

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, August 11, 2015
10:30 a.m.
Texas Animal Health Commission
2105 Kramer Lane
Austin, Texas 78758

Agenda

The Committee will discuss the following requests for rule amendments:

- A. Proposal for New Wagering Rule
The proposal would create a new wager based on the correct selection of the first three race animals, in order, in three successive races.
- B. Proposal to Modify Time of Licensure Requirements for Trainers.
The proposal would allow unlicensed trainers to make entries as long as they were licensed one hour prior to start time of the first race of the day the trainer intends to race the horse or greyhound.
- C. Proposal to Modify Coupled Entries
The proposal would allow horses with common ownership interests to run as separate betting interests in a stakes race, regardless of the purse amount.

The Committee will discuss the following proposed rule amendments and new rules as published in the June 26, 2015, edition of the *Texas Register*:

- D. Proposal to Amend Rule 309.8, Racetrack License Fees
- E. Proposal for New Rule 309.365, Breakage
- F. Proposal to Amend Rule 315.111, Schooling
- G. Proposal to Amend Rule 319.1, Purpose and Definitions
- H. Proposals Related to Safety Equipment
 - 1) Proposal to Amend Rule 311.216, Conduct in Stable Area
 - 2) Proposal for New 311.218, Safety Equipment
 - 3) Proposal to Amend Rule 313.405, Whips and Other Equipment
 - 4) Proposal to Amend Rule 313.406, Colors and Number
- I. Proposal to Amend Rule 313.406, Colors and Number
- J. Proposal to Amend Rule 311.101, Horse Owners
- K. Proposal to Amend Rule 311.102, Greyhound Owners

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: 5/21/2015

***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:	Frank Hopf	Phone(s):	281-807-8803
E-mail address:	fhopf@shrp.com	Fax number:	281-807-8720
Mailing address:	7575 N. Sam Houston Pkwy W. Houston, TX 77064		

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Sam Houston Race Park
(Name of Organization)

Proposed Change to (if known): Chapter: _____ Rule: _____

Proposed Addition to (if known): Chapter: 321 Rule: _____

Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: _____

A. Brief Description of the Issue

- SHRP is looking to add/create a new wager that will create incremental handle on our live races and potentially create a large carryover pool over time. The proposed new rule represents a subset of the Pick (n) Position (x) wager included in the ARCI model rules.

B. Discussion of the Issue and Problem

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

- SHRP would be the first track in North America to offer this type of wager, so working with Sportech to develop the wager is paramount.
- SHRP assisted with writing rule 321.320 Super Hi-Five and since adding the wager to our live racing we have seen incremental handle to our product.

C. Possible Solutions and Impact

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

- Adding the Triple Trifecta (n) wager would allow other Texas tracks to offer the wager and lead to the possibility of large carryover opportunities throughout the year in Texas.
- Incremental handle to our live racing will provide increases to purses and commissions along with new marketing opportunities around a large carryover.
- SHRP has shown a 31% increase in handle on Super Hi-Five since its implementation in 2012.

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.)

- *None at this time.*

E. Proposal

Sec. 321.322 Triple Trifecta wager

- a) The Triple Trifecta wager is not a parlay and has no connection with or relation to the win, place, and show pools shown on the tote board. All tickets on the Triple Trifecta wager shall be calculated as a separate pool.
- b) The association may select a distinctive name for the Triple Trifecta wager, with the prior written approval of the executive secretary.
- c) A Triple Trifecta wager is a contract between the holder of the ticket and the association and the ticket constitutes acceptance of this section. The association, Totalistor Company and the State of Texas are not liable to a person for a Triple Trifecta wager ticket that is

not a winning ticket under this section or for a Triple Trifecta wager ticket that is not delivered.

- d) The Triple Trifecta wager requires the selection of the first three finishers, in exact order, in each of three consecutive designated contests. Payment of the ticket may be made only to the purchaser who has selected the qualifying finishers in three designated races.
- e) A coupled entry or mutuel field in a race that is part of the Triple Trifecta races shall race as a single betting interest for the purpose of mutuel pool calculations and payoffs to the public.
- f) The association must obtain written approval from the executive secretary concerning the scheduling of the Triple Trifecta contests and the designation of qualifying races. Any change to the Triple Trifecta requires prior written approval from the executive secretary and the association.
- g) If no Triple Trifecta ticket is sold for the winning combination, then 100% of the net pool shall be carried over and made available on the next consecutive Triple Trifecta pool and shall be combined with and added to the net pool for such qualifying pool, and made available for payout.
- h) Except for refunds required by this section, a Triple Trifecta wager ticket may not be sold, exchanged, or canceled after the close of wagering on the first of the Triple Trifecta wager races.
- i) Dead heats. For the purposes of determining whether a Triple Trifecta wager correctly selected the finishers in exact position, animals in a dead heat are deemed to jointly occupy both or all positions in the dead heat. For calculation purposes, the Triple Trifecta will be calculated as a place pool.
- j) The minimum number of wagering interests required to offer Triple Trifecta wagering shall be six wagering interests in each of the Triple Trifecta races. If one of the legs of the Triple Trifecta scratches to less than six wagering interests then all wagers, less any carryover, shall be refunded.
- k) If after wagering has begun an animal entered in a Triple Trifecta race is scratched or otherwise prevented from racing, all money wagered on the affected animal shall be deducted from the Triple Trifecta pool and refunded to the holders of tickets on the affected animal.
- l) Canceled contests. If any of the Triple Trifecta contests are canceled or declared no contest, that Triple Trifecta pool, less any carryover, shall be refunded.
- m) If on the final day of a race meeting or on a designated mandatory payout date the Triple Trifecta pool has not been distributed under this section, then the net pool for that

performance plus any carryover from previous performances shall be paid out in the following manner:

- a) To those who correctly selected two of three trifectas in the Triple Trifecta races.
If there are no such wagers, then
 - b) To those who correctly selected one of three trifectas in the Triple Trifecta races.
If there are no such wagers, then
 - c) As a single price pool to holders of Triple Trifecta wagers.
- n) If the final or designated mandatory payoff performance is canceled or the pool has not been distributed under subsection (m) of this section the pool shall be deposited in an interest-bearing account approved by the executive secretary. The pool plus all accrued interest shall then be carried over and added to the Triple Trifecta pari-mutuel pool in the following race meeting on a date and performance designated by the association with the approval of the executive secretary.

1 **Sec. 321.322 Triple Trifecta wager**

2 (a) The Triple Trifecta wager is not a parlay and has no
3 connection with or relation to the win, place, and show pools
4 shown on the tote board. All tickets on the Triple Trifecta
5 wager shall be calculated as a separate pool.

6 (b) The association may select a distinctive name for the Triple
7 Trifecta wager, with the prior written approval of the executive
8 secretary.

9 (c) A Triple Trifecta wager is a contract between the holder of
10 the ticket and the association and the ticket constitutes
11 acceptance of this section. The association, totalisator company
12 and the State of Texas are not liable to a person for a Triple
13 Trifecta wager ticket that is not a winning ticket under this
14 section or for a Triple Trifecta wager ticket that is not
15 delivered.

16 (d) The Triple Trifecta wager requires the selection of the
17 first three finishers, in exact order, in each of three
18 consecutive designated contests. Payment of the ticket may be
19 made only to the purchaser who has selected the qualifying
20 finishers in three designated races.

21 e) A coupled entry or mutuel field in a race that is part of the
22 Triple Trifecta races shall race as a single betting interest
23 for the purpose of mutuel pool calculations and payoffs to the
24 public.

25 (f) The association must obtain written approval from the
26 executive secretary concerning the scheduling of the Triple
27 Trifecta contests and the designation of qualifying races. Any
28 change to the Triple Trifecta requires prior written approval
29 from the executive secretary and the association.

1 (g) If no Triple Trifecta ticket is sold for the winning
2 combination, then 100% of the net pool shall be carried over and
3 made available on the next consecutive Triple Trifecta pool and
4 shall be combined with and added to the net pool for such
5 qualifying pool, and made available for payout.

6 (h) Except for refunds required by this section, a Triple
7 Trifecta wager ticket may not be sold, exchanged, or canceled
8 after the close of wagering on the first of the Triple Trifecta
9 wager races.

10 (i) Dead heats. For the purposes of determining whether a Triple
11 Trifecta wager correctly selected the finishers in exact
12 position, animals in a dead heat are deemed to jointly occupy
13 both or all positions in the dead heat. For calculation
14 purposes, the Triple Trifecta will be calculated as a place
15 pool.

16 (j) The minimum number of wagering interests required to offer
17 Triple Trifecta wagering shall be six wagering interests in each
18 of the Triple Trifecta races. If one of the legs of the Triple
19 Trifecta scratches to less than six wagering interests then all
20 wagers, less any carryover, shall be refunded.

21 (k) If after wagering has begun an animal entered in a Triple
22 Trifecta race is scratched or otherwise prevented from racing,
23 all money wagered on the affected animal shall be deducted from
24 the Triple Trifecta pool and refunded to the holders of tickets
25 on the affected animal.

26 (l) Canceled contests. If any of the Triple Trifecta contests
27 are canceled or declared no contest, that Triple Trifecta pool,
28 less any carryover, shall be refunded.

1 (m) If on the final day of a race meeting or on a designated
2 mandatory payout date the Triple Trifecta pool has not been
3 distributed under this section, then the net pool for that
4 performance plus any carryover from previous performances shall
5 be paid out in the following manner:

6 (1) To those who correctly selected two of three trifectas
7 in the Triple Trifecta races.

8 If there are no such wagers, then

9 (2) To those who correctly selected one of three trifectas
10 in the Triple Trifecta races.

11 If there are no such wagers, then

12 (3) As a single price pool to holders of Triple Trifecta
13 wagers.

14 (n) If the final or designated mandatory payoff performance is
15 canceled or the pool has not been distributed under subsection
16 (m) of this section the pool shall be deposited in an interest-
17 bearing account approved by the executive secretary. The pool
18 plus all accrued interest shall then be carried over and added
19 to the Triple Trifecta pari-mutuel pool in the following race
20 meeting on a date and performance designated by the association
21 with the approval of the executive secretary.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 6/29/2015

***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:	Frank Hopf	Phone(s):	281-807-8803
E-mail address:	fhopf@shrp.com	Fax number:	281-807-8720
Mailing address:	7575 N. Sam Houston Pkwy W. Houston, TX 77064		

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Sam Houston Race Park
(Name of Organization)

Proposed Change to (if known): Chapter: 311 Rule: 104

Proposed Addition to (if known): Chapter: _____ Rule: _____

Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: _____

A. Brief Description of the Issue

Modify language to streamline current rule by allowing Non- Commission license trainers to enter horses/ dog into a major stake races along with any overnight races.

B. Discussion of the Issue and Problem

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

- Non- Commission license trainers are able to enter horses into a stake race but are unable to enter additional horses to any overnight races.

C. Possible Solutions and Impact

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

- This will allow a Non- Commission license trainer to enter a horse in the Houston Ladies Classic or Connally Turf Cup and also provides the opportunity of the same trainer to bring additional horses to run in an overnight race(s).

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.)

- No known opposition to the proposed rule.

E. Proposal

311.104 Trainers

(1) ~~Except as otherwise provided by this subsection, a trainer must obtain a trainer's license before the trainer may enter a horse or greyhound in a race.~~ A trainer may enter a horse or greyhound ~~in a race~~ ~~stakes race~~ without first obtaining a license, but must obtain a trainer's license **one hour prior to the post time of the first race of the day in which the trainer intends to race the horse or greyhound.** ~~before the horse or greyhound may start in the stakes race.~~ Except as otherwise provided by this section, to be licensed by the Commission as a trainer, a person must:

- (A) be at least 18 years old;
- (B) submit a minimum of two written statements from licensed trainers, veterinarians, owners, or kennel owners, attesting to the applicant's character and qualifications;
- (C) interview with the board of stewards or judges;
- (D) satisfactorily complete a written examination prescribed by the Commission; and
- (E) satisfactorily complete a practical examination prescribed by the Commission and administered by the stewards or racing judges or designee of the stewards or racing judges.

1 **Sec. 311.104. Trainers**

2 (a) Licensing.

3 (1) [~~Except as otherwise provided by this subsection, a~~
4 ~~trainer must obtain a trainer's license before the trainer may~~
5 ~~enter a horse or greyhound in a race.~~] A trainer may enter a
6 horse or greyhound in a [stages] race without first obtaining a
7 license, but must obtain a license one hour prior to the post
8 time of the first race of the day in which the trainer intends
9 to race the horse or greyhound. [~~before the horse or greyhound~~
10 ~~may start in the stakes race.~~] Except as otherwise provided by
11 this section, to be licensed by the Commission as a trainer, a
12 person must:

13 (A) be at least 18 years old;

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

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

18 (D) satisfactorily complete a written examination
19 prescribed by the Commission; and

20 (E) satisfactorily complete a practical examination
21 prescribed by the Commission and administered by the
22 stewards or racing judges or designee of the stewards or
23 racing judges.

24 (2)-(4) (No change.)

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

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 6/29/2015

***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:	Frank Hopf	Phone(s):	281-807-8803
E-mail address:	fhopf@shrp.com	Fax number:	281-807-8720
Mailing address:	7575 N. Sam Houston Pkwy W. Houston, TX 77064		

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Sam Houston Race Park
(Name of Organization)

Proposed Change to (if known): Chapter: 313 Rule: 110

Proposed Addition to (if known): Chapter: _____ Rule: _____

Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: _____

A. Brief Description of the Issue

By omitting the verbiage regarding the purse amount of a stake race will allow for a consistent rule for all horse breeds ran in the state of Texas.

B. Discussion of the Issue and Problem

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

- Stewards will have the ability to make a decision on all designated stake races, not those over a certain amount.

C. Possible Solutions and Impact

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

- Many of the stake races for the Quarter Horse and mix breeds fall under the current threshold.
- Coupled entries limit wagering opportunities to the betting public, which in returns lowers possible purse returns to the purse account.

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.)

- No known opposition to the proposed rule.

E. Proposal

(a) Not more than two horses that have common interests through ownership, training, or lease may be entered in an overnight race, unless the race is divided.

(b) Except as provided by subsection (c) of this section, if two horses entered in a race are owned in whole or in part by the same individual or entity, the entry shall be coupled as a single wagering interest.

(c) In stakes races ~~with a purse of at least \$50,000~~, the stewards may allow two or more horses owned in whole or in part by the same individual or entity to race as separate wagering interests.

1 **Sec. 313.110. Coupled Entries**

2 (a) Not more than two horses that have common interests through
3 ownership, training, or lease may be entered in an overnight
4 race, unless the race is divided.

5 (b) Except as provided by subsection (c) of this section, if two
6 horses entered in a race are owned in whole or in part by the
7 same individual or entity, the entry shall be coupled as a
8 single wagering interest.

9 (c) In stakes races [~~with a purse of at least \$50,000~~], the
10 stewards may allow two or more horses owned in whole or in part
11 by the same individual or entity to race as separate wagering
12 interests.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 4/23/2015

***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:	Staff – Legal	Phone(s):	281-807-8747
E-mail address:	mark.fenner@txrc.texas.gov	Fax number:	281-807-8777
Mailing address:			

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of _____
(Name of Organization)

Proposed Change to (if known): Chapter: 309 Rule: 8

Proposed Addition to (if known): Chapter: _____ Rule: _____

Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA §§ 5.01, 6.18

A. Brief Description of the Issue

Currently, racetrack license holders pay annual fees on one of two schedules.

- The annual fee for license holders that are currently operating, i.e. conducting live racing or simulcasting, is prorated on a monthly basis, so that each license holder pays one-twelfth of the fee at the beginning of each month.
- The annual fee for license holders that are not currently operating is due in full on September 1 of each year.

This system was designed to ensure that the agency will have sufficient cash flow at the beginning of each fiscal year to meet its expenses, particularly if the State sweeps excess funds from the Commission's operating account at the end of a biennium. However, it does place a burden on the non-operating license holders to provide a large upfront payment each year.

B. Discussion of the Issue and Problem

Allowing quarterly payments to be made by non-operating license holders during the fiscal year could relieve some of the strain caused by paying the annual fee up front each year, while still meeting the needs of the Commission to ensure that there is sufficient cash flow to meet its operating needs.

C. Possible Solutions and Impact

A practical solution to the problem imposed by a large license fee due in full at the beginning of each fiscal year is to spread the fee out over a payment schedule during the fiscal year. For example, quarterly payments could help smooth cash flow for non-operating racetrack license holders. Quarterly payments made at the beginning of each quarter would also ensure the Commission receives funds in a timely manner to cover associated costs over the next three months.

D. Support or Opposition

This proposal was originally submitted by Laredo Race Park, which claimed the support of all inactive racetrack license holders. However, at the Rules Committee Meeting on May 8, 2015, Laredo Race Park withdrew its support for the proposal after staff integrated the repeal of historical racing into the proposal. Staff then brought the proposal to the Commission at the meeting on June 9, 2015, as a staff initiative. The Commission voted to publish the proposal for public comment, and it subsequently appeared in the June 26, 2015, edition of the *Texas Register*. Staff has received no comments on the portion of the proposal relating to allowing non-operating license holders to pay annual fees on a quarterly basis.

E. Proposal

See next page.

1 **§309.8. Racetrack License Fees.**

2 (a) Purpose of Fees. An association shall pay a license fee to
3 the Commission to pay the Commission's costs to administer and
4 enforce the Act, and to regulate, oversee, and license live and
5 simulcast racing [~~and pari-mutuel wagering~~] at racetracks.

6 (b) Annual License Fee.

7 (1) (No change.)

8 (2) An association that is conducting live racing, historical
9 racing or simulcasting shall pay its annual license fee by
10 remitting to the Commission 1/12th of the fee on the first
11 business day of each month. [~~For the State Fiscal Year that~~
12 ~~begins on September 1, 2011, the monthly remittance shall begin~~
13 ~~in the month of January.~~]

14 (3) An association that is not conducting live racing[,
15 ~~historical racing~~] or simulcasting shall pay its annual license
16 fee in four equal installments on September 1, December 1, March
17 1, and June 1 [~~on September 1~~] of each fiscal year. [~~For the~~
18 ~~State Fiscal Year that begins on September 1, 2011, the annual~~
19 ~~license fees shall be paid in two separate payments. The first~~
20 ~~payment will be of \$100,000 and is due on September 1, 2011. The~~
21 ~~second payment will be of the remaining unpaid balance and shall~~
22 ~~be paid on January 1, 2012.~~]

23 (c) (No change.)

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 3/31/2015

***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:	Maury Korn	Phone(s):	956-364-7200
E-mail address:		Fax number:	956-428-0163
Mailing address:	2601 S. Ed Carey Dr., Harlingen, Texas 78552		

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Valley Race Park
(Name of Organization)

Proposed Change to (if known): Chapter: 303 Rule: 102

Proposed Addition to (if known): Chapter: _____ Rule: _____

Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: Section 6.09(d)

A. Brief Description of the Issue

Formalize current treatment of greyhound breakage.

B. Discussion of the Issue and Problem

Section 6.09(d) of the Racing Act only explicitly addresses how 50% of the breakage from a greyhound race is to be allocated, and is silent on the remaining 50%. Under existing Commission practice, the remaining 50% is retained by the association. However, this treatment is not explicit in any existing Commission rule. Making this practice explicit in the Commission rules will give greyhound tracks additional certainty as to how breakage should be allocated.

C. Possible Solutions and Impact

VRP would propose to adopt a new rule clarifying how the 50% of greyhound breakage that is not explicitly addressed by the statute should be allocated.

D. Support or Opposition

Greyhound associations generally support the bill because it gives them additional certainty that current practices for allocating greyhound breakage are appropriate and authorized. VRP does not expect any opposition given that the rule does not change the status quo, it just formalizes this practice in the rules. VRP has conferred with the Texas Greyhound Association (TGA) and it is not opposed to the requested change.

(TRC Staff Notes: Staff presented an alternative approach to the request by drafting new rule 309.365, Breakage, which was supported by VRP. The Commission voted to publish the alternative proposal for public comment, and it subsequently appeared in the June 26, 2015, edition of the *Texas Register*. Staff has received no comments on the proposal.)

E. Proposal

See next page.

1 **Sec. 309.365. Breakage**

2 A greyhound racing association shall pay fifty percent of the
3 breakage from a live pari-mutuel pool or a simulcast pari-mutuel
4 pool to the Texas Greyhound Association in accordance with §6.09
5 of the Act and §303.102(c) of this title (relating to Greyhound
6 Rules). A greyhound racing association shall retain the
7 remaining fifty percent of the breakage from a live pari-mutuel
8 pool or a simulcast pari-mutuel pool.

**TÉXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 05/15/15

***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.texas.gov

Contact Information:

Name:	Michael Pelletier	Phone(s):	361-728-8675
E-mail address:	Mike.pelletier@txrc.texas.gov	Fax number:	409-986-9134
Mailing address:	Gulf Greyhound Park PO Box 488 La Marque, TX 77568-0488		

Check appropriate box(es):

- Personal Submission *OR*
- Submission on Behalf of Board of Judges Gulf Greyhound Park
(Name of Organization)

- Proposed Change to (if known): Chapter: 315 Rule: 315.111
- Proposed Addition to (if known): Chapter: _____ Rule: _____

- Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____
- Chapter: _____ Rule: _____
- Chapter: _____ Rule: _____
- Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA §3.02

A. Brief Description of the Issue

In subsection(b) the rule now says that an official schooling race must be at a distance not less than the distance nearest to 5/16 of a mile in use at the racetrack. We have been running official races over the 330yd distance for almost two years.

B. Discussion of the Issue and Problem

When a greyhound grades off or goes off for bad lines in 330yd races it must school at a distance that it is not conditioned to run. It has become very difficult for these greyhounds to requalify. If a greyhound runs most of its races over the 330yd distance it is usually because it can not run a 550yd race.

C. Possible Solutions and Impact

If allowed to school at the 330yd distance the greyhound would be running at a distance it can handle and get back on the active list thus helping improve the number of racers at the track and would help the owners who send greyhounds here to run this course.

D. Support or Opposition

The General Manager of Gulf Greyhound Park along with The Director of Racing and the Racing Secretary as well as several trainers and kennel owners support this rule change. No opposition to it has been expressed.

E. Proposal

Simply change the current language to say an official schooling race must be at a distance not less than the distance nearest the 3/16 mile course in use at the racetrack.

(TRC Staff Notes: At its meeting on June 9, 2015, the Commission voted to publish the proposal for public comment, and it subsequently appeared in the June 26, 2015, edition of the *Texas Register*. Staff has received no comments on the proposal.)

1 **Sec. 315.111. Schooling**

2 (a) (No change.)

3 (b) All schooling races shall be at a distance not less than
4 three-sixteenths of a mile unless otherwise approved by the
5 judges. ~~A scratch that occurs as a result of a violation of a~~
6 ~~racing rule carries a penalty and/or suspension of the greyhound~~
7 ~~for six race days. The racing judges shall review the cause for~~
8 ~~a scratch and may take disciplinary action. If a greyhound is~~
9 ~~scratched because the owner or trainer of the greyhound fails to~~
10 ~~have the greyhound at the track at the appointed time for~~
11 ~~weighing in, the racing judges may take disciplinary action~~
12 ~~against the person responsible.~~

13 (c)-(g) (No change.)

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: May 11, 2015

***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.texas.gov

Contact Information:

Name:	Staff - Legal	Phone(s):	(512) 833-6699
E-mail address:	mark.fenner@txrc.texas.gov	Fax number:	(512) 833-6907
Mailing address:			

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission
(Name of Organization)

Proposed Change to (if known): Chapter: 319 Rule: 1

Proposed Addition to (if known): Chapter: _____ Rule: _____

Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA §§ 3.02, 3.16

A. Brief Description of the Issue

As drug testing technologies and skills have improved, racing laboratories have developed the ability to detect when otherwise naturally occurring substances have been administered to race animals in an attempt to influence the outcome of a race. The ARCI model rules have been amended to address this issue, but the Texas rules have not yet been so amended.

B. Discussion of the Issue and Problem

The significance of this issue has been raised recently by the discovery of high levels of cobalt in race horses. Cobalt is a mineral that is essential in all mammals, and is normally ingested as part of Vitamin B12. Administration of bulk cobalt salts to humans and other species has been demonstrated to increase red blood cell production. While there are no published studies available that indicate the plasma concentration of cobalt that produces either an effective or a toxic dose in a horse, there are reportedly cases at the Meadowlands and in Australia where tests have shown high levels of cobalt in horses.

ARCI's Scientific Advisory Group of the Drug Testing Standards and Practices Committee issued a report on cobalt in April 2015. The committee recommended that trainers of horses with a plasma cobalt concentration greater than 25 ppb, but less than 50 ppb, be issued a warning and have the horse placed on the vet's list until the level falls below 25 ppb. The committee recommended that trainers of horses with a plasma cobalt concentration greater than 50 ppb be given a Class B penalty.

Unfortunately, the Commission's rules do not currently include artificially high levels of naturally occurring substances as a "prohibited drug, chemical or other substance." Therefore, it would be difficult to prosecute a trainer for high levels of cobalt or any other natural substance.

C. Possible Solutions and Impact

ARCI's model rules have been amended to include "Substances present in the horse in excess of concentrations at which such substances could occur naturally" as a prohibited substance. The proposal would amend Rule 319.1 to include the same language.

D. Support or Opposition

The Commission voted to publish the proposal for public comment, and it subsequently appeared in the June 26, 2015, edition of the *Texas Register*. Staff has received no comments on the proposal.

E. Proposal

See next page.

1 **Sec. 319.1. Purpose and Definitions**

2 (a) (No change.)

3 (b) For purposes of this chapter, "prohibited drugs, chemicals,
4 or other substances" means:

5 (1) any stimulants, depressants, tranquilizers, local
6 anesthetics, drugs, other drug metabolites which could affect
7 the health or performance of a race animal, however minimal,
8 except as expressly permitted by this chapter;

9 (2) a drug permitted by this chapter in excess of the
10 maximum or other restrictions in this chapter; [~~and~~]

11 (3) a substance present in the race animal in excess of a
12 concentration at which such a substance could occur naturally;
13 and

14 (4) [~~3~~] a drug or substance, regardless of how harmless or
15 innocuous it might be, which interferes with the detection of
16 stimulants, depressants, tranquilizers, local anesthetics,
17 drugs, or drug metabolites which could affect the health or
18 performance of a race animal, however minimal, or quantitation
19 of drugs permitted by this chapter.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 06/01/2015

***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.texas.gov

Contact Information:

Name:	Staff - Racing	Phone(s):	512-833-6699
E-mail address:	cathy.cantrell@txrc.texas.gov	Fax number:	512-833-6907
Mailing address:			

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission
(Name of Organization)

Proposed Change to (if known): Chapter: 311 Rule: 216

Proposed Addition to (if known): Chapter: 311 Rule: 218

Chapter: 313 Rule: 405

Chapter: 313 Rule: 406

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA § 3.02

A. Brief Description of the Issue

The Texas Rules require that anyone on association grounds who is mounted on a horse or who is holding a horse in a starting gate must wear an A.S.T.M. safety helmet. The Texas Rules also require a jockey in a race to wear a vest “designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association.” However, these rules have not been amended in at least ten years and are no longer consistent with ARCI’s model rules.

B. Discussion of the Issue and Problem

ARCI’s model rules recognize alternative safety standards in addition to those of A.S.T.M. Many licensees from other states have safety equipment that meets these other standards, yet if the Commission strictly applies its own rules to these licensees, they would have to purchase new A.S.T.M. equipment that may or may not be as safe as the ARCI-compliant equipment they already own.

In addition, the model rules establish safety standards for reins and require those holding horses in a starting gate to wear safety vests. The Texas Rules do not address either of these issues.

C. Possible Solutions and Impact

This proposal would create new Rule 211.218, Safety Equipment, which directly tracks the language of the model rule on safety helmets and vests in ARCI-008-010. The proposal would also amend existing references to safety equipment in the Texas Rules so that they refer the reader back to new Rule 211.218. The proposal does not address safety reins.

D. Support or Opposition

The Jockeys’ Guild has previously written a letter in support of adopting ARCI’s rules that relate to the safety and welfare of the equine and human athletes.

The Commission voted to publish the proposals for public comment, which subsequently appeared in the June 26, 2015, edition of the *Texas Register*. Staff has received no comments on the proposals.

E. Proposal

See next pages.

1 **311.216. Conduct in Stable Area**

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

3 (c) A licensee who is mounted on a horse or stable pony on
4 association grounds must wear a [~~an A.S.T.M. approved~~] safety
5 helmet meeting the requirements of §311.218 of this title
6 (relating to Safety Equipment) at all times.

7 (d) A licensee may not hold a horse in a starting gate unless
8 the licensee wears a properly fastened safety helmet meeting the
9 requirements of §311.218 of this title. [~~approved by A.S.T.M.~~]

10 (e) (No change.)

1 **Sec. 311.218. Safety Equipment**

2 (a) Helmets. Any licensee mounted on a horse or stable pony on
3 association grounds must wear a properly secured safety helmet at
4 all times. Additionally, all members of the starting gate crew
5 must adhere to this regulation at all times while performing
6 their duties or handling a horse. For the purpose of this
7 regulation, a member of the starting crew means any person
8 licensed as an assistant starter or any licensee who handles a
9 horse in the starting gate. The helmet must comply with one of
10 the following minimum safety standards or later revisions:

11 (1) American Society for Testing and Materials (ASTM 1163);

12 (2) UK Standards (EN-1384 and PAS-015); or

13 (3) Australian/New Zealand Standard (AS/NZ 3838).

14 (b) Vests. Any licensee mounted on a horse or stable pony on the
15 association grounds must wear a properly-secured safety vest at
16 all times. Additionally, all members of the starting gate crew
17 must also adhere to this regulation at all times while performing
18 their duties or handling a horse. For the purpose of this
19 regulation, a member of the starting gate crew means any person
20 licensed as an assistant starter or any licensee who handles a
21 horse at the starting gate. The safety vest must comply with one
22 of the following minimum standards or later revisions:

23 (1) British Equestrian Trade Association (BETA):2000 Level
24 1;

25 (2) Euro Norm (EN) 13158:2000 Level 1;

26 (3) American Society for Testing and Materials (ASTM) F2681-
27 08 or F1937.

28 (4) Shoe and Allied Trade Research Association (SATRA)
29 Jockey Vest Document M6 Issue 3; or

30 (5) Australian Racing Board (ARB) Standard 1.1998.

31 (c) A safety helmet or a safety vest shall not be altered in any
32 manner nor shall the product marking be removed or defaced.

1 **Sec. 313.405. Whips and Other Equipment**

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

3 (e) A jockey may not ride in a race unless the jockey wears a
4 safety vest meeting the requirements of §311.218 of this title
5 (relating to Safety Equipment.) A safety vest may weigh no more
6 than two pounds ~~and must be designed to provide shock absorbing~~
7 ~~protection to the upper body of at least a rating of five, as~~
8 ~~defined by the British Equestrian Trade Association.~~

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

2 (a) (No change.)

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

5 (1) the racing colors provided by the owner of the horse the
6 jockey is to ride, plus white riding pants, boots, and a number
7 on the right shoulder corresponding to the mount's number as
8 shown on the saddle cloth, head number if provided, and in the
9 official program; and

10 (2) a [an A.S.T.M. approved] safety helmet meeting the
11 requirements of §311.218 of this title (relating to Safety
12 Equipment.) [~~while mounted on any horse at a licensed racetrack.~~]
13 (c) (No change.)

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 06/01/2015

***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.texas.gov

Contact Information:

Name:	Staff - Racing	Phone(s):	512-833-6699
E-mail address:	cathy.cantrell@txrc.texas.gov	Fax number:	512-833-6907
Mailing address:			

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission
(Name of Organization)

Proposed Change to (if known): Chapter: 313 Rule: 406

Proposed Addition to (if known): Chapter: _____ Rule: _____

Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA § 3.02

A. Brief Description of the Issue

The current rule provides that Quarter Horses, Paints, and Appaloosas shall wear head numbers that correspond to their numbers in the official program, but provides only that Thoroughbreds and Arabians may wear such head numbers.

B. Discussion of the Issue and Problem

On occasions, a head number will fall off during the post parade due to equipment failure and the association will not have a ready supply of extras. On other occasions, a particular horse may have a strong aversion to wearing a head number. On these occasions, the stewards do not have the authority to waive the head number requirement for Quarter Horses, Paints, and Appaloosas.

C. Possible Solutions and Impact

The proposed change would provide the stewards with the authority to waive the head number requirement in the case of equipment failure, missing equipment, or in the interest of safety.

D. Support or Opposition

The Commission voted to publish the proposal for public comment, and it subsequently appeared in the June 26, 2015, edition of the *Texas Register*. Staff has received no comments on the proposal.

E. Proposal

See next page.

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

2 (a) A horse starting in a race must carry a conspicuous saddle
3 cloth number corresponding to its number in the official
4 program. Quarter Horses, Paints, and Appaloosas shall, and
5 Thoroughbreds and Arabians may, wear head numbers that
6 correspond to their numbers in the official program. The
7 Stewards may waive the requirement for a horse to wear a head
8 number in the interest of safety or in the case of missing or
9 damaged equipment.

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

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 06/01/2015

***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
E-mail: info@txrc.texas.gov

Contact Information:

Name:	Staff - Licensing	Phone(s):	512-833-6699
E-mail address:	cathy.cantrell@txrc.texas.gov	Fax number:	512-833-6907
Mailing address:			

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission
(Name of Organization)

Proposed Change to (if known): Chapter: 311 Rule: 101

Proposed Addition to (if known): Chapter: _____ Rule: _____

Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA §§ 3.02, 7.02

A. Brief Description of the Issues

Owner/Trainer Issue

To be licensed as an Owner, Owner/Trainer, or Owner/Assistant Trainer, a person must be the owner of record of a properly registered horse that the person intends to race in Texas. This restriction does not take into consideration that trainers and assistant trainers often buy and sell horses over the timeframe of licensure and therefore may not own a horse at the time of applying for a license or for some period of time while the license is active.

Emergency License Issue

If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer may apply for an emergency license on behalf of the absent owner. Currently the trainer must submit at least the following information: the owner's full name, home or business address, telephone number, and social security number. Sometimes the trainer cannot get in touch with the owner to obtain the social security number and sometimes the owner is reluctant to provide this personal information to the trainer.

B. Discussion of the Issue and Problem

Owner/Trainer Issue

The rule restricts owners' licenses to those who actually own a race horse in order to prevent individuals from obtaining an Owner's license in order to improperly gain its associated privileges, such as unrestricted access to the backside. Associations sometimes offer additional benefits to those holding an owner's license such as free admission, free parking, designated seating areas, and other optional perks.

Under the current rule, when the applicant for an Owner/Trainer type license cannot show proof of horse ownership, the agency issues a Trainer's license only rather than an Owner/Trainer. Then, if and when the Trainer/Assistant Trainer becomes an owner of a properly registered horse, he/she must reapply for an Owner/Trainer license, and again pay the license fee. This can result in paying the \$100 license fee twice over the same timeframe.

Emergency License Issue

Aware of the tremendous increase in identity theft, staff has determined that the social security number is not crucial to the issuance of the emergency license, especially since the owner must provide all of the required licensing information, including the social security number, within 21 days of issuance of the emergency license.

C. Possible Solutions and Impact

Owner/Trainer Issue

Allow an applicant for a Trainer's or Assistant Trainer's license to also obtain an Owner's license if the person states an intention to own horses during the term of the license. Since trainers and assistant trainers must meet a higher standard for licensure than an owner and already have the privileges offered to owners, the proposed change does not compromise the purpose of requiring owners to demonstrate actual horse ownership. The proposed revision will also simplify the licensing process for trainers and assistant trainers and avoid imposing unnecessary expenses on them.

Emergency License Issue

The proposed rule amendment would allow the emergency licensing process to proceed without the social security number. Allowing the owner to provide the social security number directly to the Commission instead of asking the trainer to relay it as part of the emergency licensing process would also reduce the possibility that the owner's personally identifying information would be compromised.

D. Support or Opposition

The Commission voted to publish the proposal for public comment, and it subsequently appeared in the June 26, 2015, edition of the *Texas Register*. Staff has received no comments on the proposal.

E. Proposal

See next page.

1 **Sec. 311.101. Horse Owners**

2 (a) General Provisions.

3 (1) The owner of a horse, as listed on the animal's
4 registration paper, must obtain an owner's license from the
5 Commission. Except as otherwise provided by §313.301(a)(2) of
6 this title (relating to Officials and Rules of Horse Racing), a
7 person may not be licensed as an owner if the person is not the
8 owner of record of a properly registered horse that the person
9 intends to race in Texas. A person who meets the qualifications
10 for a trainer's or assistant trainer's license may also be
11 licensed as an owner if the person intends to be the owner of
12 record of a properly registered horse during the time of
13 licensure. Except as otherwise provided by this subsection, the
14 owner must be licensed one hour prior to the post time of the
15 first race of the day in which the owner intends to race the
16 animal.

17 (2)-(5) (No change.)

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

19 (g) Emergency License.

20 (1)-(2) (No change.)

21 (3) The trainer applying for an emergency owner's license
22 must submit at least the following information: the owner's full
23 name, home or business address, and telephone number [~~, and~~
24 ~~social security number~~]. At the time of application, the
25 appropriate licensing fee must be paid to the Commission.
26 Failure to provide all of the foregoing information is grounds
27 for denial of an emergency owner's license.

28 (4)-(6) (No change.)

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 06/01/2015

***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
E-mail: info@txrc.texas.gov

Contact Information:

Name:	Staff - Licensing	Phone(s):	512-833-6699
E-mail address:	cathy.cantrell@txrc.texas.gov	Fax number:	512-833-6907
Mailing address:			

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission
(Name of Organization)

Proposed Change to (if known): Chapter: 311 Rule: 102

Proposed Addition to (if known): Chapter: _____ Rule: _____

Other Rules Affected by Proposal (if any): Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA §§ 3.02, 7.01

A. Brief Description of the Issue

If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer may apply for an emergency license on behalf of the absent owner. Currently the trainer must submit at least the following information: the owner's full name, home or business address, telephone number, and social security number. Sometimes the trainer cannot get in touch with the owner to obtain the social security number and sometimes the owner is reluctant to provide this personal information to the trainer.

B. Discussion of the Issue and Problem

Aware of the tremendous increase in identity theft, staff has determined that the social security number is not crucial to the issuance of the emergency license, especially since the owner must provide all of the required licensing information, including the social security number, within 21 days of issuance of the emergency license.

C. Possible Solutions and Impact.

The proposed rule amendment would allow the emergency licensing process to proceed without the social security number. Allowing the owner to provide the social security number directly to the Commission instead of asking the trainer to relay it as part of the emergency licensing process would also reduce the possibility that the owner's personally identifying information would be compromised.

D. Support or Opposition

The Commission voted to publish the proposal for public comment, and it subsequently appeared in the June 26, 2015, edition of the *Texas Register*. Staff has received no comments on the proposal.

E. Proposal

There are separate rules for horse owners (Rule 311.101) and greyhound owners (Rule 311.102). The relevant portions of the emergency licensing provisions for both rules are identical, therefore staff recommends making the same amendment to the relevant sections of both rules. See next page for the language specific to the Greyhound Owners' rule.

1 **Sec. 311.102. Greyhound Owners**

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

3 (c) Emergency License.

4 (1)-(2) (No change.)

5 (3) The trainer applying for an emergency owner's license
6 must submit at least the following information: the owner's full
7 name, home or business address, and telephone number [~~, and~~
8 ~~social security number~~]. At the time of application, the
9 appropriate licensing fee must be paid to the Commission.
10 Failure to provide all of the foregoing information is grounds
11 for denial of an emergency owner's license.

12 (4)-(6) (No change.)

13 (d) (No change.)