834 | 833 | 832 | 831 | 830 | 829 | 828 | 827 | 826 | 825 | 824 | 823 | 822 | 821 | 820 | 819 | 818 | 817 | 816 | 815 | 814 | 813 | 812 | 811 | 810 | 809 | 808 | 807 | 806 | 805 | 804 | 803 | 802 | 801 | 800 | 799 | 798 | 797 | 796 | 795 | 794 | 793 | 792 | 791 | 790 | 789 | 788 | 787 | 786 | 785 | 784 | 783 | 782 | 781 | 780 | 779 | 778 | 777 | 776 | 775 | 774 | 773 | 772 | 771 | 770 | 769 | 768 | 767 | 766 | 765 | 764 | 763 | 762 | 761 | 760 | 759 | 758 | 757 | 756 | 755 | 754 | 753 | 752 | 751 | 750 | 749 | 748 | 747 | 746 | 745 | 744 | 743 | 742 | 741 | 740 | 739 | 738 | 737 | 736 | 735 | 734 | 733 | 732 | 731 | 730 | 729 | 728 | 727 | 726 | 725 | 724 | 723 | 722 | 721 | 720 | 719 | 718 | 717 | 716 | 715 | 714 | 713 | 712 | 711 | 710 | 709 | 708 | 707 | 706 | 705 | 704 | 703 | 702 | 701 | 700 | 699 | 698 | 697 | 696 | 695 | 694 | 693 | 692 | 691 | 690 | 689 | 688 | 687 | 686 | 685 | 684 | 683 | 682 | 681 | 680 | 679 | 678 | 677 | 676 | 675 | 674 | 673 | 672 | 671 | 670 | 669 | 668 | 667 | 666 | 665 | 664 | 663 | 662 | 661 | 660 | 659 | 658 | 657 | 656 | 655 | 654 | 653 | 652 | 651 | 650 | 649 | 648 | 647 | 646 | 645 | 644 | 643 | 642 | 641 | 640 | 639 | 638 | 637 | 636 | 635 | 634 | 633 | 632 | 631 | 630 | 629 | 628 | 627 | 626 | 625 | 624 | 623 | 622 | 621 | 620 | 619 | 618 | 617 | 616 | 615 | 614 | 613 | 612 | 611 | 610 | 609 | 608 | 607 | 606 | 605 | 604 | 603 | 602 | 601 | 600 | 599 | 598 | 597 | 596 | 595 | 594 | 593 | 592 | 591 | 590 | 589 | 588 | 587 | 586 | 585 | 584 | 583 | 582 | 581 | 580 | 579 | 578 | 577 | 576 | 575 | 574 | 573 | 572 | 571 | 570 | 569 | 568 | 567 | 566 | 565 | 564 | 563 | 562 | 561 | 560 | 559 | 558 | 557 | 556 | 555 | 554 | 553 | 552 | 551 | 550 | 549 | 548 | 547 | 546 | 545 | 544 | 543 | 542 | 541 | 540 | 539 | 538 | 537 | 536 | 535 | 534 | 533 | 532 | 531 | 530 | 529 | 528 | 527 | 526 | 525 | 524 | 523 | 522 | 521 | 520 | 519 | 518 | 517 | 516 | 515 | 514 | 513 | 512 | 511 | 510 | 509 | 508 | 507 | 506 | 505 | 504 | 503 | 502 | 501 | 500 | 499 | 498 | 497 | 496 | 495 | 494 | 493 | 492 | 491 | 490 | 489 | 488 | 487 | 486 | 485 | 484 | 483 | 482 | 481 | 480 | 479 | 478 | 477 | 476 | 475 | 474 | 473 | 472 | 471 | 470 | 469 | 468 | 467 | 466 | 465 | 464 | 463 | 462 | 461 | 460 | 459 | 458 | 457 | 456 | 455 | 454 | 453 | 452 | 451 | 450 | 449 | 448 | 447 | 446 | 445 | 444 | 443 | 442 | 441 | 440 | 439 | 438 | 437 | 436 | 435 | 434 | 433 | 432 | 431 | 430 | 429 | 428 | 427 | 426 | 425 | 424 | 423 | 422 | 421 | 420 | 419 | 418 | 417 | 416 | 415 | 414 | 413 | 412 | 411 | 410 | 409 | 408 | 407 | 406 | 405 | 404 | 403 | 402 | 401 | 400 | 399 | 398 | 397 | 396 | 395 | 394 | 393 | 392 | 391 | 390 | 389 | 388 | 387 | 386 | 385 | 384 | 383 | 382 | 381 | 380 | 379 | 378 | 377 | 376 | 375 | 374 | 373 | 372 | 371 | 370 | 369 | 368 | 367 | 366 | 365 | 364 | 363 | 362 | 361 | 360 | 359 | 358 | 357 | 356 | 355 | 354 | 353 | 352 | 351 | 350 | 349 | 348 | 347 | 346 | 345 | 344 | 343 | 342 | 341 | 340 | 339 | 338 | 337 | 336 | 335 | 334 | 333 | 332 | 331 | 330 | 329 | 328 | 327 | 326 | 325 | 324 | 323 | 322 | 321 | 320 | 319 | 318 | 317 | 316 | 315 | 314 | 313 | 312 | 311 | 310 | 309 | 308 | 307 | 306 | 305 | 304 | 303 | 302 | 301 | 300 | 299 | 298 | 297 | 296 | 295 | 294 | 293 | 292 | 291 | 290 | 289 | 288 | 287 | 286 | 285 | 284 | 283 | 282 | 281 | 280 | 279 | 278 | 277 | 276 | 275 | 274 | 273 | 272 | 271 | 270 | 269 | 268 | 267 | 266 | 265 | 264 | 263 | 262 | 261 | 260 | 259 | 258 | 257 | 256 | 255 | 254 | 253 | 252 | 251 | 250 | 249 | 248 | 247 | 246 | 245 | 244 | 243 | 242 | 241 | 240 | 239 | 238 | 237 | 236 | 235 | 234 | 233 | 232 | 231 | 230 | 229 | 228 | 227 | 226 | 225 | 224 | 223 | 222 | 221 | 220 | 219 | 218 | 217 | 216 | 215 | 214 | 213 | 212 | 211 | 210 | 209 | 208 | 207 | 206 | 205 | 204 | 203 | 202 | 201 | 200 | 199 | 198 | 197 | 196 | 195 | 194 | 193 | 192 | 191 | 190 | 189 | 188 | 187 | 186 | 185 | 184 | 183 | 182 | 181 | 180 | 179 | 178 | 177 | 176 | 175 | 174 | 173 | 172 | 171 | 170 | 169 | 168 | 167 | 166 | 165 | 164 | 163 | 162 | 161 | 160 | 159 | 158 | 157 | 156 | 155 | 154 | 153 | 152 | 151 | 150 | 149 | 148 | 147 | 146 | 145 | 144 | 143 | 142 | 141 | 140 | 139 | 138 | 137 | 136 | 135 | 134 | 133 | 132 | 131 | 130 | 129 | 128 | 127 | 126 | 125 | 124 | 123 | 122 | 121 | 120 | 119 | 118 | 117 | 116 | 115 | 114 | 113 | 112 | 111 | 110 | 109 | 108 | 107 | 106 | 105 | 104 | 103 | 102 | 101 | 100 | 99 | 98 | 97 | 96 | 95 | 94 | 93 | 92 | 91 | 90 | 89 | 88 | 87 | 86 | 85 | 84 | 83 | 82 | 81 | 80 | 79 | 78 | 77 | 76 | 75 | 74 | 73 | 72 | 71 | 70 | 69 | 68 | 67 | 66 | 65 | 64 | 63 | 62 | 61 | 60 | 59 | 58 | 57 | 56 | 55 | 54 | 53 | 52 | 51 | 50 | 49 | 48 | 47 | 46 | 45 | 44 | 43 | 42 | 41 | 40 | 39 | 38 | 37 | 36 | 35 | 34 | 33 | 32 | 31 | 30 | 29 | 28 | 27 | 26 | 25 | 24 | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 | 0 |

Texas Register

TITLE 16	ECONOMIC REGULATION
PART 8	TEXAS RACING COMMISSION
CHAPTER 311	OTHER LICENSES
SUBCHAPTER B	SPECIFIC LICENSES
RULE §311.103	Kennel Owners
ISSUE	10/26/2001
ACTION	Proposed

Preamble

Texas Admin
Code Rule

(a)Designation of Representative. If a kennel owner is not the trainer of the greyhounds in the kennel, the kennel owner must:

- (1)designate a trainer to be responsible for greyhounds; and
- (2)shall notify the racing judges of the designation.

(b)Kennel Employees.

(1)A kennel owner shall identify to the Commission licensing office all individuals employed by the kennel to work on association grounds. No later than 24 hours after a change in personnel occurs, the kennel owner shall notify the Commission licensing office of the change.

(2)An individual who is licensed to work for a kennel owner is not permitted in the kennel area on association grounds unless the licensee is employed by and doing work for a kennel owner on the association grounds. An individual in the kennel area who is not in the employ of and doing work for a kennel owner may be ejected from the kennel area.

(c)Owner Suspended. A kennel owner may not retain a greyhound in the kennel owner's care and custody if the Commission has suspended or revoked the license of the owner of the greyhound.

(d)Use of Texas-Bred Greyhounds.

(1)Except as otherwise provided by this section, a kennel owner shall ensure that at least 20% of the greyhounds on the active list of the kennel are accredited Texas-bred greyhounds.

(2)During the first two years in which a kennel is under contract with an association, the kennel owner shall ensure that the following percentage of the greyhounds on the active list are accredited Texas-bred greyhounds:

- (A)for the first year, 5.0%; and

(B)for the second year, 10%.

(3)The racing secretary of an association shall maintain the records necessary to enforce this section. If the racing secretary determines that a kennel owner is in violation of this section, the racing secretary shall notify the racing judges. The racing judges may take disciplinary action against the kennel owner, including requiring the kennel owner to take the necessary action to achieve the appropriate percentages.

(e)Restrictions on Placement in Kennels. A person who owns an interest in a kennel booked at one Texas racetrack may not:

(1)own an interest in another kennel booked at that racetrack;

(2)be residentially domiciled with a person who owns an interest in another kennel booked at that racetrack; or

(3)[(2)] own an interest in a greyhound that is racing out of another kennel booked at that racetrack. [;or]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State, on October 9, 2001

TRD-200106086

Judith L. Kennison

General Counsel

Texas Racing Commission

Earliest possible date of adoption: November 25, 2001

For further information, please call: (512) 833-6699

[Next Page](#)

[Previous Page](#)

[Back to List](#)

HOME | TEXAS REGISTER | TEXAS REGISTER CONTACT | TEXAS REGISTER HELP

[<<Exit](#)

Texas Register Preamble

The Texas Racing Commission adopts an amendment to §311.103, relating to kennel owners, without changes to the proposed text as published in the October 26, 2001, issue of the *Texas Register* (26 TexReg 8464) and will not be republished.

Currently, there is a prohibition against "dual ownership" in kennels--that is, a person cannot own more than one kennel under contract at a particular greyhound racetrack. This amendment clarifies the intent of the rule by prohibiting ownership of multiple kennels by persons who are residentially domiciled together.

No comments have been received regarding adoption of this amendment.

The amendment is adopted under the Texas Civil Statutes, Article 179e, §3.02, which authorizes the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; and §6.06, which authorizes the Commission to adopt rules relating to all aspects of pari-mutuel tracks.

The amendment implements Texas Civil Statutes, Article 179e.

[Next Page](#)[Previous Page](#)

1 of 1 | 1/13/2012 12:47 PM

Texas Register

TITLE 16	ECONOMIC REGULATION
PART 8	TEXAS RACING COMMISSION
CHAPTER 311	OTHER LICENSES
SUBCHAPTER B	SPECIFIC LICENSES
RULE §311.103	Kennel Owners
ISSUE	12/21/2001
ACTION	Final/Adopted

Preamble

Texas Admin
Code Rule

(a)Designation of Representative. If a kennel owner is not the trainer of the greyhounds in the kennel, the kennel owner must:

- (1)designate a trainer to be responsible for greyhounds; and
- (2)shall notify the racing judges of the designation.

(b)Kennel Employees.

(1)A kennel owner shall identify to the Commission licensing office all individuals employed by the kennel to work on association grounds. No later than 24 hours after a change in personnel occurs, the kennel owner shall notify the Commission licensing office of the change.

(2)An individual who is licensed to work for a kennel owner is not permitted in the kennel area on association grounds unless the licensee is employed by and doing work for a kennel owner on the association grounds. An individual in the kennel area who is not in the employ of and doing work for a kennel owner may be ejected from the kennel area.

(c)Owner Suspended. A kennel owner may not retain a greyhound in the kennel owner's care and custody if the Commission has suspended or revoked the license of the owner of the greyhound.

(d)Use of Texas-Bred Greyhounds.

(1)Except as otherwise provided by this section, a kennel owner shall ensure that at least 20% of the greyhounds on the active list of the kennel are accredited Texas-bred greyhounds.

(2)During the first two years in which a kennel is under contract with an association, the kennel owner shall ensure that the following percentage of the greyhounds on the active list are accredited Texas-bred greyhounds:

- (A)for the first year, 5.0%; and

(B)for the second year, 10%.

(3)The racing secretary of an association shall maintain the records necessary to enforce this section. If the racing secretary determines that a kennel owner is in violation of this section, the racing secretary shall notify the racing judges. The racing judges may take disciplinary action against the kennel owner, including requiring the kennel owner to take the necessary action to achieve the appropriate percentages.

(e)Restrictions on Placement in Kennels. A person who owns an interest in a kennel booked at one Texas racetrack may not:

(1)own an interest in another kennel booked at that racetrack;

(2)be residentially domiciled with a person who owns an interest in another kennel booked at that racetrack; or

(3)own an interest in a greyhound that is racing out of another kennel booked at that racetrack.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on December 4, 2001

TRD-200107534

Judith L. Kennison

General Counsel

Texas Racing Commission

Effective date: January 1, 2002

Proposal publication date: October 26, 2001

For further information, please call: (512) 833-6699

[Next Page](#)

[Previous Page](#)

[Back to List](#)

[<<Exit](#)

Texas Register Preamble

The Texas Racing Commission proposes an amendment to §311.103, relating to kennel owners. The amendment requires kennel owners to provide documentation of their greyhounds' whelping kennel. This amendment will ensure that all greyhound participating in pari-mutuel racing have been whelped from inspected kennels. The National Greyhound Association will perform the inspections to ensure minimal standards are upheld.

Judith L. Kennison, General Counsel for the Texas Racing Commission, has determined that for the first five-year period the amendments are in effect there are no fiscal implications for state or local government as a result of enforcing the proposals.

Ms. Kennison has also determined that for each of the first five years the rule is in effect the public benefit anticipated will be greater assurance in the health of racing greyhounds. There will be no fiscal implications for small or micro-businesses. There is no anticipated economic cost to an individual required to comply with the amendment as proposed. The proposal has no effect on the state's agricultural, horse breeding, horse training, greyhound breeding, or greyhound training industries.

Written comments must be submitted within 30 days after publication of the proposed amendment in the *Texas Register* to Judith L. Kennison, General Counsel for the Texas Racing Commission, P.O. Box 12080, Austin, Texas 78711-2080, fax (512) 833-6907.

The amendment is proposed under the Texas Civil Statutes, Article 179e, §3.02, which authorizes the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; and §6.06, which authorizes the Commission to adopt rules relating to all aspects of pari-mutuel tracks.

The proposed amendment implements Texas Civil Statutes, Article 179e.

[Next Page](#)[Previous Page](#)

1 of 1

Texas Register

TITLE 16	ECONOMIC REGULATION
PART 8	TEXAS RACING COMMISSION
CHAPTER 311	OTHER LICENSES
SUBCHAPTER B	SPECIFIC LICENSES
RULE §311.103	Kennel Owners
ISSUE	01/18/2002
ACTION	Proposed

Preamble

Texas Admin
Code Rule

(a) - (e)(No change.)

(f)Breeding farm inspection reports. Upon request of the executive secretary, a kennel owner shall provide a copy of the report of the most recent inspection conducted by the National Greyhound Association for the breeding farm from which each greyhound was whelped.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State, on January 4, 2002

TRD-200200036

Judith L. Kennison

General Counsel

Texas Racing Commission

Earliest possible date of adoption: February 17, 2002

For further information, please call: (512) 833-6699

[Next Page](#)

[Previous Page](#)

[Back to List](#)

FILED IN THE OFFICE OF THE SECRETARY OF STATE, JANUARY 4, 2002

[<<Exit](#)

Texas Register Preamble

The Texas Racing Commission adopts an amendment to §311.103, relating to kennel owners, without changes to the proposed text in the January 18, 2002, issue of the *Texas Register* (27 TexReg 45) and will not be republished. The amendment requires kennel owners to provide documentation of their greyhounds' whelping kennel. This amendment will ensure that all greyhound participating in pari-mutuel racing have been whelped from inspected kennels. The National Greyhound Association will perform the inspections to ensure minimal standards are upheld.

No comments were received regarding the adoption of this amendment.

The amendment is adopted under the Texas Civil Statutes, Article 179e, §3.02, which authorizes the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; and §6.06, which authorizes the Commission to adopt rules relating to all aspects of pari-mutuel tracks.

The adoption implements Texas Civil Statutes, Article 179e.

[Next Page](#)[Previous Page](#)

HOME | TEXAS REGISTER | TEXAS ADMINISTRATIVE CODE | TEXAS PUBLIC INFORMATION ACT | HELP

Texas Register

TITLE 16	ECONOMIC REGULATION
PART 8	TEXAS RACING COMMISSION
CHAPTER 311	OTHER LICENSES
SUBCHAPTER B	SPECIFIC LICENSES
RULE §311.103	Kennel Owners
ISSUE	03/08/2002
ACTION	Final/Adopted

Preamble

Texas Admin
Code Rule

(a)Designation of Representative. If a kennel owner is not the trainer of the greyhounds in the kennel, the kennel owner must:

- (1)designate a trainer to be responsible for greyhounds; and
- (2)shall notify the racing judges of the designation.

(b)Kennel Employees.

(1)A kennel owner shall identify to the Commission licensing office all individuals employed by the kennel to work on association grounds. No later than 24 hours after a change in personnel occurs, the kennel owner shall notify the Commission licensing office of the change.

(2)An individual who is licensed to work for a kennel owner is not permitted in the kennel area on association grounds unless the licensee is employed by and doing work for a kennel owner on the association grounds. An individual in the kennel area who is not in the employ of and doing work for a kennel owner may be ejected from the kennel area.

(c)Owner Suspended. A kennel owner may not retain a greyhound in the kennel owner's care and custody if the Commission has suspended or revoked the license of the owner of the greyhound.

(d)Use of Texas-Bred Greyhounds.

(1)Except as otherwise provided by this section, a kennel owner shall ensure that at least 20% of the greyhounds on the active list of the kennel are accredited Texas-bred greyhounds.

(2)During the first two years in which a kennel is under contract with an association, the kennel owner shall ensure that the following percentage of the greyhounds on the active list are accredited Texas-bred greyhounds:

- (A)for the first year, 5.0%; and

(B)for the second year, 10%.

(3)The racing secretary of an association shall maintain the records necessary to enforce this section. If the racing secretary determines that a kennel owner is in violation of this section, the racing secretary shall notify the racing judges. The racing judges may take disciplinary action against the kennel owner, including requiring the kennel owner to take the necessary action to achieve the appropriate percentages.

(e)Restrictions on Placement in Kennels. A person who owns an interest in a kennel booked at one Texas racetrack may not:

(1)own an interest in another kennel booked at that racetrack; or

(2)own an interest in a greyhound that is racing out of another kennel booked at that racetrack.

(f)Breeding farm inspection reports. Upon request of the executive secretary, a kennel owner shall provide a copy of the report of the most recent inspection conducted by the National Greyhound Association for the breeding farm from which each greyhound was whelped.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 20, 2002

TRD-200201037

Judith L. Kennison

General Counsel

Texas Racing Commission

Effective date: March 13, 2002

Proposal publication date: January 18, 2002

For further information, please call: (512) 833-6699

[Next Page](#)

[Previous Page](#)

[Back to List](#)

HB 2271

Section 4

SECTION 4. Sections 3.07(b) and (e), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The commission shall make rules specifying the authority and the duties of each official, including the power of stewards or judges to impose penalties for unethical practices or violations of racing rules. A penalty imposed by the stewards or judges may include a fine of not more than \$5,000, a suspension for not more than one year, or both a fine and suspension. Before imposing a penalty under this subsection, the stewards and judges shall conduct a hearing that is consistent with constitutional due process. A hearing conducted by a steward or judge under this subsection is not subject to Chapter 2001, Government Code. A decision of a steward or judge is subject to review by the executive director, who may modify the penalty. A penalty modified by the executive director under this section may include a fine not to exceed \$10,000, a suspension not to exceed two years, or both a fine and a suspension. A decision of a steward or judge that is not reviewed or modified by the executive director is a final decision. Any decision of a steward or judge may be appealed under Section 3.08(a) of this Act regardless of whether the decision is modified by the executive director. [If, in the opinion of the stewards or judges, the allowable penalties are not sufficient, the stewards or judges may refer the case to the commission for further action.]

(e) To pay the charges associated with the medication or drug testing, an association may use the money held by the association to pay outstanding tickets and

pari-mutuel vouchers. If additional amounts are needed to pay the charges, the association shall pay those additional amounts. ~~[If the amount held exceeds the amount needed to pay the charges, the association shall pay the excess to the commission in accordance with Section 11.08 of this Act.]~~

1 **307.67. Appeal to the Commission**

2 (a) (No change.)

3 (b) Filing Procedure.

4 (1) An appeal must be in writing in a form prescribed by
5 the executive secretary. An The appeal from a ruling of the
6 stewards or racing judges must be filed not later than 5:00 p.m.
7 of the third calendar day after the day the person is informed
8 of the ruling by the stewards or racing judges. An appeal from
9 the modification of a penalty by the executive secretary must be
10 filed not later than 5:00 p.m. of the fifth calendar day after
11 the day the person is informed of the penalty modification. The
12 appeal must be filed at the main Commission offices in Austin or
13 with the stewards or racing judges at a Texas pari-mutuel
14 racetrack where a live race meet is being conducted. The appeal
15 must be accompanied by a cash bond in the amount of \$150, to
16 defray the costs of the court reporter and transcripts required
17 for the appeal. The bond must be in the form of a cashier's
18 check or money order.

19 (2) (No change.)

20 (c)-(f) (No change.)

**Section 307.69. Review by Executive Secretary Action by
Commission**

~~On its own motion or on request by the executive secretary, the
Commission may reverse a decision of the stewards or racing
judges, modify a penalty imposed by the stewards or racing
judges, or reinstate a person's license and rescind the penalty.~~

(a) Within fourteen days after a board of stewards or judges
issues a written ruling under Section 307.63 of this title
(relating to Rulings), the executive secretary may review the
ruling and modify the penalty. A penalty modified by the
executive secretary may include a fine not to exceed \$10,000, a
suspension not to exceed two years, or both a fine and a
suspension.

(b) The decision to modify a penalty must be on a form that
includes:

(1) the full name, license type, and license number of the
person who is the subject of the penalty modification;

(2) the original ruling number and the date the ruling was
issued by the stewards or judges;

(3) the date the modified penalty was issued by the
executive secretary;

(4) the modified penalty imposed;

(5) a statement of the reason for modifying the penalty;

and

(6) a statement informing the person of the person's right
to appeal the ruling, with the modified penalty, to the
Commission.

(c) In determining whether to modify a penalty, the executive
secretary may consider, but is not limited to, the following
reasons:

1 (1) to further the uniform and consistent treatment of
2 similarly situated individuals; and

3 (2) to remedy rulings where the penalties available to the
4 stewards or judges are insufficient to adequately address the
5 violation.

6 (d) The decision to modify a penalty must be signed by the
7 executive secretary.

8 (e) The executive secretary shall provide written notice to each
9 person who is subject to a penalty modification decision under
10 this section by:

11 (1) sending by certified mail, return receipt requested, a
12 copy of the decision to the person's last known address, as
13 found in the Commission's licensing files; or

14 (2) personal service by any Commission employee.

15 (f) An appeal of a ruling whose penalty has been modified under
16 this section must be filed in accordance with Section 307.67 of
17 this title (relating to Appeals to the Commission.)