

## 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, September 27, 2016

10:30 a.m.

Texas Department of Public Safety  
6100 Guadalupe  
Criminal Law Enforcement, Building E  
Austin, Texas 78752

## Agenda

The Committee will discuss the proposed adoption of an amendment to Rule 303.102, Greyhound Rules, as published in the August 26, 2016, edition of the *Texas Register*.

The Committee will discuss the following staff requests for rule amendments as part its review of Chapter 321, Pari-Mutuel Wagering.

- Request to Amend Rule 321.2, Odds Manipulation. This proposal would correct an incorrect rule citation within the rule.
- Request to Amend Rule 321.11, Access to Magnetic Media. This proposal would update outmoded references to "magnetic media" to the more current "removable electronic media."
- Request to Amend Rule 321.35, Claim for Payment. This proposal would delete obsolete requirements that the executive secretary approve an association's payment on tickets or vouchers that are more than 21 days old.
- Request to Amend Rule 321.41, Cashing Outstanding Tickets. This proposal would delete obsolete subsections requiring the associations to provide the pari-mutuel auditor tote reports and copies of Outs tickets.
- Request to Amend Rule 321.42, Cashing Outstanding Vouchers. This proposal would delete obsolete subsections requiring the associations to provide the pari-mutuel auditor tote reports and copies of Outs vouchers.

The Committee will discuss the following additional staff requests for rule amendments.

- Proposal to Address Disciplinary Hearings Notice Requirements. This proposal would provide that a hearing notice may be delivered by hand delivery or by certified mail. It also clarifies that a nonappearance by a licensee to whom notice has been provided under the rule shall be deemed a waiver of the right to a hearing.

- Proposal to Establish Discovery Procedures for Disciplinary Hearings. This proposal would formalize procedures by which the parties exchange information prior to a disciplinary hearing.
- Proposal to Establish Out of Competition Drug Prohibitions and Testing Program. This proposal would prohibit the use of the following drugs or substances at any time: Class 1, 2 and 3 drugs that carry a Class A penalty; blood doping substances; gene doping substances; clenbuterol; and androgenic-anabolic steroids. It would also authorize the Commission to conduct out-of-competition drug testing to ensure compliance.
- Proposal to Prohibit Paper/Program Trainers. This proposal would prohibit the practice of listing one person as the trainer of a horse when the horse is actually under the control of and trained by another person who may or may not hold a current trainer's license in any jurisdiction.
- Proposal to Require Trainers to Maintain an Accurate and Current Record of Employees. This proposal would require that trainers maintain a list of current employees with the licensing office and be required to promptly update the list when any change in personnel occurs.
- Proposal to Amend Human Drug Testing Program Rules. This proposal would enhance the penalties for failing or refusing a drug test. It would also allow the executive director to require additional random drug testing when circumstances indicate that there is an increased risk of substance abuse among licensees.

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 greyhound association*

June 21, 2016

delivered via email:  
[mark.fenner@txrc.texas.gov](mailto:mark.fenner@txrc.texas.gov)

Mark Fenner  
Texas Racing Commission  
PO Box 12080  
Austin, TX 78711

Dear Mr. Fenner,

The Texas Greyhound Association requests the Texas Racing Commission review the two proposed rule changes listed below:

Chapter 303.102 (b)(1)  
Chapter 303.102 (b)(2)

If you have any questions, please contact me.

Thank you,

David Peck  
President

TGA Board of Directors

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: June 9, 2016

***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](mailto:info@txrc.texas.gov)

**Contact Information:**

Name:	Laird Morgan	Phone(s):	214-363-0555
E-mail address:	[REDACTED]	Fax number:	214-369-3590
Mailing address:	Suite 230, 850 Central Parkway East, Plano TX 75074		

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Greyhound Association  
(Name of Organization)

Proposed Change to (if known): Chapter: 303 <sup>102</sup> (b)(1) \_\_\_\_\_

Proposed Addition to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Other Rules Affected by Proposal (if any): \_\_\_\_\_

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

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

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

Statutory Authority for Proposed Change: Sections 11.011(l) and Section 9.03 of the Texas Racing Act

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

With current race dates approved, plans are being developed for programs limited to Texas Bred futurity/pup racing. The TGA membership has developed a consensus agreement for the proposed short season racing that the best form of allocation of Texas Bred funds is to pay Texas Bred point collectors in a race-first through fourth place. This would provide greater benefit to a larger number of owners and encourage more people to participate in developing Texas bred greyhounds. We want to leave in the authority to return to the traditional payment to winner in the event the programs are not run as anticipated and for when Texas greyhound racing returns to a more traditional schedule with more broad based competition.

## **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.*

There may be some individuals opposed to any change. This provision is neutral on the issue of futurity racing vs. graded hound racing.

## **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.*

This rule change to allow wider allocation of the Texas Bred incentive funds will create more administrative effort on the constituents of greyhound racing. Most of increased administrative burden will fall on the TGA which accepts such responsibility.

## **D. Support or Opposition**

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

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

The Board of Directors of the Texas Greyhound Association supports the proposal. The TGA has received encouragement from the track associations (which have not yet seen the specific proposal). The TGA believes this proposal will have the support of all track interests.

## **E. Proposal**

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

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: June 9, 2016

***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](mailto:info@txrc.texas.gov)

**Contact Information:**

Name:	Laird Morgan	Phone(s):	214-363-0555
E-mail address:	[REDACTED]	Fax number:	214-369-3590
Mailing address:	Suite 230, 850 Central Parkway East, Plano TX 75074		

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Greyhound Association  
(Name of Organization)

Proposed Change to (if known): Chapter: 303 <sup>102</sup> (b)(2) \_\_\_\_\_

Proposed Addition to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Other Rules Affected by Proposal (if any): \_\_\_\_\_

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

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

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

Statutory Authority for Proposed Change: \_Sections 11.011(I) and Section 9.03 of the Texas Racing Act

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

With current race dates approved, plans are being developed for programs limited to Texas Bred futurity/pup racing. The TGA membership has developed a consensus agreement for the proposed short season racing that the best form of allocation of Texas Bred funds is to pay Texas Bred point collectors in a race-first through fourth place. This would provide greater benefit to a larger number of owners and encourage more people to participate in developing Texas bred greyhounds. We want to leave in the authority to return to the traditional payment to winner in the event the programs are not run as anticipated and for when Texas greyhound racing returns to a more traditional schedule with more broad based competition.

## **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.*

There may be some individuals opposed to any change. This provision is neutral on the issue of futurity racing vs. graded hound racing.

## **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.*

This rule change to allow wider allocation of the Texas Bred incentive funds will create more administrative effort on the constituents of greyhound racing. Most of increased administrative burden will fall on the TGA which accepts such responsibility.

## **D. Support or Opposition**

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

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

The Board of Directors of the Texas Greyhound Association supports the proposal. The TGA has received encouragement from the track associations (which have not yet seen the specific proposal). The TGA believes this proposal will have the support of all track interests.

## **E. Proposal**

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

(b) Owners' Awards.

Note: The following is a TRC staff-prepared version of the Texas Greyhound Association's proposal developed in consultation with TGA representatives.

This proposal was published in the August 26, 2016, edition of the *Texas Register* for public comment. No comments have been received as of September 20, 2016.

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER D. TEXAS BRED INCENTIVE PROGRAM

DIVISION 3. PROGRAMS FOR GREYHOUNDS

1 **Sec. 303.102. Greyhound Rules**

2 (a) (No change.)

3 (b) Owners' Awards.

4 (1) The owner of a registered Texas-bred greyhound is  
5 eligible to receive an owner's award if the greyhound is among  
6 the first four Texas-bred greyhounds to finish a pari-mutuel  
7 race in Texas. ~~that wins a pari-mutuel race in Texas is eligible~~  
8 ~~to receive an owner's award.~~ For purposes of this subdivision,  
9 each elimination and final in a stakes race competition is  
10 considered a pari-mutuel race. A dead heat for any the win  
11 position is considered a placement in that position ~~win~~ for each  
12 greyhound involved in the dead heat.

13 (2) TGA will pay owners' awards no later than the last  
14 business day of each month for the previous month's awards. TGA  
15 will issue the check for each award to the person in whose name  
16 the Texas-bred greyhound is registered.

17 (3) Determination of Available Award Funds. Available  
18 Owners' awards for each month are composed of the sum of the  
19 following two amounts:

20 (A) the total amount of money received from the  
21 Commission for the Texas Bred Incentive Program for the  
22 period between the dates that the last Texas greyhound meet  
23 ended and the current Texas greyhound meet began, minus the  
24 statutorily permitted amount for administrative expenses,  
25 multiplied by the ratio of the live pari-mutuel races  
26 proposed for the month to the number of live pari-mutuel  
27 races proposed in the current greyhound meet; and

28 (B) ~~To determine the amount of each award,~~ the total  
29 amount of money received from the Commission for the Texas  
30 Bred Incentive Program during the current greyhound meet

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER D. TEXAS BRED INCENTIVE PROGRAM

DIVISION 3. PROGRAMS FOR GREYHOUNDS

1 for the ~~preceding~~ month, minus the statutorily permitted  
2 amount for administrative expenses, ~~shall be divided by~~  
3 ~~the number of pari-mutuel races won by registered Texas-~~  
4 ~~bred greyhounds during the preceding month, plus five. The~~  
5 ~~result is the amount of owner's award to be paid for each~~  
6 ~~registered Texas bred greyhound that won a pari mutuel race~~  
7 ~~in Texas during the preceding month.~~

8 (4) Owners' awards for each live race during a month shall  
9 be paid out as follows:

10 (A) First Texas-bred greyhound - each Texas-bred  
11 greyhound finish for first among Texas-bred greyhounds that  
12 compete in a Texas pari-mutuel race shall receive an equal  
13 share of 50% of the award funds available under paragraph  
14 (3) of this subsection.

15 (B) Second Texas-bred greyhound - each Texas-bred  
16 greyhound finish for second among Texas-bred greyhounds  
17 that compete in a Texas pari-mutuel race shall receive an  
18 equal share of 25% of the award funds available under  
19 paragraph (3) of this subsection.

20 (C) Third Texas-bred greyhound - each Texas-bred  
21 greyhound finish for third among Texas-bred greyhounds that  
22 compete in a Texas pari-mutuel race shall receive an equal  
23 share of 15% of the award funds available under paragraph  
24 (3) of this subsection.

25 (D) Fourth Texas-bred greyhound - each Texas-bred  
26 greyhound finish for fourth among Texas-bred greyhounds  
27 that compete in a Texas pari-mutuel race shall receive an  
28 equal share of 10% of the award funds available under  
29 paragraph (3) of this subsection.

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER D. TEXAS BRED INCENTIVE PROGRAM

DIVISION 3. PROGRAMS FOR GREYHOUNDS

1        ~~(5)(3)~~ TGA shall make a reasonable effort to deliver all  
2 owners' awards. If after 12 months after issuing a check for an  
3 owner's award TGA is unsuccessful in delivering the check to the  
4 proper person, TGA shall void the check and add the unclaimed  
5 amount to the total amount to be distributed as owners' awards  
6 for the next greyhound meet. ~~month.~~

7        ~~(6)(4)~~ Each month, one ~~five~~ owner's award shares under each  
8 subparagraph listed under paragraph (4) of this subsection will  
9 be retained to cover errors that may be made by TGA. A person  
10 who believes he or she is entitled to an owner's award must file  
11 a claim with TGA no later than 90 days after the end of the  
12 month during which the race on which the claim is based was  
13 conducted. On receipt of a claim for an owner's award, TGA shall  
14 determine whether the claim is valid. If the claim is valid, TGA  
15 shall immediately pay the owner's award. After the deadline for  
16 filing a claim, TGA shall add the remaining retained owner's  
17 award shares to the total amount to be distributed in the next  
18 greyhound meet. ~~month.~~ If more than one ~~five~~ valid claims ~~are~~ is  
19 filed, TGA shall pay the second ~~sixth~~ and subsequent claims from  
20 the owner's award shares retained from the next and subsequent  
21 months until all valid claims are paid.

22        (7) At the conclusion of the current greyhound meet and  
23 after the TGA has distributed all owners' awards under this  
24 subsection, the TGA shall add any remaining Accredited Texas  
25 Bred Funds to the total amount to be distributed as owners'  
26 awards at the next greyhound meet.

27        ~~(8)(5)~~ An owner's award may not be paid for a greyhound  
28 that is disqualified from a race due to a positive drug test. On  
29 notice to TGA that a race's results are affected by a positive  
30 drug test, TGA shall retain any owner's award due to the

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER D. TEXAS BRED INCENTIVE PROGRAM

DIVISION 3. PROGRAMS FOR GREYHOUNDS

1 affected ~~winning~~ greyhound until the Commission's disciplinary  
2 proceedings regarding the positive drug test are final and  
3 unappealable. If the greyhound's disqualification is overturned,  
4 the TGA shall pay the retained owner's award within 30 days of  
5 receiving notice of the final disposition of the proceeding. If  
6 the greyhound's disqualification is upheld, the amount of the  
7 retained owner's award shall be added to the total amount to be  
8 distributed as owners' awards for the next greyhound meet ~~month~~  
9 after the month in which TGA is notified of the final  
10 disposition of the proceeding.

11 (c)-(d) (No change.)

# TEXAS RACING COMMISSION

## COMMITTEE ON RULES

Date of Request: \_\_\_\_\_

### ***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](mailto:info@txrc.texas.gov)

#### **Contact Information:**

Name:	Staff (Pari-Mutuel Department)	Phone(s):	512.833.6699
E-mail address:	info@txrc.texas.gov	Fax number:	512.833.6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 321 Rule: 2

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**

This particular rule references rule §307.9. However, rule §307.9 does not exist.

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

There is a reference in this particular rule to a non-existent rule.

**C. Possible Solutions and Impact**

Revise the rule to reference to correct rule.

**D. Support or Opposition**

N/A

**E. Proposal**

See next page.

CHAPTER 321. PARI-MUTUEL WAGERING

SUBCHAPTER A. MUTUEL OPERATIONS

DIVISION 1. GENERAL PROVISIONS

1 **§321.2. Odds Manipulation**

2 The Commission recognizes that the wagering public uses Odds and  
3 Will Pays as a handicapping tool. To maintain the integrity of  
4 the pools, the Commission, therefore, identifies the practice of  
5 canceling wagers that were placed for the sole purpose of  
6 manipulating the posted Odds or Will Pays as being inconsistent  
7 with the honesty and integrity of racing under §307.7, Ejection  
8 and Exclusion, and as a detrimental practice  
9 under ~~§307.9~~ §311.6, Denial, Suspension, and Revocation of  
10 Licenses.

# TEXAS RACING COMMISSION

## COMMITTEE ON RULES

Date of Request: \_\_\_\_\_

### ***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](mailto:info@txrc.texas.gov)

#### **Contact Information:**

Name:	Staff (Pari-Mutuel Department)	Phone(s):	512.833.6699
E-mail address:	info@txrc.texas.gov	Fax number:	512.833.6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(es):

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

<input checked="" type="checkbox"/>	Proposed Change to (if known):	Chapter: <u>  321  </u>	Rule: <u>  11  </u>
<input type="checkbox"/>	Proposed Addition to (if known):	Chapter: <u>          </u>	Rule: <u>          </u>

Other Rules Affected by Proposal (if any):

Chapter: <u>          </u>	Rule: <u>          </u>
Chapter: <u>          </u>	Rule: <u>          </u>
Chapter: <u>          </u>	Rule: <u>          </u>
Chapter: <u>          </u>	Rule: <u>          </u>

Statutory Authority for Proposed Change: \_\_\_\_\_

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

This rule refers to the magnetic media used by the totalisator vendors to store each day's wagering data. Storage mediums now encompass many forms, which may not include magnetic media.

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

The use of magnetic media as terminology referring to storage devices is limiting. Totalisator companies use varying methods of recording data of which may not be considered magnetic media, i.e. flash drives, DVDs, CDs, etc.

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

Revise the rule to delete references to "magnetic media" and replace with the words "removable electronic media." This will also align with the verbiage used in the ARCI Totalisator Standards.

## **D. Support or Opposition**

N/A

## **E. Proposal**

See next page.

CHAPTER 321. PARI-MUTUEL WAGERING

SUBCHAPTER A. MUTUEL OPERATIONS

DIVISION 1. GENERAL PROVISIONS

1 **§321.11. Access to Removable Electronic [~~Magnetic~~] Media.**

2 (a) An association shall submit a storage plan for all removable  
3 electronic [~~magnetic~~] media storing computer logs to the  
4 executive secretary for approval. This plan must include  
5 sufficient information for the executive secretary to determine  
6 that the information will remain secure, including:

7 (1) Sufficient space for the totalisator vendor to store  
8 all removable electronic [~~magnetic~~] media; and

9 (2) A storage cabinet that will protect the media from  
10 damage.

11 (b) An association shall include in its security plans a means  
12 by which access to the removable electronic [~~magnetic~~] media is  
13 restricted.

# TEXAS RACING COMMISSION

## COMMITTEE ON RULES

Date of Request: \_\_\_\_\_

### ***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](mailto:info@txrc.texas.gov)

#### **Contact Information:**

Name:	Staff (Pari-Mutuel Department)	Phone(s):	512.833.6699
E-mail address:	info@txrc.texas.gov	Fax number:	512.833.6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 321 Rule: 35

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**

Two subsections of this rule deal with the regulation of outstanding (Outs) tickets and vouchers, as Outs were at one time a source of revenue for TxRC. Since Outs are no longer a source of revenue for the agency, these specific subsections of this rule are no longer necessary.

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

Subsections (d) and (e) of this rule require the approval of the executive secretary prior to a claim being paid by the associations if the ticket or voucher meets the criteria of classification as an Outs ticket or voucher. This was a necessary oversight tool to protect the agency's revenue stream at the time. However, since the associations now retain the uncashed winning tickets and vouchers, there is no need for TxRC to monitor the cashing of Outs tickets and vouchers.

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

Revise the rule to delete the subsections requiring the approval of the executive secretary prior to a claim being paid by the association on an Outs ticket or voucher. This would alleviate an unnecessary burden on the association when dealing with their patrons. If a claim is denied by the associations, the executive secretary still retains the authority to require the association pay the claim, so authority is not lost.

## **D. Support or Opposition**

Verbal support was received from the Sr. Director of Racing Operations at Sam Houston Race Park and from the Mutuel Manager at Retama Park. No opposition comments were received from the initial distribution to the racetracks or tote companies.

## **E. Proposal**

See next page.

CHAPTER 321. PARI-MUTUEL WAGERING  
SUBCHAPTER A. MUTUEL OPERATIONS  
DIVISION 3. MUTUEL TICKETS AND VOUCHERS

1 **§321.35. Claim for Payment.**

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

3 [~~(d) In the event a claim is made for a ticket that meets the~~  
4 ~~criteria established in §321.41(a) of this chapter (relating to~~  
5 ~~Cashing Outstanding Tickets), the claim must be approved by the~~  
6 ~~executive secretary before the claim can be paid.]~~

7 [~~(e) In the event a claim is made for a voucher that meets the~~  
8 ~~criteria established in §321.42(a) of this chapter (relating to~~  
9 ~~Cashing Outstanding Vouchers), the claim must be approved by the~~  
10 ~~executive secretary before the claim can be paid.]~~

# TEXAS RACING COMMISSION

## COMMITTEE ON RULES

Date of Request: \_\_\_\_\_

### ***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](mailto:info@txrc.texas.gov)

#### **Contact Information:**

Name:	Staff (Pari-Mutuel Department)	Phone(s):	512.833.6699
E-mail address:	info@txrc.texas.gov	Fax number:	512.833.6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 321 Rule: 41

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**

This rule deals with the regulation of outstanding (Outs) vouchers. Parts of this rule were originally adopted when Outs were a source of revenue for TxRC. Since Outs are no longer a source of revenue for the agency, these parts are no longer necessary.

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

This rule requires the associations to provide the pari-mutuel auditor a tote report listing all Outs vouchers cashed each day. In addition to the report, the rule mandates the associations provide the auditor copies of every Outs voucher cashed to match those listed on the tote report. This was a necessary oversight tool to protect the agency's revenue stream at the time. However, since the associations now retain the uncashed vouchers, there is no need for TxRC to monitor the cashing of Outs vouchers.

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

Revise the rule to delete the subsections requiring the associations to provide the pari-mutuel auditor tote reports and copies of Outs vouchers. This would save both time and resources for both the associations and TxRC. The associations would be responsible for any monitoring of the cashing of Outs vouchers since it is now a revenue stream for the racetracks. Any impact would be minimal.

## **D. Support or Opposition**

Verbal support was received from the Sr. Director of Racing Operations at Sam Houston Race Park and from the Mutuel Manager at Retama Park. No opposition comments were received from the initial distribution to the racetracks or tote companies.

## **E. Proposal**

See next page.

CHAPTER 321. PARI-MUTUEL WAGERING

SUBCHAPTER A. MUTUEL OPERATIONS

DIVISION 3. MUTUEL TICKETS AND VOUCHERS

1 §321.41. Cashing Outstanding Tickets.

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

3 [~~(d) At the end of each race day, the mutuel manager shall~~  
4 ~~deliver to the pari-mutuel auditor:~~]

5 [~~(1) A list of the outstanding tickets that were cashed on~~  
6 ~~the previous race day; and]~~

7 [~~(2) A photostatic copy of each outstanding ticket cashed~~  
8 ~~on the previous day.]~~

9 [~~(e) In the event a photostatic copy can not be provided, the~~  
10 ~~association will not be held liable for:~~]

11 [~~(1) A reader cashed ticket if the association can produce~~  
12 ~~documentation to support the ticket's existence; or]~~

13 [~~(2) A ticket cashed in accordance with the executive~~  
14 ~~secretary's approval under §321.35(b) or (d) of this chapter~~  
15 ~~(relating to Claim for Payment).]~~

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: \_\_\_\_\_

***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](mailto:info@txrc.texas.gov)

**Contact Information:**

Name:	Staff (Pari-Mutuel Department)	Phone(s):	512.833.6699
E-mail address:	info@txrc.texas.gov	Fax number:	512.833.6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 321 Rule: 42

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**

This rule deals with the regulation of outstanding (Outs) tickets. Parts of this rule were originally adopted when Outs were a source of revenue for TxRC. Since Outs are no longer a source of revenue for the agency, these parts are no longer necessary.

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

This rule requires the associations to provide the pari-mutuel auditor a tote report listing all Outs tickets cashed each day. In addition to the report, the rule mandates the associations provide the auditor copies of every Outs ticket cashed to match those listed on the tote report. This was a necessary oversight tool to protect the agency's revenue stream at the time. However, since the associations now retain the uncashed winning tickets, there is no need for TxRC to monitor the cashing of Outs tickets.

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

Revise the rule to delete the subsections requiring the associations to provide the pari-mutuel auditor tote reports and copies of Outs tickets. This would save both time and resources for both the associations and TxRC. The associations would be responsible for any monitoring of the cashing of Outs tickets since it is now a revenue stream for the racetracks. Any impact would be minimal.

## **D. Support or Opposition**

Verbal support was received from the Sr. Director of Racing Operations at Sam Houston Race Park and from the Mutuel Manager at Retama Park. No opposition comments were received from the initial distribution to the racetracks or tote companies.

## **E. Proposal**

See next page.

CHAPTER 321. PARI-MUTUEL WAGERING  
SUBCHAPTER A. MUTUEL OPERATIONS  
DIVISION 3. MUTUEL TICKETS AND VOUCHERS

1 **§321.42. Cashing Outstanding Vouchers.**

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

3 [~~(d) At the end of each race day, the mutuel manager shall~~  
4 ~~deliver to the pari mutuel auditor:~~]

5 [~~(1) A list of the outstanding vouchers that were cashed on~~  
6 ~~the previous race day; and]~~

7 [~~(2) A photostatic copy of each outstanding voucher cashed~~  
8 ~~on the previous day.]~~

9 [~~(e) In the event a photostatic copy can not be provided, the~~  
10 ~~association will not be held liable for:~~]

11 [~~(1) A reader cashed voucher if the association can produce~~  
12 ~~documentation to support the voucher's existence; or]~~

13 [~~(2) A voucher cashed in accordance with the executive~~  
14 ~~secretary's approval under §321.35(b) or (d) of this chapter~~  
15 ~~(relating to Claim for Payment).]~~

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 9 Nov. 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:	Legal Staff	Phone(s):	512-833-6699
E-mail address:	info@txrc.texas.gov	Fax number:	512-833-6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Proposed Addition to (if known): Chapter: 307 Rule: 62(b)

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**

Rule 307.62, Disciplinary Hearings, requires the stewards and racing judges to provide written notice to a person who is the subject of a disciplinary hearing at least 10 calendar days before the hearing. However, the rule does not explicitly provide that mailing a notice to the licensee's address of record constitutes sufficient notice of the hearing.

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

In many cases, the person is available at the racetrack and notice may be given in person. However, in other cases notice is sent by certified mail to the person's address of record. If the person is a licensee, the Commission's rules require that person maintain an accurate address on file with the Commission and that the person promptly update any changes to the address. However, on occasion, the person receiving notice has either not updated the address or refused to accept a certified letter from the Commission. In these cases, there may be uncertainty as to whether the required written notice has been given.

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

The proposed solution would amend Rule 307.62 to specify that mailing a hearing notice to the address of record meets the criteria of the rule, even if the letter is returned as being refused or is undeliverable because of a changed address.

## **D. Support or Opposition**

The proposal was discussed at the Rule Committee's meeting on December 1, 2015. One attendee expressed concern that notices may be sent to a person's home address when the person is racing at an out-of-town track and is not at home to receive the notice.

## **E. Additional Research.**

At the Rule Committee's meeting on December 1, 2015, the Committee asked Commission staff to conduct research into how other similarly situated agencies address this issue. Staff learned that racing is rather unusual in that other occupational licensing agencies regulate a community that is fixed in location; only racing licensees move frequently from location to location. Therefore, staff looked to other racing jurisdictions for similar rules and learned that many of them explicitly provide that both hand delivery and mail delivery are acceptable. The proposal has been amended to follow this model. Examples of other states' provisions are provided below.

### **Idaho Racing Commission**

#### ***IDAPA 11.04.04***

#### ***072. SERVICE OF NOTICE.***

*01. Hand Delivery. If possible, the Stewards or their designee may hand deliver the written notice of the disciplinary hearing to the licensee who is the subject of the hearing.*

*02. Mail Delivery. If hand delivery is not possible, the Stewards may mail the notice to the licensee's last known address, as found in the Racing Commission's licensing files, by regular mail and by certified mail, return receipt requested.*

*03. Disqualification. If the disciplinary hearing involves an alleged medication violation that could result in the disqualification of a horse, the Stewards must provide notice of the hearing to the owner, managing owner or lessee of the horse in the manner provided by Section 072.*

073. **NONAPPEARANCE.**

01. *Nonappearance After Adequate Notice.* Nonappearance of a summoned party after adequate notice is construed as a waiver of the right to a hearing before the Stewards.

02. *Suspension of License.* In compliance with these rules the Stewards may suspend the license of a person who fails to appear at a disciplinary hearing after written notice of the hearing has been sent.

**Kentucky Racing Commission**

**810 KAR 1:029. Hearings, reviews and appeals.**

*Section 3. Authority Hearings.* Before holding any authority hearing provided for under these administrative regulations, the authority shall:

(1) Give written notice to all parties either personally or by mail. If indispensable and necessary parties propose a large class, notice shall be served upon a reasonable number thereof as representatives of the class. Notice as provided in this section shall include a statement of:

(a) Time and place of such hearing as designated by the authority and chairman. No hearing shall be less than five (5) days nor more than thirty (30) days after service of notice, unless at the request of a party and in order to provide a fair hearing;

(b) The legal authority and jurisdiction under which the hearing is to be held;

(c) Specific designation of the particular statute or administrative regulation alleged to have been violated; and

(d) A clear and concise factual statement sufficient to inform each party with reasonable definiteness of the type of acts or practices alleged to be in violation of the statute or administrative regulations promulgated thereunder. In fixing the times and places for hearings, due regard shall be had for the convenience of the parties and their representatives.

**New Mexico Racing Commission**

**15.2.1.9DUE PROCESS AND DISCIPLINARY ACTION:**

**B. PROCEEDINGS BEFORE THE STEWARDS:**

(4) Notice.

(a) Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

(b) Notice given under this section must include: a statement of the time, place and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing is to be held; a reference to the particular sections of the statutes or rules involved; a short, plain description of the alleged conduct that has given rise to the disciplinary hearing; the possible penalties that may be imposed.

(c) If possible, the stewards or the racing commission designee shall hand deliver the written notice of the disciplinary hearing to the person who is the subject of the hearing. If hand delivery is not possible, the stewards or a racing commission designee shall forthwith mail the notice to the person's last known address, as found in the commission's licensing files, by regular mail. If the disciplinary hearing involves an alleged medication violation that could result in the disqualification of a horse, the stewards or a racing commission designee shall provide notice of the hearing to the owner of the horse in the manner provided by this subsection.

(d) Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the stewards. The stewards may suspend the license of a person who fails to appear at a disciplinary hearing after written notice of the hearing has been sent, in compliance with this subsection.

## **Arkansas Racing Commission**

### ***RULES FOR THOROUGHBRED RACING OFFICIALS & DUTIES***

*2094. Whenever the Stewards have reasonable cause to believe that a licensee has committed an act or engaged in conduct in violation of any law or any Rule of the Racing Commission, the following procedures will apply:*

*(a) ...*

*(b) The licensee shall be summoned to a meeting of the Stewards called for the purpose of investigating suspected or alleged violations by the licensee, at which all Stewards shall be present. The licensee may request a continuance for good cause, but a continuance shall not stay any intermediate condition, limitation or restriction.*

*(c) The summons given to the licensee shall be in writing and shall give notice of the date, time, place and purpose of the Stewards' meeting, and shall specify the laws or Rules allegedly violated.*

*(d) ...*

*(e) If a licensee, after receiving notice of a Stewards' meeting, fails to appear as summoned, the licensee will be deemed to have waived any right to appear and present evidence to the Stewards.*

*(f) ...*

## **Oklahoma Racing Commission**

### ***325:1-1-13. Notice to Licensee***

*Whenever notice is required to be given by the Commission or the Stewards, such notice shall be given in writing by personal delivery to the person to be notified; or by electronic transmission, if the recipient has that technology or if the technology is not available to recipient, then by mailing, certified mail, return receipt requested, such notice to the last known address furnished to the Commission; or may be given as is provided for service of process in a civil proceeding in the State of Oklahoma and pursuant to provisions of the Administrative Procedures Act, 75 O.S., § 309.*

## **F. Proposal**

See next page.

CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION

SUBCHAPTER C. PROCEEDINGS BY STEWARDS AND RACING JUDGES

1 **Sec. 307.62. Disciplinary Action**

2 (a) (No change.)

3 (b) Notice of Hearing. Except as otherwise provided by the  
4 Rules, the stewards and racing judges shall provide written  
5 notice to a person who is the subject of a disciplinary  
6 hearing at least 10 calendar days before the hearing.  
7 Notice given under this subsection must state the nature of  
8 the charges against the person and the possible penalties  
9 that may be imposed. The stewards and racing judges or  
10 their designee may hand deliver the written notice of the  
11 disciplinary hearing to the licensee who is the subject of  
12 the hearing. Alternatively, the stewards and racing judges  
13 may mail the notice to the licensee's last known address,  
14 as found in the Racing Commission's licensing records, by  
15 certified mail, return receipt requested. The person may waive  
16 his or her right to 10 days notice. Nonappearance of a licensee  
17 to whom notice has been provided under this subsection shall  
18 be deemed a waiver of the right to a hearing before the  
19 stewards or racing judges.

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

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 9 Nov. 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:	Legal Staff	Phone(s):	512-833-6699
E-mail address:	info@txrc.texas.gov	Fax number:	512-833-6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Proposed Addition to (if known): Chapter: 307 Rule: 62(j)

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**

There is currently no process for parties to a disciplinary hearing to exchange information prior to the hearing. This can lead to unfair surprises at hearings.

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

Legal processes typically allow for formal or informal discovery prior to hearings; however, the disciplinary hearing process has no such provisions. Racing Commission staff is forthcoming with information that a licensee or a licensee's counsel requests, but it is not always possible for agency staff to obtain information from licensees or their counsel before a hearing.

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

Implementing a discovery process for disciplinary hearings would provide a level playing field for the parties.

## **D. Support or Opposition**

The proposal was discussed at the Rule Committee's meeting on December 1, 2015.

## **E. Additional Research.**

At the Rule Committee's meeting on December 1, 2015, the Committee asked Commission staff to conduct research into how other similarly situated agencies address this issue. However, the only Texas agency staff has learned of that holds formal hearings in which the rules of evidence are not strictly applied are unemployment hearings at the Texas Workforce Commission, and the hearing officers at TWC are almost uniformly attorneys.

## **Texas Workforce Commission**

40 TAC §815.18. General Rules for Both Appeal Stages.

This section shall be applicable to appeals both to the appeal tribunal and to the Commission.

### (1) Issuance of subpoenas.

(A) Subpoenas to compel the attendance of witnesses and the production of records for any hearing of an appeal may be issued at the direction of the Commission or its designee or an appeal tribunal. A subpoena may be issued either at the request of a party or on the motion of the Commission or its designee or the appeal tribunal. The party requesting a subpoena shall state the nature of the information desired, including names of any witnesses and the records that the requestor feels are necessary for the proper presentation of the case. The request shall be granted only to the extent the records or the testimony of the requested witnesses appears to be relevant to the issues on appeal.

(B) A witness subpoenaed to appear before an appeal tribunal, the Commission or its designee, or a court may be paid a fee and mileage for the appearance. The fee shall be \$20 per day, and for miles necessarily traveled to and returning from a hearing, the rate per mile shall be at the rate provided for state employees in the State Appropriations Act, or as otherwise required by law. The fee as provided in this section and the mileage shall be paid from the unemployment compensation administration fund upon proper certification of the appeal tribunal, the Commission or its designee, or the court, and upon certification of the witness that the fees and mileage are just, true, and unpaid.

### (2) Provision of Agency records.

(A) Upon the request of a party to a proceeding, the Agency shall provide copies of all records pertaining to that proceeding, except for records subject to privileges under state or federal law or regulation. Other Agency records shall be produced only if the party specifies the exact information desired, and the necessity of the records to allow the party to properly present

its claim; the production of records shall be subject to confidentiality limitations and privileges under state or federal law or regulation.

(B) The Agency shall provide copies of the relevant separation and timeliness information in the Agency's custody to both parties with the Notice of Hearing, including:

- (i) all information received from the parties in response to, or in protest of, a claim for unemployment insurance;
- (ii) all fact-finding statements relating to the work separation; and
- (iii) the appeal from the determination of the work separation.

In addition to reviewing TWC's rules, staff reviewed the following excerpts from other racing jurisdiction rules.

### **ARCI**

ARCI-003-015 Proceedings By The Commission

F. Discovery

All motions for discovery shall be subject to the civil procedures statutes of this jurisdiction.

### **Kentucky**

810 KAR 1:029. Hearings, reviews and appeals.

Section 3. Authority Hearings.

(2) The right of any party to subpoena witnesses and documentary evidence through the authority, employing the rights of discovery and use of subpoenas as would be available under the Kentucky Civil Rules of Procedure, pretrial and trial procedures also shall be governed by Kentucky Rules of Civil Procedure.

### **New Mexico**

C. PROCEEDINGS BY THE COMMISSION:

(9) Discovery.

(a) On written request by a party, the presiding officer or the agency director may issue a subpoena to require the attendance of witnesses and the production of books, records, papers, or other objects as may be necessary and proper for the purposes of a proceeding.

(b) A motion for a subpoena to compel the production of books, records, papers, or other objects shall be addressed to the appropriate person, shall be sworn to and shall specify the books, records, papers, or other objects desired and the relevant and material facts to be proved by them.

(c) Discovery on behalf of commission shall only be provided to the licensee or to counsel who has submitted an entry of appearance.

### **Oklahoma**

#### **325:70-1-14. Testimony and Evidence at Hearing**

Every person called to a hearing before the Stewards concerning an alleged rule violation shall be allowed to present testimony, produce witnesses, cross-examine witnesses, and present documentary evidence in accordance with the rules of privilege recognized by law [3A:204 and 3A:204.3].

#### **325:70-1-15. Duty of Disclosure**

It is the duty and obligation of every licensee to make full disclosure at a hearing before the Commission or before the Stewards of any knowledge s/he possesses of a violation of any racing law or of the rules and regulations of the Commission. No person may refuse to testify at any hearing on any relevant matter, except in the proper exercise of a legal privilege, nor shall any person testify falsely. [3A:204 and 3A:203.6]

**New York**  
**Rule § 4550.4.**  
Disclosure.

(a) When the hearing seeks the revocation of a license previously granted by the commission, either the commission or any party may, upon written demand and at least seven days prior to the hearing, require disclosure of the evidence that the other party intends to introduce at the hearing, including documentary evidence and identification of witnesses; provided, however, that a party shall not be required to disclose information or material otherwise protected by law from disclosure, including information and material protected because of privilege or confidentiality. If, after such disclosure, a party determines to rely upon other witnesses or information, the party shall, as soon as practicable, supplement its disclosure by providing the names of such witnesses or the additional documents.

(b) If a party fails to disclose evidence sought pursuant to subdivision (a) of this section, the hearing officer may, in the hearing officer's discretion, impose sanctions, which may include preclusion of said evidence from introduction at the hearing.

In addition to the rule proposal below, the Texas Racing Commission already has subpoena authority under the Texas Racing Act.

**Texas Racing Act**  
**Sec. 3.05. Subpoena Power.**

(a) A member of the commission or a duly appointed agent of the commission, while involved in carrying out functions under this Act, may take testimony and may require by subpoena the attendance of witnesses and the production of books, records, papers, correspondence, and other documents that the commission considers advisable. Subpoenas shall be issued under the signature of the commission or its duly appointed agent and shall be served by any person designated by the commission. A member of the commission, or a duly appointed agent of the commission, may administer oaths or affirmations to witnesses appearing before the commission or its agents.

(b) If a subpoena issued under this section is disobeyed, the commission or its duly appointed agent may invoke the aid of a Travis County district court in requiring compliance with the subpoena. A Travis County district court may issue an order requiring the person to appear and testify and to produce books, records, papers, correspondence, and documents. Failure to obey the order of the court shall be punished by the court as contempt.

**F. Proposal**  
See next page.

CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION

SUBCHAPTER C. PROCEEDINGS BY STEWARDS AND RACING JUDGES

1 **Sec. 307.62. Disciplinary Action**

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

3 (j) Discovery.

4 (1) Prior to a disciplinary hearing, upon written request  
5 served on the opposing party, a party shall be entitled, subject  
6 to the limitations in §2.15 of the Act, to:

7 (a) the name and address of any witness who may be  
8 reasonably expected to testify on behalf of the opposing  
9 party, together with a brief summary of the subject matter  
10 of each witness's anticipated testimony; and

11 (b) copies of all documents or other materials in the  
12 possession or control of the opposing party that the  
13 opposing party reasonably expects to introduce into  
14 evidence in either its case-in-chief or in rebuttal.  
15 Rebuttal documents, to the extent that they are not  
16 immediately identifiable, shall be tendered to the opposing  
17 party forthwith upon identification.

18 (2) A party may obtain discovery only by making a written  
19 request for the production of witness lists, documents, and  
20 other materials, as provided in paragraph (1) of this  
21 subsection.

22 (3) The stewards and racing judges shall exclude from a  
23 disciplinary hearing any witnesses, documents, and other  
24 materials that were not properly disclosed in accordance with  
25 this subsection unless good cause is shown for the failure to  
26 disclose them.

27 (4) Discovery requests under this section shall not be  
28 cause for postponement or delay of a disciplinary hearing or of  
29 the disposition of the proceedings.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 9/9/16

***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](mailto:info@txrc.texas.gov)

**Contact Information:**

Name:	Staff	Phone(s):	(512) 833-6699
E-mail address:	<a href="mailto:info@txrc.texas.gov">info@txrc.texas.gov</a>	Fax number:	(512) 833-6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Proposed Addition to (if known): Chapter: 319 Rule: 365

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**

With the present use of modern, but prohibited, training additives such as gene doping and blood doping substances, as well as the use of androgenic-anabolic steroids and substances with similar effects, the Commission should adopt Out of Competition Testing rules to allow it to implement a testing program to detect and deter these prohibited practices.

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

A horse's performance benefits from the use of prohibited gene and blood doping substances and androgenic-anabolic steroidal substances, even when use of those substances ends far enough in advance of a race that the test laboratory is unable to detect them in a post-race sample.

A number of jurisdictions have enacted Out of Competition Testing Rules to allow them to test for these substances. However, the jurisdictions' rules are not uniform and ARCI is evaluating its Model Rule for modernization.

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

The attached proposal is based largely on rules adopted by New Mexico, Kentucky, ARCI, and a draft proposal from RMTTC that is being considered by the CHRB. It prohibits blood doping, gene doping, androgenic-anabolic steroids, and clenbuterol. It provides the Commission with broad authority to conduct such testing and requires licensees to cooperate. It provides that trainers may use steroids and clenbuterol for therapeutic reasons as long as the subject horse is first placed on the veterinarian's list and that the horse must test clear before it is removed from the list. It also provides for split sample testing in the same manner as for post-race tests.

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

Unknown at this time.

### **E. Proposal**

See next page.

CHAPTER 319. VETERINARY DRUG PRACTICES AND DRUG TESTING

SUBCHAPTER D. DRUG TESTING

DIVISION 3. PROVISIONS FOR HORSES

1 Sec. 319.365. Out of Competition Testing

2 (a) A horse is subject to testing for prohibited substances  
3 without advance notice and without regard to whether the horse  
4 is racing on the day of the test or whether the horse is located  
5 in Texas if:

6 (1) the horse is on the grounds of an association or  
7 training center under the jurisdiction of the commission;

8 (2) the horse is under the care or control of a trainer or  
9 owner licensed by the commission;

10 (3) the horse has been nominated to a stakes race in any  
11 state; or

12 (4) the horse's papers are filed in the racing office of  
13 any association in any state.

14 (b) Horses to be tested may be selected at random, with probable  
15 cause, or as determined by the stewards, the commission  
16 veterinarian or the executive secretary.

17 (c) The commission veterinarian, or any state-licensed  
18 veterinarian or state-licensed veterinary technician authorized  
19 by the commission to collect a sample for testing pursuant to  
20 this section, may at any time take a urine, blood or hair sample  
21 from a horse for this purpose.

22 (d) It is a violation of this section for a sample taken from a  
23 horse pursuant to this section to test positive for any of the  
24 following, in any concentration:

25 (1) Class 1, 2 or 3 drugs that carry a Class "A" penalty  
26 in the executive secretary's classification for prohibited  
27 drugs, chemicals, and other substances under §319.304 (relating  
28 to Penalties on Positive Test);

**CHAPTER 319. VETERINARY DRUG PRACTICES AND DRUG TESTING**

**SUBCHAPTER D. DRUG TESTING**

**DIVISION 3. PROVISIONS FOR HORSES**

1       (2) blood doping agents including, but not limited to  
2 erthropoietin, darbepoetin, oxyglobin, Hempure, aransep or any  
3 substance that abnormally enhances the oxygenation of body  
4 tissues;

5       (3) gene doping agents or the non-therapeutic use of genes,  
6 genetic elements, and/or cells that have the capacity to enhance  
7 athletic performance or produce analgesia;

8       (4) clenbuterol present in a sample from a horse not on the  
9 veterinarian's list at the time the sample was taken; and

10       (5) androgenic-anabolic steroids present in a sample from a  
11 horse not on the veterinarian's list at the time the sample was  
12 taken.

13 (e) All horses selected for testing must be presented to the  
14 commission veterinarian, or any state-licensed veterinarian or  
15 state-licensed veterinary technician authorized by the  
16 commission, at the time and place designated, unless the trainer  
17 or owner provides verification sufficient to the commission of  
18 an extenuating circumstance that makes it impossible.

19 (f) Any licensee who does not comply with this section or  
20 cooperate with the commission veterinarian regarding the  
21 procurement of samples under this section may be subject to  
22 disciplinary action in accordance with the penalty schedule  
23 promulgated by the executive secretary under §319.304 (relating  
24 to Penalties on Positive Test.)

25 (g) Cooperation with the commission veterinarian, or any state-  
26 licensed veterinarian or state-licensed veterinary technician  
27 authorized by the commission, includes:

28       (1) assisting in the immediate location and identification  
29 of the horse selected for out of competition testing;

CHAPTER 319. VETERINARY DRUG PRACTICES AND DRUG TESTING

SUBCHAPTER D. DRUG TESTING

DIVISION 3. PROVISIONS FOR HORSES

1       (2) if the horse is not on an association's or training  
2 center's grounds, providing a stall or safe location to collect  
3 the samples; and

4       (3) assisting the veterinarian in properly procuring the  
5 samples.

6 (h) Veterinarian's List. A horse may be administered a drug  
7 identified in paragraph (d)(4) or (d)(5) of this section if it  
8 is placed on the veterinarian's list for not less than 30 days  
9 after the last administration of the drug and the following  
10 conditions are satisfied:

11       (1) the drug is prescribed by a practicing veterinarian  
12 licensed by the Commission and is administered as prescribed;

13       (2) within 24 hours of initial administration, the  
14 diagnosis justifying the prescribed drug, the dosage, the  
15 expected duration of treatment, the name of the horse and the  
16 name of the trainer is submitted to the commission veterinarian  
17 on a form prescribed by the executive secretary;

18       (3) the drug is approved by the FDA for use in horses;

19       (4) the horse must be presented to the test barn once  
20 eligible to be removed from the veterinarian's list for the  
21 commission veterinarian to obtain blood, urine and hair samples;

22       (5) the collected samples must test negative for the  
23 prescribed substance and any other substance identified in  
24 subsection (d) of this section;

25       (6) the costs of testing, including applicable shipping  
26 costs, shall be borne by the person requesting the test and must be  
27 paid in full at the time of shipment; and

28       (7) horses placed on the veterinarian's list for the  
29 therapeutic use of any substance identified in paragraphs (d)(4)

CHAPTER 319. VETERINARY DRUG PRACTICES AND DRUG TESTING

SUBCHAPTER D. DRUG TESTING

DIVISION 3. PROVISIONS FOR HORSES

1 and (d)(5) of this section may be subject to out of competition  
2 testing to ensure that the concentration of drug found is within  
3 the range expected for the recognized therapeutic dose of the  
4 drug.

5 (i) Samples collected under this section will be sent to the  
6 Texas Veterinary Medical Diagnostic Laboratory or to another  
7 laboratory selected by the Commission after consultation with  
8 the Texas Veterinary Medical Diagnostic Laboratory.

9 (j) Split samples will be collected and processed for all tests  
10 in this section in accordance with §319.362 (relating to Split  
11 Specimen).

# TEXAS RACING COMMISSION

## COMMITTEE ON RULES

Date of Request: \_\_\_\_\_

### ***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](mailto:info@txrc.texas.gov)

#### **Contact Information:**

Name:	Staff	Phone(s):	(512) 833-6699
E-mail address:	<a href="mailto:info@txrc.texas.gov">info@txrc.texas.gov</a>	Fax number:	(512) 833-6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

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: 104

Proposed Addition to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Other Rules Affected by Proposal (if any): Chapter: 301 Rule: 1

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

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

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

Statutory Authority for Proposed Change: TRA §3.02

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

This proposal would address the practice of listing one person in the program as the trainer of a horse when the horse is actually under the control of and trained by another person who may or may not hold a trainer's license in any jurisdiction.

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

A paper or program trainer is the person who is listed on the program as the trainer of a horse that has been in the care, custody and training of someone else, who is frequently a person whose license has been suspended or revoked or is not qualified for licensure.

Owners and trainers may use a program trainer to avoid the consequences of a positive drug test. If a program trainer is suspended, the owner or actual trainer will replace the trainer with another program trainer. Suspended trainers will also use program trainers in an effort to avoid the consequences of their own suspensions and continue collecting the financial rewards of training and racing.

The wagering public, which uses trainers' records for handicapping purposes, are defrauded when the program does not accurately reflect the name and history of the actual trainer.

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

The proposal would adopt the definition of a Paper/Program Trainer as found in ARCI's Model Rules. It would also make the practices of utilizing a program trainer and of acting as a program trainer as being inconsistent with maintaining the honesty and integrity of racing under §307.7 (relating to Ejection and Exclusion) and as a detrimental practice under §311.6 (relating to Denial, Suspension and Revocation of Licenses.) This will allow the Commission to exclude program trainers from racetracks and allow the stewards to fine and suspend, or even revoke, the licenses of program trainers.

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

Unknown at this time.

### **E. Proposal**

See next page.

CHAPTER 311. OTHER LICENSES

SUBCHAPTER B. SPECIFIC LICENSES

1 **Sec. 311.104. Trainers**

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

3 (1) No licensee shall act as a program trainer, nor shall any  
4 person use the services of a program trainer. Any licensee  
5 found to be acting as a program trainer is responsible for all  
6 violations occurring from participation of any horse or  
7 greyhound entered or raced by the licensee. Further, the  
8 Commission recognizes that identification of the correct trainer  
9 in the program is an important handicapping tool used by the  
10 wagering public. Therefore, the Commission identifies the  
11 practices of utilizing a program trainer and of acting as a  
12 program trainer as being inconsistent with maintaining the  
13 honesty and integrity of racing under §307.7 (relating to  
14 Ejection and Exclusion) and as a detrimental practice under  
15 §311.6 (relating to Denial, Suspension and Revocation of  
16 Licenses.)

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 8/31/2016

***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](mailto:info@txrc.texas.gov)

**Contact Information:**

Name:	Staff	Phone(s):	(512) 833-6699
E-mail address:	<a href="mailto:info@txrc.texas.gov">info@txrc.texas.gov</a>	Fax number:	(512) 833-6907
Mailing address:	8505 Cross Park Dr., Suite 110, Austin, TX 78754		

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: 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: TRA §§ 3.02, 7.01

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

The Commission needs more information about which licensees are present on the backside of a racetrack in order to implement an effective random drug testing program.

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

The recent increase in positive human drug tests show that drug use is a problem among certain licensees. Further, the recent increase in methamphetamine positives in equine samples raises the possibility that some licensees may be contaminating horses through their handling of them.

Commission Rule 311.303, Method of Selection, provides that the executive secretary may select occupational licensees for drug testing using a method of random selection. Other states have adopted drug testing programs that target the gate crew, test barn staff, pony persons, trainers, jockeys, and the grooms that bring horses to the test barn. However, there are licensees who these programs miss. In particular, assistant trainers and stable foremen avoid testing under these programs, and grooms may avoid them merely by refraining from bringing horses to the test barn.

Further, Commission Rule 311.104(c) provides that trainers' employees are not permitted in the stable area unless they are doing work for the trainer. Currently, TRC staff have no record showing which employees are working for which trainers at any particular time, so this rule is difficult to enforce.

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

In order to adopt an effective system for randomly drug testing all licensees who handle the racehorses, TRC requires a list of all licensees who are regularly present in an association's stable area. Staff proposes that the trainers maintain a list of current employees with the licensing office and be required to promptly update the list when any change in personnel occurs. This is a similar system to that already used in greyhound racing, where kennel owners are subject to the same requirements under Rule 311.103(b). This list will also enable staff to know when trainer employees are no longer employed and attempt to either reclaim the badge or replace the badge with one that does not allow access to any secured areas.

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

Unknown at this time.

### **E. Proposal**

See next page.

CHAPTER 311. OTHER LICENSES

SUBCHAPTER B. SPECIFIC LICENSES

1 **§311.104. Trainers**

2 (a)-(f) (No change)

3 (g) Trainer Employees.

4 (1) A trainer shall identify to the Commission licensing  
5 office all assistant trainers, stable foremen and grooms  
6 employed by the trainer to work on an association's grounds. No  
7 later than 24 hours after a change in personnel occurs, the  
8 trainer shall notify the Commission licensing office of the  
9 change.

10 (2) A trainer may not sign an application as the employer  
11 for an assistant trainer, stable foreman or groom that the  
12 trainer does not actually employ.

13 (3)~~(1)~~ A trainer may not employ an individual who is less  
14 than 16 years of age to work for the trainer on an association's  
15 grounds.

16 (4)~~(2)~~ A trainer may not employ a jockey to prevent the  
17 jockey from riding in a race.

18 (h)-(k) (No change.)

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 9/19/16

***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](mailto:info@txrc.texas.gov)

**Contact Information:**

Name:	Staff	Phone(s):	(512) 833-6699
E-mail address:	<a href="mailto:info@txrc.texas.gov">info@txrc.texas.gov</a>	Fax number:	(512) 833-6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

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: 308

Proposed Addition to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Other Rules Affected by Proposal (if any):

Chapter: 311 Rule: 302

Chapter: 311 Rule: 303

Chapter: 311 Rule: 304

Chapter: 301 Rule: 1

Statutory Authority for Proposed Change: TRA §§3.02, 7.04

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

There have been a number of human methamphetamine positives and drug test refusals among licensees who handle horses, with the resulting possibility that some of the recent methamphetamine positives in horses were the result of human contamination.

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

Commission Rule 311.308 currently establishes the following penalties for failing a drug test:

- A first violation will result in a minimum 30 day suspension and referral to an outside medical review officer (MRO) for evaluation. Before being reinstated, the licensee must complete any rehabilitation requirements ordered by the MRO and produce a negative drug test result.
- A second violation will result in a minimum 6 month suspension and the licensee must enter a certified substance abuse program approved by the MRO. Before being reinstated, the licensee must satisfactorily complete the substance abuse program and any other rehabilitation requirements ordered by the MRO and produce a negative drug test result.
- Third and subsequent violations will result in a minimum one year suspension and the stewards shall refer the licensee to the Commission.

Licensees who refuse drug tests are treated the same as if they had tested positive in accordance with the penalty schedule described above.

However, the recent increase in positive human drug tests show that drug use is a problem among certain licensees and that the current penalties are insufficient to correct the behavior. Further, the recent increase in methamphetamine positives in equine samples raises the possibility that some drug-using licensees may be contaminating horses through their handling of them. Finally, the current penalties are not sufficiently aligned with the potential damage done to the trainer and owner for a contaminated horse; first-offense Class A penalties against the trainer are a one year suspension and a \$10,000 fine, and the owner is subject to the loss of purse and having the horse removed from competition for 90 days.

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

The proposals would provide for license revocation for any individual who tests positive or refuses to submit to a drug test. The proposal would also provide that drug tests could be conducted under an episodic random drug testing policy, which is one that occurs during periods of increasing risk of drug users on the backside, such as at the beginning of a meet when there are more new licensees present.

## **D. Support or Opposition**

Unknown at this time.

## **E. Proposal**

See next page.

CHAPTER 311. OTHER LICENSES

SUBCHAPTER D. ALCOHOL AND DRUG TESTING

DIVISION 1. DRUGS

1 **Sec. 311.302. Subject to Testing**

2 (a) The stewards or racing judges may require an occupational  
3 licensee acting pursuant to the license to submit to a urine  
4 test or other non-invasive fluid test at any time while on  
5 association grounds.

6 (b) The license of a [A] licensee who refuses to submit to such  
7 a test when required [~~requested~~] to do so by the stewards or  
8 racing judges shall be revoked. [~~suspended for at least 30 days.~~  
9 ~~A licensee who refuses to submit to a test for the second time~~  
10 ~~shall be suspended by the stewards or racing judges for at least~~  
11 ~~six months. In addition, for a first or second refusal, the~~  
12 ~~licensee shall be referred to the medical review officer in~~  
13 ~~accordance with the penalties and conditions for the associated~~  
14 ~~violation under §311.308 of this title (relating to Penalties).~~  
15 ~~A licensee who refuses to submit to a test for a third or~~  
16 ~~subsequent time shall be suspended by the stewards or racing~~  
17 ~~judges for one year and referred to the Commission.]~~

CHAPTER 311. OTHER LICENSES

SUBCHAPTER D. ALCOHOL AND DRUG TESTING

DIVISION 1. DRUGS

1 **Sec. 311.303. Method of Selection**

2 (a) An occupational licensee may be selected for testing under  
3 this subchapter by a method of random or episodic random  
4 selection prescribed by the executive secretary. The method may  
5 be changed from time to time, and it is not an indication of  
6 unfairness if a licensee is selected more frequently than any  
7 other, providing there is no manipulation of the selection  
8 process.

9 (b) An occupational licensee may be selected for testing at any  
10 time while on association grounds on the basis of reasonable  
11 belief.

CHAPTER 311. OTHER LICENSES

SUBCHAPTER D. ALCOHOL AND DRUG TESTING

DIVISION 1. DRUGS

1 **Sec. 311.304. Taking of Specimens**

2 (a) (No change.)

3 (b) The specimen shall be immediately sealed and documented  
4 [~~tagged~~] on a form provided by the executive secretary, and the  
5 licensee shall sign the form. The portion of the form that  
6 accompanies the specimen to the laboratory for analysis may not  
7 identify the licensee by name.

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

CHAPTER 311. OTHER LICENSES

SUBCHAPTER D. ALCOHOL AND DRUG TESTING

DIVISION 1. DRUGS

1 **Sec. 311.308. Penalties**

2 (a) The stewards or racing judges shall impose penalties in  
3 accordance with this section for a violation of §311.301 of this  
4 title (relating to Use Prohibited). A penalty imposed under this  
5 section is appealable pursuant to §307.67 of the Rules (relating  
6 to Appeal to the Commission.)

7 (b) If the stewards or racing judges require a licensee to  
8 submit to testing under §311.302 of this title (relating to  
9 Subject to Testing) as prescribed under §311.303 of this chapter  
10 (relating to Method of Selection), the stewards or racing judges  
11 shall prohibit the licensee from participating in racing for the  
12 remainder of that day.

13 (c) For a first or subsequent violation, the stewards or racing  
14 judges shall revoke the licensee's license. [÷]

15 [~~(1) suspend the licensee's license for at least 30 days;~~  
16 ~~and]~~

17 [~~(2) prohibit the licensee from participating in racing~~  
18 ~~until;~~]

19 [~~(A) the licensee's condition has been evaluated by~~  
20 ~~the medical review officer or a person designated by the medical~~  
21 ~~review officer under §311.306 of this title (relating to Medical~~  
22 ~~Review Officer);]~~

23 [~~(B) the licensee has satisfactorily complied with any~~  
24 ~~rehabilitation requirements ordered by the medical review~~  
25 ~~officer; and]~~

26 [~~(C) the licensee has produced a negative test~~  
27 ~~result.]~~

28 [~~(d) For a second violation, the stewards or racing judges~~  
29 ~~shall;~~]

**CHAPTER 311. OTHER LICENSES**

**SUBCHAPTER D. ALCOHOL AND DRUG TESTING**

**DIVISION 1. DRUGS**

1       ~~[(1) suspend the licensee's license for at least six~~  
2 ~~months; and]~~

3       ~~[(2) prohibit the licensee from participating in racing~~  
4 ~~until:]~~

5               ~~[(A) the licensee has satisfactorily completed a~~  
6 ~~certified substance abuse rehabilitation program approved by the~~  
7 ~~medical review officer; and]~~

8               ~~[(B) the licensee produces a negative test result.]~~

9       ~~[(c) For a third or subsequent violation, the stewards or racing~~  
10 ~~judges shall suspend the licensee for one year and refer the~~  
11 ~~licensee to the Commission.]~~

12       ~~[(f) After a suspended licensee has satisfactorily complied with~~  
13 ~~any rehabilitation requirements ordered by the medical review~~  
14 ~~officer or completed a certified substance abuse rehabilitation~~  
15 ~~program approved by the medical review officer, the licensee may~~  
16 ~~apply to have the license reinstated. The stewards or racing~~  
17 ~~judges shall reinstate the license if the stewards or racing~~  
18 ~~judges determine the licensee poses no danger to other licensees~~  
19 ~~or race animals and that reinstatement is in the best interest~~  
20 ~~of racing. On reinstatement, the stewards or racing judges shall~~  
21 ~~require the licensee to submit to further drug testing to verify~~  
22 ~~continued compliance with the Rules and complete any additional~~  
23 ~~rehabilitation or after care drug treatment recommended by the~~  
24 ~~medical review officer.]~~

25       ~~[(g) All specimens to be tested under this subchapter shall be~~  
26 ~~obtained and tested in accordance with §311.304 (relating to~~  
27 ~~Taking of Samples.) The Commission shall pay the cost of the~~  
28 ~~initial test. The licensee being tested is responsible for~~  
29 ~~paying the costs of all subsequent tests.]~~

## CHAPTER 301. DEFINITIONS

### 1 **Sec. 301.1. Definitions**

2 (a) (No change.)

3 (b) The following words and terms, when used in this part, shall  
4 have the following meanings, unless the context clearly  
5 indicates otherwise:

6 (1) Act--The Texas Racing Act, Article 179e, Texas Civil  
7 Statutes.

8 (2) Active license--a racetrack license designated by the  
9 commission as active.

10 (3) [~~+2~~] Age of a greyhound--determined as beginning on  
11 the day the greyhound is whelped.

12 (4) [~~+3~~] Age of a horse--determined as beginning on the  
13 first day of January in the year in which the horse is foaled.

14 (5) [~~+4~~] Application documents--documents submitted by an  
15 applicant for a license in support of the application.

16 (6) [~~+5~~] Application period--a period designated by the  
17 Commission for the submission of application documents for a  
18 racetrack license.

19 (7) [~~+6~~] Association grounds--all real property approved  
20 by the Commission for use by an association in the conduct of a  
21 race meeting.

22 (8) [~~+7~~] Association veterinarian--a veterinarian employed  
23 by the association.

24 (9) [~~+8~~] Authorized agent--a person appointed in writing  
25 by the owner or trainer of a horse or greyhound to represent the  
26 owner or trainer at a racetrack.

27 (10) [~~+9~~] Backstretch--the straightaway on the side of a  
28 track that is opposite to the finish line.

29 (11) [~~+10~~] Booking--a contract between an association and  
30 a kennel owner for the kennel owner to provide greyhounds to the

## CHAPTER 301. DEFINITIONS

1 association for a race meeting and for the association to  
2 provide kennel buildings to house the greyhounds.

3 (12) [~~(11)~~] Branding--the act of a totalisator system  
4 imprinting a mutuel ticket with information that identifies the  
5 ticket as canceled or cashed and automatically making the  
6 appropriate notation in the system's memories.

7 (13) [~~(12)~~] Canceled ticket--a mutuel ticket that  
8 represents a wager that has been canceled and withdrawn from the  
9 pari-mutuel pool.

10 (14) [~~(13)~~] Cashed ticket--a mutuel ticket that is paid for  
11 a winning wager.

12 (15) [~~(14)~~] Chief veterinarian--the chief veterinarian  
13 employed by the Commission.

14 (16) [~~(15)~~] Common pool--a pool in which the wagers  
15 received at a receiving location are combined with the wagers  
16 received at a sending racetrack.

17 (17) [~~(16)~~] Condition of a race--a characteristic element  
18 of the race, such as the distance, qualifications of animal to  
19 enter, purse or stakes, or other special features.

20 (18) [~~(17)~~] Coupled entry--two or more horses entered in a  
21 race that, because of common ties of ownership are joined to be  
22 a single betting interest in that race.

23 (19) [~~(18)~~] Cushion--the top level of a dirt racetrack.

24 (20) [~~(19)~~] Dead heat--a race in which two or more race  
25 animals finish at the same time.

26 (21) [~~(20)~~] Double entry--an entry of two or more  
27 greyhounds in the same race that have either common ownership or  
28 the same trainer and are separate wagering interests.

29 (22) [~~(21)~~] Encrypted--scrambled or otherwise manipulated  
30 audio-visual signals to mask the original video content of the

## CHAPTER 301. DEFINITIONS

1 signal to cause the signals to be indecipherable and  
2 unrecognizable to any person receiving the signal.

3 (23) [~~(22)~~] Entry--a horse, or horses in the case of a  
4 coupled entry, made eligible to run in a race.

5 (24) Episodic Random Testing--a strategy of testing for  
6 alcohol or controlled substances, which provides for random  
7 testing for periods with varying durations. The periods of  
8 random testing ordinarily are related to circumstances, such as  
9 the beginning of a race meeting, when an influx of new licensees  
10 raises concern about increased probability of substance abuse.  
11 Episodic testing for alcohol or controlled substances may be  
12 started without notice and may be terminated as circumstances  
13 make it advisable to do so.

14 (25) [~~(23)~~] Established weight--the racing weight for a  
15 greyhound established in accordance with the Rules.

16 (26) [~~(24)~~] Exempt institutional investor--an investor who  
17 is:

18 (A) an insurance company as defined by the Securities  
19 Act of 1933, §2(13), a bank as defined by that Act, §3(a)(2), a  
20 savings and loan association or other institution referenced in  
21 that Act, §3(a)(5)(A), or a foreign bank or savings and loan  
22 association or equivalent institution;

23 (B) an investment company as defined by the Investment  
24 Company Act of 1940, §3(a), an issuer that would have been  
25 deemed an investment company under that Act except for the  
26 exclusion in that Act, §3(c)(1), or a business development  
27 company as defined by that Act, §2(c)(48);

28 (C) a small business investment company licensed by  
29 the United States Small Business Administration under the Small  
30 Business Investment Act of 1958, §301(c);

## CHAPTER 301. DEFINITIONS

1 (D) a plan established and maintained by a state, its  
2 political subdivisions, or an agency or instrumentality of a  
3 state or its political subdivisions for the benefit of its  
4 employees;

5 (E) an employee benefit plan within the meaning of  
6 Title I of the Employee Retirement Income Security Act of 1974;

7 (F) a trust fund whose trustee is a bank or trust  
8 company and whose participants are exclusively plans of the  
9 types identified in subparagraph (D) or (E) of this definition,  
10 except trust funds that include as participants individual  
11 retirement accounts or H.R. 10 plans;

12 (G) a business development company as defined by the  
13 Investment Advisers Act of 1940, §202(a)(22), or an investment  
14 adviser registered under that Act;

15 (H) an organization described in the Internal Revenue  
16 Code, §501(c)(3);

17 (I) a dealer registered under the Securities Exchange  
18 Act of 1934, §15;

19 (J) a legal entity with a market value of at least \$50  
20 million whose securities are traded on a nationally recognized  
21 or foreign securities exchange or interdealer quotation system,  
22 such as NASDAQ; and

23 (K) a legal entity, acting for its own account or the  
24 account of other exempt institutional investors, that in the  
25 aggregate owns and invests on a discretionary basis at least \$25  
26 million in securities of issuers that are not affiliated with  
27 the entity, with the aggregate value of the securities being the  
28 cost of the securities, except if the entity reports its  
29 securities holdings in its financial statements based on their  
30 market value and no current information regarding the cost of

## CHAPTER 301. DEFINITIONS

1 the securities has been published, in which case the securities  
2 may be valued at market.

3 (27) [~~+25~~] Exotic pool--a mutuel pool that involves wagers  
4 on more than one entered horse or greyhound or on entries in  
5 more than one race.

6 (28) [~~+26~~] False start--failure of the starting gate or  
7 box doors to open simultaneously.

8 (29) [~~+27~~] Foul--an action by a horse or jockey that  
9 hinders or interferes with another horse or jockey during the  
10 running of a race.

11 (30) [~~+28~~] Greyhound race--a contest among greyhounds for  
12 purse, stakes, premium, or wager for money, run in the presence  
13 of the racetrack officials, including the following:

14 (A) Hurdle race--a race over a course in which jumps  
15 or hurdles are used.

16 (B) Match race--a race between two or more greyhounds,  
17 each the property of different owners, on terms agreed on by the  
18 owners and approved by the Commission.

19 (C) Overnight race--a race for which entries close 96  
20 hours or less before the time set for the first race of the day  
21 on which the race is to be run.

22 (D) Purse race--a race for money or other prize to  
23 which the owners of the greyhounds engaged in the race do not  
24 contribute an entry.

25 (E) Race on the flat--a race over a course in which no  
26 jumps or other obstacles are placed.

27 (F) Stakes race--a race in which all money is to be  
28 deposited by the owners of the greyhounds engaged in the race,  
29 including a race of the day on which the stakes race is to be  
30 run.

## CHAPTER 301. DEFINITIONS

1        (31) [~~(29)~~] Groom--an individual employed by an owner or  
2        trainer of a racehorse to tend to the physical appearance of the  
3        horse and to perform chores in and around the stable.

4        (32) [~~(30)~~] Growing medium--the substance immediately below  
5        the grass on a turf track.

6        (33) [~~(31)~~] Handle--the total amount of money wagered at a  
7        racetrack during a particular period.

8        (34) [~~(32)~~] Horse--an equine of any breed, including a  
9        stallion, gelding, mare, colt, filly, or ridgling.

10       (35) [~~(33)~~] Horse Race--a running contest between horses  
11       for entry fees, purse, prize, or other reward, including the  
12       following:

13                (A) Claiming race--a race in which a horse may be  
14       claimed in accordance with the Rules.

15                (B) Derby race--a race in which the first condition of  
16       eligibility is to be three years old.

17                (C) Futurity race--a race in which the first condition  
18       of eligibility is to be two years old.

19                (D) Guaranteed race--a race for which the association  
20       guarantees by its conditions a specified purse, which is the  
21       limit of its liability.

22                (E) Handicap race--a race in which the weights to be  
23       carried by the entered horses are adjusted by the racing  
24       secretary for the purpose of equalizing their respective chances  
25       of winning.

26                (F) Match race--a race between only two horses that  
27       are owned by different owners.

28                (G) Maturity race--a race in which the first condition  
29       of eligibility is to be four years of age or older.

## CHAPTER 301. DEFINITIONS

1           (H) Optional claiming race--a claiming race in which  
2 there is an option to have horses entered to be claimed for a  
3 stated price or not eligible to be claimed.

4           (I) Progeny race--a race restricted to the offspring  
5 of a specific stallion or stallions.

6           (J) Purse or overnight race--a race for which owners  
7 of horses entered are not required by its conditions to  
8 contribute money toward its purse.

9           (K) Stakes race--a race to which nominators of the  
10 entries contribute to a purse.

11           (L) Starter race--an overnight race under allowance or  
12 handicap conditions, restricted to horses which have previously  
13 started for a designated claiming price or less, as stated in  
14 the conditions of the race.

15           (M) Walkover race--a stakes race in which only one  
16 horse starts or all the starters are owned by the same interest.

17           (N) Weight for age race--a race in which weights are  
18 assigned in keeping with the scale of weights in these rules.

19           (36) [~~34~~] In today horse--a horse that is in the body of  
20 a race program which is entered into a race on the next  
21 consecutive race day.

22           (37) Inactive license--a racetrack license designated by  
23 the commission as inactive.

24           (38) [~~35~~] Kennel area--an area on association grounds for  
25 the boarding or training of greyhounds.

26           (39) [~~36~~] Lead out--an individual who handles a greyhound  
27 from the lockout kennel to the starting box.

28           (40) [~~37~~] Locked in the gate--a horse or greyhound that  
29 is prevented from leaving the starting gate or box due to the  
30 failure of the front door of the gate or box to open  
31 simultaneously with the other doors.

## CHAPTER 301. DEFINITIONS

1        (41) [~~(38)~~] Lure--a mechanical apparatus at a greyhound  
2 racetrack consisting of a stationary rail installed around the  
3 track, a motorized mechanism that travels on the rail, and a  
4 pole that is attached to the mechanism and extends over the  
5 track, and to which a decoy is attached.

6        (42) [~~(39)~~] Maiden--a horse or greyhound that has never won  
7 a race at a recognized race meeting authorized by the Commission  
8 or by another racing jurisdiction.

9        (43) [~~(40)~~] Minus pool--a pool in which there are  
10 insufficient net proceeds to pay the minimum price to holders of  
11 the winning tickets.

12       (44) [~~(41)~~] Mutuel field--a group of horses joined as a  
13 single betting interest in a race due to the limited numbering  
14 capacity of the totalisator.

15       (45) [~~(42)~~] No race--a race that is canceled after being  
16 run due to a malfunction of the starting gate or box or any  
17 other applicable reason as determined by the Rules.

18       (46) [~~(43)~~] Nominator--the person in whose name a horse or  
19 greyhound is entered for a race.

20       (47) [~~(44)~~] Occupational licensee--an individual to whom  
21 the Commission has issued a license to participate in racing  
22 with pari-mutuel wagering.

23       (48) [~~(45)~~] Odds--a number indicating the amount of profit  
24 per dollar wagered to be paid to holders of winning pari-mutuel  
25 tickets.

26       (49) [~~(46)~~] Off time--the moment when, on signal from the  
27 starter, the horses or greyhounds break from the starting gate  
28 or box and run the race.

29       (50) [~~(47)~~] Paddock--the area in which horses or greyhounds  
30 gather immediately before a race.

## CHAPTER 301. DEFINITIONS

1       (41) [~~(38)~~] Lure--a mechanical apparatus at a greyhound  
2 racetrack consisting of a stationary rail installed around the  
3 track, a motorized mechanism that travels on the rail, and a  
4 pole that is attached to the mechanism and extends over the  
5 track, and to which a decoy is attached.

6       (42) [~~(39)~~] Maiden--a horse or greyhound that has never won  
7 a race at a recognized race meeting authorized by the Commission  
8 or by another racing jurisdiction.

9       (43) [~~(40)~~] Minus pool--a pool in which there are  
10 insufficient net proceeds to pay the minimum price to holders of  
11 the winning tickets.

12       (44) [~~(41)~~] Mutuel field--a group of horses joined as a  
13 single betting interest in a race due to the limited numbering  
14 capacity of the totalisator.

15       (45) [~~(42)~~] No race--a race that is canceled after being  
16 run due to a malfunction of the starting gate or box or any  
17 other applicable reason as determined by the Rules.

18       (46) [~~(43)~~] Nominator--the person in whose name a horse or  
19 greyhound is entered for a race.

20       (47) [~~(44)~~] Occupational licensee--an individual to whom  
21 the Commission has issued a license to participate in racing  
22 with pari-mutuel wagering.

23       (48) [~~(45)~~] Odds--a number indicating the amount of profit  
24 per dollar wagered to be paid to holders of winning pari-mutuel  
25 tickets.

26       (49) [~~(46)~~] Off time--the moment when, on signal from the  
27 starter, the horses or greyhounds break from the starting gate  
28 or box and run the race.

29       (50) [~~(47)~~] Paddock--the area in which horses or greyhounds  
30 gather immediately before a race.

## CHAPTER 301. DEFINITIONS

1       (51) Paper/Program Trainer--a licensed trainer who solely  
2       for the purposes of the official race program is identified as  
3       the trainer of a horse that is actually under the control of and  
4       trained by another person who may or may not hold a current  
5       trainer's license in any jurisdiction.

6       (52) [(48)] Patron--an individual present on association  
7       grounds during a race meeting who is eligible to wager on the  
8       racing.

9       (53) [(49)] Pecuniary interest--includes a beneficial  
10       ownership interest in an association, but does not include bona  
11       fide indebtedness or a debt instrument of an association.

12       (54) [(50)] Performance--the schedule of horse or greyhound  
13       races run consecutively as one program. A greyhound performance  
14       consists of fifteen or fewer races unless approved by the  
15       executive secretary.

16       (55) [(51)] Photofinish--the system of recording pictures  
17       or images of the finish of a race to assist in determining the  
18       order of finish.

19       (56) [(52)] Place--to finish second in a race.

20       (57) [(53)] Post position--the position assigned to a horse  
21       or greyhound in the starting gate or box.

22       (58) [(54)] Post time--the time set for the arrival at the  
23       starting gate or boxes by the horses or greyhounds in a race.

24       (59) [(55)] Purse--the cash portion of the prize for a  
25       race.

26       (60) [(56)] Race date--a date on which an association is  
27       authorized by the Commission to conduct races.

28       (61) [(57)] Race day--a day in which a numerical majority  
29       of scheduled races is conducted and is a part of the  
30       association's allocated race days.

## CHAPTER 301. DEFINITIONS

1        (62) [~~58~~] Race meeting--the specified period and dates  
2 each year during which an association is authorized to conduct  
3 racing and/or pari-mutuel wagering by approval of the  
4 Commission.

5        (63) [~~59~~] Racetrack facility--the buildings, structures  
6 and fixtures located on association grounds used by an  
7 association to conduct horse or greyhound racing.

8        (64) [~~60~~] Racetrack official--an individual appointed or  
9 approved by the Commission to officiate at a race meeting.

10       (65) [~~61~~] Racing judge--the executive racing official at  
11 a greyhound track.

12       (66) [~~62~~] Reasonable belief--a belief that would be held  
13 by an ordinary and prudent person in the same circumstances as  
14 the actor.

15       (67) [~~63~~] Recognized race meeting--a race meeting held  
16 under the sanction of a turf authority.

17       (68) [~~64~~] Refunded ticket--a pari-mutuel ticket that has  
18 been refunded for the value of a wager that is no longer valid.

19       (69) [~~65~~] Rule off--to bar an individual from the  
20 enclosure of an association and to deny all racing privileges to  
21 the individual.

22       (70) [~~66~~] Rules--the rules adopted by the Texas Racing  
23 Commission found in Title 16, Part VIII of the Texas  
24 Administrative Code.

25       (71) [~~67~~] Schooling race--a practice race conducted under  
26 actual racing conditions but for which wagering is not  
27 permitted.

28       (72) [~~68~~] Scratch--to withdraw an entered horse or  
29 greyhound from a race after the closing of entries.

30       (73) [~~69~~] Scratch time--the closing time set by an  
31 association for written requests to withdraw from a race.

## CHAPTER 301. DEFINITIONS

1           (74) [~~(70)~~] Show--to finish third in a race.

2           (75) [~~(71)~~] Specimen--a bodily substance, such as blood,  
3 urine, or saliva, taken for analysis from a horse, greyhound, or  
4 individual in a manner prescribed by the Commission.

5           (76) [~~(72)~~] Stakes payments--the fees paid by subscribers  
6 in the form of nomination, entry, or starting fees to be  
7 eligible to participate.

8           (77) [~~(73)~~] Stallion owner--a person who is owner of  
9 record, at the time of conception, of the stallion that sired  
10 the accredited Texas-bred horse.

11          (78) [~~(74)~~] Starter--a horse or greyhound entered in a race  
12 when the doors of the starting gate or box open in front of the  
13 horse or greyhound at the time the official starter dispatches  
14 the horses or greyhounds.

15          (79) [~~(75)~~] Straight pool--a mutuel pool that involves  
16 wagers on a horse or greyhound to win, place, or show.

17          (80) [~~(76)~~] Subscription--money paid to nominate, enter, or  
18 start a horse or greyhound in a stakes race.

19          (81) [~~(77)~~] Tack room--a room in the stable area of a horse  
20 racetrack in which equipment for training and racing the horses  
21 is stored.

22          (82) [~~(78)~~] Totalisator--a machine or system for  
23 registering and computing the wagering and payoffs in pari-  
24 mutuel wagering.

25          (83) [~~(79)~~] Tote board--a facility at a racetrack that is  
26 easily visible to the public on which odds, payoffs,  
27 advertising, or other pertinent information is posted.

28          (84) [~~(80)~~] Tote room--the room in which the totalisator  
29 equipment is maintained.

30          (85) [~~(81)~~] Tout--an individual licensed to furnish  
31 selections on a race in return for a set fee.

## CHAPTER 301. DEFINITIONS

1       (86) [~~(82)~~] Trial--a race designed primarily to determine  
2       qualifiers for finals of a stakes race.

3       (87) [~~(83)~~] Uplink--an earth station broadcasting facility,  
4       whether mobile or fixed, which is used to transmit audio-visual  
5       signals and/or data emanating from a sending racetrack, and  
6       includes the electronic transfer of received signals from the  
7       receiving antenna to TV monitors within the receiving location.

8       (88) [~~(84)~~] Weigh in--the process by which a jockey is  
9       weighed after a race or by which a greyhound is weighed before  
10      being placed in the lockout kennel.

11      (89) [~~(85)~~] Weighing in weight--the weight of a greyhound  
12      on weighing in to the lockout kennel.

13      (90) [~~(86)~~] Weigh out--the process by which a jockey or  
14      greyhound is weighed before a race.

15      (91) [~~(87)~~] Weighing out weight--the weight of a greyhound  
16      on weighing out of the lockout kennel immediately before post  
17      time for the race in which the greyhound is entered.

18      (92) [~~(88)~~] Win--to finish first in a race.

19      (93) [~~(89)~~] Winner--

20             (A) for horse racing, the horse whose nose reaches the  
21      finish line first, while carrying the weight of the jockey or is  
22      placed first through disqualification by the stewards; and

23             (B) for greyhound racing, the greyhound whose muzzle,  
24      or if the muzzle is lost or hanging, whose nose reaches the  
25      finish line first or is placed first through disqualification by  
26      the judges.

27      ~~[(90) Active license--a racetrack license designated by the~~  
28      ~~commission as active.]~~

29      ~~[(91) Inactive license--a racetrack license designated by~~  
30      ~~the commission as inactive.]~~