

## TEXAS RACING COMMISSION

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# COMMITTEE ON RULES

Tuesday, July 29, 2014  
11:00 a.m.  
Texas Animal Health Commission  
2105 Kramer Lane  
Austin, Texas 78758

## Agenda

The Committee will accept comments in response to the publication of the following rule proposals in the June 27, 2014, edition of the *Texas Register*:

**A. Proposal for New Rule 309.13, Temporary License to Conduct Racing**

This proposal would establish conditions and standards for the granting of a temporary license under Texas Racing Act § 6.15, Racing at Temporary Location.

**B. Proposal to Amend Rule 319.364, Testing for Androgenic-Anabolic Steroids**

This proposal would remove the specific threshold levels for Androgenic-Anabolic Steroids from Rule 319.364 and allow the executive director to specify those levels. This change is consistent with the treatment of other permissible therapeutic medications under Rule 319.3, Medication Restricted.

The Committee will discuss closing the rule reviews of the following chapters pursuant to Texas Government Code, § 2001.039:

**C. Chapter 313, Officials and Rules of Horse Racing**

**D. Chapter 315, Officials and Rules for Greyhound Racing**

The Committee will discuss opening the rule reviews of the following chapters pursuant to Texas Government Code, § 2001.039:

**E. Chapter 307, Proceedings Before the Commission**

**F. Chapter 323, Disciplinary Action and Enforcement**

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.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: May 13, 2014

***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.

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Check appropriate box(s)

<input type="checkbox"/>	Personal Submission <i>OR</i>
<input checked="" type="checkbox"/>	Submission on behalf of <u>Saddle Brook Park, LLC</u> <small>(Name of Organization)</small>

<input type="checkbox"/>	If known, Proposed Change to Chapter:	Chapter: _____	Rule: _____
<input checked="" type="checkbox"/>	If known, Proposed Addition to Chapter:	Chapter: <u>309</u>	Rule: <u>309.13</u>
<input type="checkbox"/>	If known, Other Rules Affected by Proposal:	Chapter: _____	Rule: _____
		Chapter: _____	Rule: _____
		Chapter: _____	Rule: _____
		Chapter: _____	Rule: _____

## A. Brief Description of the Issue

### Renewal of a Temporary License Prior to its Expiration

According to § 6.15 of the Texas Racing Act, after an association has been granted a license to operate a racetrack and before the completion of construction at the designated place for which the license was issued, the commission may, on application by the association, issue a temporary license that permits the association to conduct races at a location in the same county. The originally granted temporary license allows an association to hold races at a location in the same county for a period of two years. The Act specifies that “after a temporary license has **expired**, no individual, corporation, or association, nor any individual belonging to a corporation or association which has been granted a temporary license, **may get an extension** of the temporary license or a new temporary license.” (emphasis added). A careful reading of the Act clearly shows the Texas legislature gave the Texas Racing Commission (“the Commission”) the authority to set the conditions and standards for issuance of a temporary license. Because the Act only specifies that a temporary license may not be renewed *after it has expired*, the language of the Act reserves the authority for the Commission to renew a license prior to its expiration.

An applicant for license must pay all application fees as set forth in § 6.15 of the Texas Racing Act. Saddle Brook has paid all annual licensing fees in a timely manner since the original Class II license was granted in October 2012. This includes a \$230,000 fee for 2013 (paid in advance) and the monthly fees for 2014, paid monthly, which will total \$230,000 - not an insignificant ongoing financial investment. Additionally, wagering on simulcast races conducted by Saddle Brook has generated approximately \$5 million in total handle since December 2012, generating over \$250,000 in combined purse money and breeder’s awards for our state’s horsemen. This incremental wagering handle and revenue for the industry is being generated from a region of the state whose residents have no other viable in-state access to watch and wager on pari-mutuel racing.

*There is no prohibition against renewing a temporary license prior to its expiration in the Act or the Rules.* As such, the Commission has the power to renew a temporary license prior to its expiration. In considering whether to renew a temporary license, the Commission should apply the factors it uses to determine whether a license holder has taken actions to demonstrate good faith efforts to conduct live racing. These factors include the following criteria:

- (1) presently conducting pre-opening simulcasting;**
- (2) simulcasting or live racing is imminent...**

*See 16 Tex. Admin. Code § 309.51.*

Saddle Brook is presently conducting simulcasting and has demonstrated its good faith efforts to conduct live racing. As it has consistently set forth to the Commission, Saddle Brook intends to conduct live racing as soon as it is economically feasible to finance and construct its track. Therefore, in consideration of these factors, the Commission should renew Saddle Brook’s temporary license prior to its expiration in October 2014.

## **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 State of Racing in Texas**

The current state of racing in Texas is no mystery to those in the industry and to state officials, including members of the Commission. As you know, the 81<sup>st</sup> Legislature passed House Concurrent Resolution 252 (HCR 252) calling for a study of the horse and greyhound racing industry in Texas. Although the measure was vetoed by Governor Perry, the Commission nonetheless conducted the study and filed a report to the Governor, Lieutenant Governor and Speaker of the House of Representatives on January 13, 2011. The report, entitled *The Study of the Current State of Horse and Greyhound Racing in Texas and Industry Recommendations for Improvement*, indicated the Texas racing industry has suffered decline in virtually every measurable category. The report noted that several tracks have shut down, some Class 1 and 2 tracks had ceased operations for live racing and the success of out-of-state race tracks fueled the loss of purse money to nearby states. The report also noted that New Mexico has five race tracks, Oklahoma has three race tracks and Louisiana has four race tracks, all of which also have slot machines. In addition, the states have some form of casino gambling. With the tremendous draw of racing away from the state of Texas, coupled with illegal gaming and internet wagering, Texas lost its position to its neighboring states as a leader in the pari-mutuel racing industry. For example, in 1998, total handle at Texas pari-mutuel tracks stood at over \$477 million. By 2013, per the *2013 Annual Report* of the Commission, the totals had declined to \$316 million, and are declining still today. Annual purse money for Texas owners, breeders and trainers has declined from approximately \$40 million in 1998, to less than \$27 million in 2013. As the industry suffers decline, breeding operations, training and veterinarians continue to leave the state for greener pastures in states with higher purses and greater breeding incentives.

Saddle Brook began simulcasting in December 2012. As a licensed, yet unbuilt track, Saddle Brook must contend with the need to secure reasonable financing for the construction of a \$10 to \$20 million dollar horse race facility in an era of declining revenues. An increase in the time period for pre-opening simulcast was proposed during the 83<sup>rd</sup> legislative session by Senator Kel Seliger, favorably passed by the Senate Finance Committee, approved by the full Senate and passed out of the House Licensing and Administration Committee. Senate Bill 1340 was a simple change to the Act to allow licensed, but unbuilt horse tracks, to offer pre-opening simulcasting for a period not to exceed six years (4 year extension) before they began live racing. SB 1340 had the support of the Texas-based American Quarter Horse Association, Texas Quarter Horse Association, Texas HORSE, Texas Thoroughbred Association, and Texas Horsemen's Partnership. SB 1340's inevitable final passage into law became a victim of the time constraints experienced at the end of the legislative session.

The Texas Racing Commission has the authority to designate a race track license as an active license or an inactive license under Section 6.0601 of the Texas Racing Act:

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## Sec. 6.0601. Designation Of Active And Inactive Racetrack Licenses

(a) The commission shall designate each racetrack license as an active license or an inactive license. The commission may change the designation of a racetrack license as appropriate.

(b) The commission shall designate a racetrack license as an active license if the license holder:

- (1) holds live racing events at the racetrack; or
- (2) makes good faith efforts to conduct live racing.

...

(e) An active license is effective until the license is designated as an inactive license or is surrendered, suspended, or revoked under this Act.

As an active–other license holder, Saddle Brook effectively holds that status of license until it is surrendered, suspended, revoked, or changed to inactive by the Commission, and is required to comply with the Act and the Rules. Approval of the proposed renewal process will not run afoul of statutory license designation. Continuing a licensee’s status is also addressed in the current rules.

### RULE §309.1 Racetrack Licenses

...

*(b) Duration of License. The Commission may suspend, revoke or change the designation of a license in accordance with the Act and these rules. By agreement with the Commission, an association may voluntarily surrender a racetrack license for suspension or revocation.*

*(c) Conditions.*

*(1) Except as otherwise provided by this section, a license issued by the Commission is a privilege, not a right, and is conditioned on the licensee's compliance with the Act and the Rules.*

*(2) If the Act or a rule is amended, the continued holding of a license is conditioned on the licensee's compliance with the Act or rule as amended. ...*

Being an active-other license holder comes with a number of specific requirements that must be met by Saddle Brook and the Commission continues to have its oversight.

### RULE §309.51 reads in part:

*(2) "Active-Other" means the license holder has applied for and received pending live race dates under §303.41 of this title (relating to Allocation of Race Dates), and taken the following actions to demonstrate good faith efforts to conduct live racing:*

*(A) is presently conducting pre-opening simulcasting;*

*(B) has demonstrated that the conduct of simulcast or live racing is imminent. Factors the Commission may consider include, but are not limited to, the license holder's:*

*(i) securing sufficient financial commitments to fund construction of the racetrack facility;*

*(ii) securing the real property of the designated racetrack location for which the racetrack license was granted, either by purchase or through a long-term lease of 20 years or more;*

*(iii) entering into contracts for the construction of the simulcasting and racetrack facilities;*

*(iv) securing Commission approval of the racing facility's construction plans;*

*(v) securing permits and utilities necessary for the construction of the racing facilities;*

*(vi) beginning and sustaining construction of the simulcasting or live racing facilities; and  
(vii) providing to the Commission a construction and operations management schedule demonstrating that simulcasting is imminent and that the facilities will be ready to conduct live racing by the beginning of the approved live race dates; or  
(C) voluntarily providing a bond under subsection (e) of this section to ensure that the license holder conducts pre-opening simulcasting and completes the pending allocated live race dates*

Saddle Brook has been consistent in its position that to be viable in today's horse racing industry, a license holder must be able to prove to potential lenders a reliable and steady revenue stream, from pre-opening simulcasting, in order to secure financing for the construction of a \$10-20 million live racing facility. Saddle Brook has shown a record of success to the Commission and the industry. If racing is to survive, a license renewal must be put in place to allow sufficient time for an Active-Other license holder to show stable revenues and the ability to repay the financial outlays of banks or other investors.

### **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.*

It is important to the horse racing and breeding industry to continue license holder presence in the Panhandle of Texas. Saddle Brook has been an outstanding Active-Other license holder, experienced, financially viable and willing to work with the Commission to find solutions to issues that are in the best interest of the industry. Allowing a renewal of the license will allow Saddle Brook to continue increasing simulcast revenues while continuing support for purses and breeders awards. Such a renewal will **not** be an expansion of wagering from the current status of legal pari-mutuel wagering in this state. This ability to renew would also positively affect the following entities: (1) Any Active-Other license holder(s) which meet the Commission's criteria for renewal, and be a positive step to ensuring the viability of racing in the state; (2) the Commission, through continued support by licensing fees; and (3) the Texas horse racing and breeding industries through the continued contributions to breeder awards and purses. A reduction of Active-Other license holders will have the opposite effect and continue the declining status of racing in the state.

TRC NOTE: REMAINDER OF FORM, INCLUDING LETTERS OF SUPPORT AND ORIGINAL DRAFT OF RULE PROPOSAL, HAVE BEEN DELETED FOR BREVITY. PLEASE SEE PACKET FROM PREVIOUS RULES COMMITTEE MEETING FOR COMPLETE FORM.

CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER A. RACETRACK LICENSES

DIVISION 1. GENERAL PROVISIONS

1 309.13. Temporary License to Conduct Racing.

2 (a) Issuance of Temporary License. Upon written application by  
3 an association, the Commission may issue the association a  
4 temporary license to conduct racing at a location other than the  
5 designated location if:

6 (1) the association currently holds a valid racing license  
7 from the Commission;

8 (2) the association has not completed construction of its  
9 facilities at its designated location;

10 (3) the temporary location is located within the same  
11 county as the designated location;

12 (4) the conduct of racing at the temporary location  
13 complies with all zoning laws;

14 (5) the association owes no outstanding debts to the  
15 Commission for fees or bonds;

16 (6) the Commission has granted future live race dates to  
17 the association; and

18 (7) the Commission finds that issuing the temporary  
19 license is in the public interest.

20 (b) Form of Written Application. An association's written  
21 application for a temporary license shall include:

22 (1) a description of the association's existing facilities  
23 at its designated location;

24 (2) a description and site map of the proposed temporary  
25 location;

26 (3) plans or schematic drawings of the proposed temporary  
27 facilities, including parking and any proposed improvements;

28 (4) a management and business plan describing the  
29 association's strategy for funding and completing construction  
30 of its permanent facility within two years;

**CHAPTER 309. RACETRACK LICENSES AND OPERATIONS**

**SUBCHAPTER A. RACETRACK LICENSES**

**DIVISION 1. GENERAL PROVISIONS**

1       (5) financial statements reflecting the assets and  
2 liabilities of the association;

3       (6) a map and inventory reflecting the current residential,  
4 commercial, industrial, religious and government uses for all  
5 property within one-half mile of the proposed temporary  
6 location;

7       (7) resumes and required background disclosure forms for  
8 all key management personnel; and

9       (8) any other information required by the Commission.

10      (c) Expiration of Temporary License. Except as provided in  
11 subsection (d) of this section, a temporary license expires two  
12 years after the date of issuance of the temporary license to the  
13 association or on the completion of the permanent facility,  
14 whichever occurs first.

15      (d) Extension of Temporary License. Before the expiration of a  
16 temporary license, the Commission may grant an association a  
17 two-year extension of the temporary license. To request an  
18 extension, the association must submit a request in writing that  
19 includes a detailed management and business plan describing the  
20 association's strategy for funding and completing construction  
21 of its permanent facility within the period of the extension.

22 Any such request filed prior to January 1, 2015, must be  
23 submitted no later than thirty (30) days before the expiration  
24 of the temporary license. Any such request filed on or after  
25 January 1, 2015, must be filed no later than one hundred eighty  
26 (180) days prior to the expiration of the temporary license.  
27 The timely filing of a request shall extend the temporary  
28 license until the Commission acts to either extend or refuse to  
29 extend the temporary license. If the Commission approves an  
30 extension of the temporary license, the association shall make a

**CHAPTER 309. RACETRACK LICENSES AND OPERATIONS**

**SUBCHAPTER A. RACETRACK LICENSES**

**DIVISION 1. GENERAL PROVISIONS**

1 progress report to the Commission after one year of the  
2 extension.

3 (e) Bond. The Commission may condition the issuance of a  
4 temporary license under subsection (a) of this section or the  
5 extension of a temporary license under subsection (b) of this  
6 section upon the association's submission of a bond under  
7 §309.51(e) of this chapter (relating to Designation of Active  
8 and Inactive Racetrack Licenses).

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: May 12, 2014

***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.

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Check appropriate box(s)

Personal Submission *OR*

Submission on behalf of TXRC Staff  
(Name of Organization)

If known, Proposed Change to Chapter: Chapter: 319 Rule: 364

If known, Proposed Addition to Chapter: Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

If known, Other Rules Affected by Proposal: Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

### **A. Brief Description of the Issue**

Commission Rule 319.364, Testing for Androgenic-Anabolic Steroids, establishes specific urine threshold concentrations for the steroids Winstrol, Boldenone, Nandrolone, and Testosterone. This rule was originally adopted in 2009, and at the time, the Association of Racing Commissioners International (ARCI) had adopted model rules specifying thresholds in urine only. However, at its meeting on December 9, 2013, ARCI adopted revisions to the model rules that eliminated Winstrol as a permissible steroid and establishing thresholds in urine, plasma, and serum for the remaining steroids.

### **B. Discussion of the Issue and Problem**

The Commission recently adopted changes to Rule 319.3, Medication Restricted, that allows the executive director to determine the threshold levels for most permissible therapeutic medications. This change allows the Commission to regulate these medications more effectively by providing the flexibility to adopt ARCI's changes more quickly. The approach taken in Rule 319.364, which establishes specific thresholds by rule, is inconsistent with the approach taken in Rule 319.3.

In addition, the Texas Veterinary Medical Diagnostic Laboratory (TVMDL) has recently expressed interest in conducting tests for steroids using plasma and/or serum, rather than using urine only. TVMDL expressed this interest because testing in plasma or serum is faster and more cost-effective than testing in urine alone.

### **C. Possible Solutions and Impact**

The proposed change would remove the specific thresholds for steroids from Rule 319.364 and allow the executive director to establish thresholds under the authority provided by Rule 319.3. This will provide more flexibility to follow the guidance provided by ARCI through its model rules and its Uniform Classification of Foreign Substances.

As a result of these changes, the list of permissible medications maintained under Rule 319.3 would be modified to add the following language, which is adapted from ARCI Model Rule ARCI-011-020 Medications and Prohibited Substances, Subpart I, Androgenic-Anabolic Steroids.

No Androgenic-Anabolic Steroids (AAS) shall be permitted in test samples collected from racing horses except for endogenous concentrations of the naturally occurring substances boldenone, nandrolone, and testosterone at concentrations less than the indicated thresholds.

Concentrations of these AAS shall not exceed the following free (*i.e.*, not conjugated) steroid concentrations in plasma or serum:

(a) Boldenone – A confirmatory threshold not greater than 25 picograms/milliliter for all horses, regardless of sex;

(b) Nandrolone – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and geldings; males horses other than geldings shall be tested for Nandrolone in urine;

(c) Testosterone – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and gelding.

(3) Total concentrations of these AAS shall not exceed the following total concentrations in urine after hydrolysis of conjugates:

(a) Boldenone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 15 nanograms/milliliter in male horses other than geldings;

(b) Nandrolone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 45 nanograms/milliliter (as 5 $\alpha$ -estrane-3 $\beta$ ,17 $\alpha$ -diol) of urine in male horses other than geldings;

(c) Testosterone – A confirmatory threshold of not greater than 55 nanograms/milliliter of urine in fillies and mares (unless in foal); a confirmatory threshold of not less than 20 nanograms/milliliter in geldings

#### **D. Support or Opposition**

Staff is not aware of any opposition to this proposal. The proposal was proposed by the Commission at its June 10, 2014, meeting and published in the June 27, 2014, edition of the *Texas Register*.

#### **E. Proposal**

See next page.

1 **Sec. 319.364. Testing for Androgenic-Anabolic Steroids (AAS).**

2 (a) No androgenic-anabolic steroids shall be permitted in test  
3 samples collected from racing horses except as permitted on the  
4 written list of therapeutic drugs maintained under §319.3 of  
5 this chapter (relating to Medication Restricted). [~~for residues~~  
6 ~~of the major metabolite of stanozolol, nandrolone, and the~~  
7 ~~naturally occurring substances boldenone and testosterone at~~  
8 ~~concentrations less than the indicated thresholds.]~~

9 [~~(b) Concentrations of these androgenic-anabolic steroids shall~~  
10 ~~not exceed the following urine threshold concentrations for~~  
11 ~~total (i.e., free drug or metabolite and drug or metabolite~~  
12 ~~liberated from its conjugates):]~~

13 [~~(1) 16 $\beta$ -hydroxystanozolol (metabolite of stanozolol~~  
14 ~~(Winstrol))--1 ng/ml in urine for all horses regardless of sex;]~~

15 [~~(2) Boldenone (Equipoise<sup>®</sup> is the undecylenate ester of~~  
16 ~~boldenone) in male horses other than geldings--15 ng/ml in~~  
17 ~~urine. No boldenone shall be permitted in geldings or female~~  
18 ~~horses.]~~

19 [~~(3) Nandrolone (Durabolin<sup>®</sup> is the phenylpropionate ester~~  
20 ~~and Deca-Durabolin<sup>®</sup> is the decanoate ester)]~~

21 [~~(A) In geldings--1 ng/ml in urine]~~

22 [~~(B) In fillies and mares--1 ng/ml in urine]~~

23 [~~(4) Testosterone]~~

24 [~~(A) In geldings--20 ng/ml in urine]~~

25 [~~(B) In fillies and mares--55 ng/ml in urine]~~

26 (b) [(e)] Any other anabolic steroids are prohibited in racing  
27 horses.

28 (c) [(d)] The sex of the horse must be identified to the  
29 laboratory on all pre-race and post-race samples designated for  
30 AAS testing. [~~Post-race urine samples must have the sex of the~~  
31 ~~horse identified to the laboratory.]~~

1 (d) [(e)] If an anabolic steroid has been administered to a horse  
2 in order to assist in its recovery from illness or injury, that  
3 horse may be placed on the Veterinarian's List in order to  
4 monitor the concentration of the drug or metabolite in urine or  
5 blood. [Any horse to which an anabolic steroid has been  
6 administered in order to assist in the recovery from illness or  
7 injury may be placed on the veterinarian's list in order to  
8 monitor the concentration of the drug or metabolite in urine.]  
9 After the concentration has fallen below the designated  
10 threshold for the administered androgenic-anabolic steroids,  
11 the horse is eligible to be removed from the list.

## **CURRENT RULE REVIEWS CHAPTERS 313 AND 315**

Texas Government Code § 2001.039 requires state agencies to review all current rules to determine whether the reasons for initially adopting the rules continue to exist. The review must be conducted not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The state agency must readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule.

On October 8, 2013, the Commission opened the reviews of Chapter 313, Officials and Rules of Horse Racing, and Chapter 315, Officials and Rules for Greyhound Racing. Notice of the reviews was published in the October 25, 2013, edition of the *Texas Register* (38 *TexReg* 7479). The Commission received no comments on the rule review in response to the notice other than the comments received in response to individual rule proposals.

The Table of Contents for Chapters 313 and 315 are attached below. A notation has been placed beside each rule that has been repealed, added, or amended during the review process.

Staff recommends that the Commission readopt the remaining rules of Chapters 313 and 315.

## CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

### TABLE OF CONTENTS

#### **Subchapter A. Officials**

##### **Division 1. General Provisions**

- Sec. 313.1. Racetrack Officials
- Sec. 313.2. Duties
- Sec. 313.4. Approval of Officials

##### **Division 2. Duties of Stewards**

- Sec. 313.21. Eligibility for Appointment
- Sec. 313.22. General Duties
- Sec. 313.23. Supervision of Entries
- Sec. 313.24. Records and Reports
- Sec. 313.25. Steward's List
- Sec. 313.26. Posting of Track Condition

##### **Division 3. Duties of Other Officials**

- Sec. 313.41. Racing Secretary
- Sec. 313.42. Morning Clocker
- Sec. 313.43. Official Timer
- Sec. 313.44. Paddock Judge
- Sec. 313.45. Clerk of Scales
- Sec. 313.46. Placing Judges
- Sec. 313.47. Patrol Judges
- Sec. 313.48. Commission Veterinarians
- Sec. 313.49. Starter
- Sec. 313.50. Horse Identifier
- Sec. 313.52. Jockey Room Custodian
- Sec. 313.53. Mutuel Manager
- Sec. 313.54. Track Superintendent
- Sec. 313.55. Assistant Racing Secretary
- Sec. 313.56. Stable Superintendent
- Sec. 313.57. Announcer
- Sec. 313.58. Outriders
- Sec. 313.59. Assistant Starters
- Sec. 313.60. Test Barn Technicians
- Sec. 313.61. Horsemen's Bookkeeper

#### **Subchapter B. Entries, Scratches, and Allowances**

##### **Division 1. Entries**

- Sec. 313.101. Entry Procedure
- Sec. 313.102. Intent and Authority
- Sec. 313.103. Eligibility Requirements (*Amended March 16, 2014*)

- Sec. 313.104. Registration Certificates
- Sec. 313.105. Changes in Ownership
- Sec. 313.106. Closing Entries
- Sec. 313.107. Draw for Post Position
- Sec. 313.108. Preferred List
- Sec. 313.109. Change in Conditions
- Sec. 313.110. Coupled Entries (*Amended July 7, 2014*)
- Sec. 313.111. Age Restrictions
- Sec. 313.112. Objection to Entry

## **Division 2. Scratches**

- Sec. 313.131. Scratch Procedure
- Sec. 313.132. Scratch Time
- Sec. 313.133. Scratch Irrevocable
- Sec. 313.134. Obligation to Start
- Sec. 313.135. Scratch by Stewards
- Sec. 313.136. Scratches in Stakes Races

## **Division 3. Allowances and Penalties**

- Sec. 313.161. Responsibility for Correct Weight
- Sec. 313.162. Claim for Allowance
- Sec. 313.163. Improper Claim for Allowance
- Sec. 313.164. Records Conclusive
- Sec. 313.165. Sex Allowance
- Sec. 313.166. Apprentice Allowance
- Sec. 313.167. Prohibited Allowances
- Sec. 313.168. Scale of Weights for Age

## **Subchapter C. Claiming Races**

- Sec. 313.301. Eligibility to Claim
- Sec. 313.302. Claim Procedure
- Sec. 313.303. Effective Time of Claim
- Sec. 313.304. Claim Irrevocable
- Sec. 313.305. Amounts on Deposit
- Sec. 313.306. Transfer of Claimed Horse
- Sec. 313.307. Responsibility for Testing
- Sec. 313.308. Restrictions on Subsequent Use
- Sec. 313.310. Restrictions on Claims
- Sec. 313.312. Protests
- Sec. 313.313. Removal to Avoid Claim
- Sec. 313.314. Disclosure of Mare in Foal

## **Subchapter D. Running of the Race**

### **Division 1. Jockeys**

- Sec. 313.401. Jockeys to Report
- Sec. 313.402. Weighing Out

- Sec. 313.403. Maximum Overweight
- Sec. 313.404. Items Included in Weight
- Sec. 313.405. Whips and Other Equipment
- Sec. 313.406. Colors and Number
- Sec. 313.407. Duty to Fulfill Jockey Engagements
- Sec. 313.409. Jockey Mount Fees
- Sec. 313.411. Suspended Jockeys

## **Division 2. Pre-Race Procedure**

- Sec. 313.421. Horses to Pre-Race Holding Area
- Sec. 313.422. Saddling and Equipment
- Sec. 313.423. Parade
- Sec. 313.424. Leaving the Race Course
- Sec. 313.425. At the Starting Gate
- Sec. 313.426. Toe Grabs Prohibited

## **Division 3. The Race**

- Sec. 313.441. The Start
- Sec. 313.442. Interference
- Sec. 313.443. Action by Jockeys
- Sec. 313.444. Dismounting
- Sec. 313.445. Weigh In
- Sec. 313.446. Claim of Interference
- Sec. 313.447. Ramifications of Disqualification
- Sec. 313.448. Dead Heat
- Sec. 313.449. Official Order of Finish
- Sec. 313.450. Time Trial Qualifiers

## **Subchapter E. Training Facilities**

- Sec. 313.501. Training Facility License
- Sec. 313.502. Application for License
- Sec. 313.503. Physical Plant
- Sec. 313.504. Operational Requirements
- Sec. 313.505. Workout Requirements
- Sec. 313.506. Discretion of Officials
- Sec. 313.507. Employees of Training Facilities

# CHAPTER 315. OFFICIALS AND RULES FOR GREYHOUND RACING

## TABLE OF CONTENTS

### Subchapter A. Officials

#### Division 1. Appointment of Officials

- Sec. 315.1. Required Officials
- Sec. 315.2. Racing Judges
- Sec. 315.3. Substitute Officials
- Sec. 315.4. Dual Appointments
- Sec. 315.5. General Duties

#### Division 2. Duties

- Sec. 315.31. Racing Judges
- Sec. 315.32. Commission Veterinarian
- Sec. 315.33. Paddock Judge
- Sec. 315.34. Starter
- Sec. 315.35. Clerk of Scales
- Sec. 315.36. Mutuel Manager
- Sec. 315.37. Racing Secretary
- Sec. 315.38. Assistant Racing Secretary
- Sec. 315.39. Chart Writer
- Sec. 315.40. Kennel Master
- Sec. 315.41. Photofinish Operator and Timer
- Sec. 315.42. Association Veterinarian
- Sec. 315.43. Track Superintendent
- Sec. 315.44. Brakeman

### Subchapter B. Entries and Pre-Race Procedures

- Sec. 315.101. Registration
- Sec. 315.102. Entry Procedure
- Sec. 315.103. Eligibility to Enter or Start
- Sec. 315.104. Sales and Transfers
- Sec. 315.105. Stakes Race
- Sec. 315.106. Liability for Fees in Stakes Races
- Sec. 315.107. Payments of Nominating, Sustaining and Starting Fees
- Sec. 315.108. Qualifying Time
- Sec. 315.109. Objection to Entry
- Sec. 315.110. Scratches
- Sec. 315.111. Schooling

### Subchapter C. Race Procedures

- Sec. 315.201. Racing Weight
- Sec. 315.202. Changes in Established Weight
- Sec. 315.203. Placement in Lockout
- Sec. 315.204. Paddock to Post

Sec. 315.205. Equipment  
Sec. 315.206. Operation of Lure  
Sec. 315.207. Leaving the Course  
Sec. 315.208. Interference  
Sec. 315.209. No Race  
Sec. 315.210. Prize Distribution in Dead Heats  
Sec. 315.211. Objections

**Subchapter D. Greyhound Breeding Farms**

Sec. 315.250. Standards for Greyhound Breeding Farms

## **PROPOSED RULE REVIEWS CHAPTERS 307 AND 323**

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

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

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

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

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

# CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION

## TABLE OF CONTENTS

### **Subchapter A. General Provisions**

- Sec. 307.1. Applicability
- Sec. 307.2. Definitions
- Sec. 307.3. Types of Proceedings
- Sec. 307.4. Decision-making Proceedings
- Sec. 307.5. Special Provisions regarding Racetrack License Applications
- Sec. 307.6. Probation
- Sec. 307.7. Ejection and Exclusion

### **Subchapter B. Contested Cases**

- Sec. 307.31. Prehearing Procedures
- Sec. 307.32. Nonparty Participation
- Sec. 307.33. Hearing
- Sec. 307.34. Exceptions and Replies
- Sec. 307.35. Oral Argument
- Sec. 307.36. Consideration by Commission
- Sec. 307.37. Final Order
- Sec. 307.38. Rehearing
- Sec. 307.39. Judicial Review

### **Subchapter C. Proceedings By Stewards And Racing Judges**

- Sec. 307.61. General Authority
- Sec. 307.62. Disciplinary Hearings
- Sec. 307.63. Ruling
- Sec. 307.64. Penalties
- Sec. 307.65. Reciprocity
- Sec. 307.66. Applicability of Rules and Rulings
- Sec. 307.67. Appeal to the Commission
- Sec. 307.68. Stay
- Sec. 307.69. Action by Commission

### **Subchapter D. Rulemaking**

- Sec. 307.101. Purpose
- Sec. 307.102. Rulemaking Procedure
- Sec. 307.103. Petition for Adoption of Rules
- Sec. 307.104. Saving Provisions
- Sec. 307.105. Severability

## **CHAPTER 323. DISCIPLINARY ACTION AND ENFORCEMENT**

### **TABLE OF CONTENTS**

#### **Subchapter A. General Provisions**

- Sec. 323.1. Investigation and Disciplinary Action
- Sec. 323.2. Complaints
- Sec. 323.3. Notice to Violator
- Sec. 323.4. Action on Complaints
- Sec. 323.5. Complaints against Officials

#### **Subchapter B. Civil Remedies**

- Sec. 323.101. Administrative Penalties

#### **Subchapter C. Criminal Enforcement**

- Sec. 323.201. Reporting of Criminal Activity and Convictions
- Sec. 323.202. Notice to District Attorneys
- Sec. 323.203. Department of Public Safety Reports