

TEXAS RACING COMMISSION

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COMMITTEE ON RULES

Tuesday, November 19, 2013
10:30 a.m.
Texas Racing Commission
8505 Cross Park Dr., Suite 110
Austin, Texas 78754

Agenda

The Committee will accept comments in response to the publication of the following rule proposals in the October 25, 2013, edition of the *Texas Register*:

- A. Proposal to Amend Rule 307.64, Penalties
- B. Proposal to Amend Rule 307.69, Review by Executive Secretary
- C. Proposal to Amend Rule 319.3, Medication Restricted

The Committee will discuss the following requests for rule amendments:

- D. Proposal to Amend Rule 313.103, Eligibility Requirements

The Committee will discuss modifying the requirement for a judgment under Rule 311.214 and permitting the executive director to initiate disciplinary action, under limited circumstances, for an unpaid debt without a judgment.

The Committee will discuss the licensing provisions of SB 162, 83rd Regular Legislative Session. This bill relates to the application of relevant military experience to eligibility requirements for an occupational license and the expedited occupational licensing of military spouses.

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.

CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION
SUBCHAPTER C. PROCEEDINGS BY STEWARDS AND RACING JUDGES

Sec. 307.64. Penalties

(a) For each violation of the Act or a Rule, the stewards and racing judges may:

- (1) impose a fine of not more than \$25,000 [~~\$5,000~~]; and
- (2) suspend an occupational license for not more than five years [~~one year~~].

(b) (No change.)

CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION
SUBCHAPTER C. PROCEEDINGS BY STEWARDS AND RACING JUDGES

Sec. 307.69. Review by Executive Secretary

(a) Within fourteen days after a board of stewards or judges issues a written ruling under §307.63 of this title (relating to Ruling), 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 \$100,000 [~~\$10,000~~], a suspension not to exceed five years [~~two years~~], or both a fine and a suspension.

(b)-(f) (No change.)

CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 319.3. Medication Restricted

(a) Except as otherwise provided by this section, a horse or greyhound participating in a race may not carry in its body a prohibited drug, chemical, or other substance.

~~[(b) The maximum permissible plasma or serum concentration of phenylbutazone in horses is 2.0 micrograms per milliliter.]~~

(b)~~[(e)]~~ Furosemide at or below the approved tolerance level in a horse that has been admitted to the furosemide program is permissible. The approved tolerance level shall be published on the list of therapeutic drugs posted under subsection (d) of this section.

(c)~~[(d)]~~ Levels ~~[Trace levels]~~ of drugs which are therapeutic and necessary for treatment of illness or injury in race animals are permissible, provided:

(1) the therapeutic drug is on a written list approved by the executive secretary, maintained by the commission veterinarian, and posted in the commission veterinarians' office; and

(2) the maximum permissible urine or blood concentration of the drug does not exceed the published limit, if any, on the written list of therapeutic drugs.

(d)~~[(e)]~~ Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse or greyhound a prohibited drug, chemical, or other substance, by injection, by oral or topical administration, by rectal infusion or suppository, by nasogastric intubation, or by inhalation, and any other means during the 24-hour period before the post time for the race in which the animal is entered.

(e)~~[(f)]~~ A positive finding by a chemist of a prohibited drug, chemical, or other substance in a test specimen of a horse or greyhound collected before or after the running of a race, subject to the rules of the commission relating to split specimens, is prima facie evidence that the prohibited drug, chemical, or other substance was administered to the animal and was carried in the body of the animal while participating in a race.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: November 8, 2013

***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:		Fax number:	512-833-6907
Mailing address:	8505 Cross Park Drive, Suite 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>TXRC staff</u> <small>(Name of Organization)</small>

<input checked="" type="checkbox"/>	If known, Proposed Change to Chapter:	Chapter: <u>313</u>	Rule: <u>103</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

Section 313.103 establishes a variety of requirements for a horse to be entered in a race, including, in subsection (g), the requirements that must be satisfied before a quarter horse may be entered for the first time in a race around a turn. These requirements apply equally to paint horses and appaloosas, but they are not explicitly included in the rule.

B. Discussion of the Issue and Problem

Paint horses and appaloosas are currently subject to the requirements of Section 313.103(g), although they are not identified in the rule. Because these horses are different breeds for racing purposes, the current language of the rule is incomplete and should be amended to specifically apply the requirements of Section 313.103(g) to these breeds.

C. Possible Solutions and Impact

Amending the text of Section 313.103 to explicitly include paint horses and appaloosas will make the rule clearer and will reflect the current requirements for these breeds to be entered in a race around a turn for the first time.

D. Support or Opposition

Staff does not anticipate opposition to this change.

E. Proposal

313.103 Eligibility Requirements

(a)-(f) (No change.)

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

(1) have a published workout around a turn at a minimum distance of 660 yards in the 60-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) (No change.)

CHAPTER 311. OTHER LICENSES
SUBCHAPTER C. RESPONSIBILITIES OF INDIVIDUALS

CURRENT RULE - NO MODIFICATIONS

Sec. 311.214. Financial Responsibility

(a) This section applies to the financial responsibility of licensees of the Commission for debts legally owed the transfer, purchase or lease of a race animal or for services or supplies relating to the care, transportation, or maintenance provided to a race animal while racing or in training at a licensed facility in this state. Services and supplies to which this section applies include, but are not limited to:

- (1) veterinary services, medication, and veterinary supplies;
- (2) transportation services;
- (3) farrier services and supplies;
- (4) feed and nutritional supplements; and
- (5) racing supplies.

(b) The Commission finds that the failure of a licensee of the Commission to pay a debt that is legally owed for the transfer, purchase or lease of a race animal or a service or supply described in subsection (a) is:

- (1) an activity or practice that is detrimental to the best interests of the public and the sport of pari-mutuel racing; and
- (2) grounds for denial, suspension, or revocation of the licensee's license.

(c) For a debt that is legally owed for the transfer, purchase or lease of a race animal or a service or supply described in subsection (a), a licensee may not:

- (1) willfully or intentionally refuse to pay the debt; or
- (2) falsely deny the validity of the debt with the intent to defraud the person to whom the debt is owed.

(d) A person to whom a debt for the transfer, purchase or lease of a race animal or a service or supply described in subsection (a) is owed may file with the executive secretary a certified copy of a judgment of a court of competent jurisdiction that verifies the validity of the debt. On receipt of a judgment under this subsection, the executive secretary may initiate formal disciplinary action against the licensee involved. The executive secretary has sole discretion to determine whether formal disciplinary action is initiated against the licensee.

(e) At a hearing to deny, suspend, or revoke a licensee's license for a violation of this section, the person to whom the debt is owed is not entitled to reimbursement of travel expenses or any witness fees for attendance at the hearing.

ENROLLED BILL SUMMARY
FROM
TEXAS LEGISLATURE ONLINE

Legislative Session: 83(R)

Senate Bill 162

Effective: 5-18-13

Senate Author: Van de Putte et al.

House Sponsor: Flynn

Senate Bill 162 amends the Occupations Code to require a state agency that issues a license to establish an expedited license procedure for a qualified military spouse applicant who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to Texas licensing requirements. The bill provides for the term of an expedited license and requires the agency to determine the requirements for renewing the license. The bill requires a state licensing agency, with respect to an applicant who is a military service member or military veteran, to credit verified military service, training, or education toward licensing requirements, with certain exceptions. The bill requires the Commission on Law Enforcement Officer Standards and Education to adopt rules relating to license requirements for applicants with military special forces training, including rules under which the commission may waive a license requirement based on relevant military training the applicant has received.

AN ACT

relating to the occupational licensing of spouses of members of the military and the eligibility requirements for certain occupational licenses issued to applicants with military experience.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 55, Occupations Code, is amended to read as follows:

CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, [~~LICENSE WHILE ON MILITARY DUTY~~] AND [~~FOR~~] MILITARY SPOUSES [~~SPOUSE~~]

SECTION 2. Section 55.001, Occupations Code, is amended by adding Subdivisions (1-a), (1-b), and (1-c) to read as follows:

(1-a) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(1-b) "Military spouse" means a person who is married to a military service member who is currently on active duty.

(1-c) "Military veteran" means a person who has served in the army, navy, air force, marine corps, or coast guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

SECTION 3. Chapter 55, Occupations Code, is amended by adding Sections 55.005, 55.006, and 55.007 to read as follows:

Sec. 55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SPOUSES. (a) A state agency that issues a license shall, as soon as practicable after a military spouse files an application for a license:

(1) process the application; and

(2) issue a license to a qualified military spouse applicant who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the licensing requirements in this state.

(b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

Sec. 55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SPOUSE. (a) As soon as practicable after a state agency issues a license under Section 55.005, the state agency shall determine the requirements for the license holder to renew the license.

(b) The state agency shall notify the license holder of the requirements for renewing the license in writing or by electronic means.

(c) A license issued under Section 55.005 has the term established by law or state agency rule, or a term of 12 months from the date the license is issued, whichever term is longer.

Sec. 55.007. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH MILITARY EXPERIENCE. (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education

toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.

(b) The state agency shall adopt rules necessary to implement this section.

(c) Rules adopted under this section may not apply to an applicant who:

(1) holds a restricted license issued by another jurisdiction; or

(2) has an unacceptable criminal history according to the law applicable to the state agency.

SECTION 4. Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.315 to read as follows:

Sec. 1701.315. LICENSE REQUIREMENTS FOR PERSONS WITH MILITARY SPECIAL FORCES TRAINING. (a) In this section, "special forces" means a special forces component of the United States armed forces, including:

(1) the United States Army Special Forces;

(2) the United States Navy SEALs;

(3) the United States Air Force Pararescue;

(4) the United States Marine Corps Force

Reconnaissance; and

(5) any other component of the United States Special Operations Command approved by the commission.

(b) The commission shall adopt rules to allow an applicant to qualify to take an examination described by Section 1701.304 if the applicant:

(1) has served in the special forces;

(2) has successfully completed a special forces training course and provides to the commission documentation verifying completion of the course;

(3) completes a supplemental peace officer training course; and

(4) completes any other training required by the commission after the commission has reviewed the applicant's military training.

(c) Commission rules adopted under Subsection (b) shall include rules:

(1) to determine acceptable forms of documentation that satisfy the requirements of Subsection (b);

(2) under which the commission may waive any other license requirement for an applicant described by Subsection (b) based on other relevant military training the applicant has received, as determined by the commission, including intelligence or medical training; and

(3) to establish an expedited application process for an applicant described by Subsection (b).

(d) The commission shall review the content of the training course for each special forces component described by Subsection (a) and in adopting rules under Subsection (b) specify the training requirements an applicant who has completed that training course must complete and the training requirements from which an applicant who has completed that training course is exempt.

SECTION 5. (a) Sections 55.005, 55.006, and 55.007, Occupations Code, as added by this Act, apply only to an application for a license filed with a state agency as defined by Section 55.001, Occupations Code, on or after March 1, 2014. An application for a license filed before March 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Each state agency as defined by Section 55.001,

Occupations Code, shall adopt rules under Sections 55.005, 55.006, and 55.007, Occupations Code, as added by this Act, not later than January 1, 2014.

(c) Section 1701.315, Occupations Code, as added by this Act, applies only to an application for a license filed with the Commission on Law Enforcement Officer Standards and Education on or after March 1, 2014. An application for a license filed before March 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(d) The Commission on Law Enforcement Officer Standards and Education shall adopt rules under Section 1701.315, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 162 passed the Senate on April 2, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 162 passed the House on May 2, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor