

TEXAS RACING COMMISSION

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COMMITTEE ON RULES

Tuesday, March 28, 2017
10:30 a.m.
Texas Animal Health Commission
2105 Kramer Lane
Austin, Texas 78758

Agenda

The Committee will discuss the proposed adoption of the following proposals, which were published in the March 10, 2017, edition of the *Texas Register*.

1. Proposal to Amend Rule 309.154, Stable or Kennel Area
2. Proposal to Amend Rule 311.105, Jockeys
3. Proposal to Amend Rule 311.302, Subject to Testing
4. Proposal to Amend Rule 311.304, Taking of Specimens
5. Proposal to Amend Rule 311.308, Penalties
6. Proposal to Amend Rule 313.501, Training Facility License
7. Proposal to Amend Rule 315.1, Required Officials

The Committee will discuss the following staff requests for rule amendments:

- Proposal to Require Horse Owners of Less than 5% to Secure Stewards' Approval before Licensure. This proposal would provide that horse owners whose sole ownership interest is through a less-than-5%-ownership in a multiple ownership entity must secure the approval of the stewards before becoming licensed as a horse owner.
- Proposal to Create Two New License Types. This proposal would create two new license combinations: Groom/Exercise Rider and Groom/Pony Person. The new licenses would allow a person to participate in both roles with a single license and at a lower cost than securing separate licenses.
- Proposal to Allow the Presiding Steward to Complete the End of Meet Report. The proposal would allow the presiding steward to individually complete the end of meet report rather than requiring the participation of all three stewards.

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

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 1/25/17

***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
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Contact Information:

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E-mail address:	info@txrc.texas.gov	Fax number:	(512) 833-6907
Mailing address:			

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 309 Rule: 154

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

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

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA § 3.02

A. Brief Description of the Issue

At the direction of the Executive Director, TxRC staff compared the ARCI model rules on racing issues to the Commission's rules to identify any areas in which TxRC's rules could be improved. Staff has identified a model rule regarding overnight access to the backside as a potential improvement to the safety and integrity of racing.

B. Discussion of the Issue and Problem

ARCI Model Rule ARCI-007-025, Operations, addresses security on an association's grounds and includes a requirement that the association maintain a written record of all individuals admitted to the stable area between midnight and 5:00 a.m. The agency has already taken several steps recently to improve backside security, including implementing a random drug testing policy and directing association staff to maintain tighter oversight of the backside entry gates. However, late night hours provide a relatively open opportunity for anyone would wants to transport contraband onto the backside.

C. Possible Solutions and Impact

The relevant portion of the model rule provides:

A written record of all individuals admitted to the stable area between the hours of 12:00 midnight and 5:00 a.m. shall be maintained. At a minimum this record shall contain the name of the person admitted, the person's license number and the time admitted.

The Commission's proposal closely tracks this language and also requires association staff to provide the daily logs to the Commission's investigator regularly or at the earliest opportunity when an investigator returns to duty.

The impact on the association should be minimal as Rule 309.154 already requires the association to provide continuous security service during the period of lockdown and to ensure that each person entering or present in the stable area displays a license badge or security pass. By allowing the investigators to monitor the entrance of people to the backside during off hours, they can identify potential sources of contraband such as impermissible medications and electrical devices.

D. Support or Opposition

The proposal was discussed at the Rules Committee's meeting on January 31, 2017, and again at the Commission meeting on February 16, 2017. Hearing no objection, the Commission authorized staff to publish the proposal in the *Texas Register*, where it appeared in the March 10, 2017, edition. The Commission has received no comments on the proposal to date.

E. Proposal

See next page.

CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER B. OPERATION OF RACETRACKS

DIVISION 3. OPERATIONS

1 **309.154. Stable or Kennel Area**

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

3 (d) A written record of all individuals admitted to the stable
4 or kennel area between the hours of 12:00 midnight and 5:00 a.m.
5 shall be maintained. At a minimum, this record shall contain the
6 name and license number of the person admitted and the time
7 admitted. The daily logs shall be delivered to the Commission
8 investigator regularly or at the earliest opportunity when an
9 investigator returns to duty.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 1/25/17

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

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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: 105

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

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

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA § 3.02

A. Brief Description of the Issue

At the direction of the Executive Director, TxRC staff compared the ARCI model rules on racing issues to the Commission's rules to identify any areas in which TxRC's rules could be improved. Staff has identified as a potential improvement a model rule that requires jockeys to weigh no more than 130 pounds at the time of application.

B. Discussion of the Issue and Problem

ARCI Model Rule ARCI-008-030, Jockeys, addresses jockey eligibility and includes a requirement that jockeys weigh no more than 130 pounds at the time of application. As jockeys who weigh more than 130 pounds cannot meet the rules' weight limitations, there is no reason to issue such an applicant a license. The rule proposal also supports staff's efforts to limit access to the backside to only those licensees who have legitimate reasons to be there.

C. Possible Solutions and Impact

The relevant portion of the model rule provides:

A person whose weight exceeds 130 pounds at the time of application shall not be licensed as a jockey.

The Commission's proposal closely tracks this language, although it requires that the jockey weigh under 130 pounds at the time the license is issued rather than at the time of application. This will allow for the possibility that an applicant weighing over 130 pounds at the time of application will lose sufficient weight to qualify while the application is pending.

The impact on licensees should be minimal, as jockeys weighing over 130 pounds cannot race. By ensuring that jockey licenses are only issued to jockeys who are capable of racing, the Commission will ensure that persons without legitimate reasons to be on the backside are not granted licenses.

D. Support or Opposition

The proposal was discussed at the Rules Committee's meeting on January 31, 2017, and again at the Commission meeting on February 16, 2017. Hearing no objection, the Commission authorized staff to publish the proposal in the *Texas Register*, where it appeared in the March 10, 2017, edition. The Commission has received no comments on the proposal to date.

E. Proposal

See next page.

CHAPTER 311. OTHER LICENSES

SUBCHAPTER B. SPECIFIC LICENSES

1 **311.105. Jockeys**

2 (a) License.

3 (1) To be licensed as a jockey or apprentice jockey, an
4 individual must be at least 16 years of age, weigh no more than
5 130 pounds at the time of licensure, and provide proof of a
6 satisfactory physical examination as described in subsection (b)
7 of this section.

8 (2)-(3) (No change.)

9 (b)-(d) (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***

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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: 304

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

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 original proposals provided for license revocation for any individual who tests positive or refuses to submit to a drug test. They also provided 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

The proposal was discussed at the Rules Committee's meeting on September 15, 2016, where industry representatives cautiously expressed concern that the original proposal's license revocation after a first offense may be overly harsh, especially in light of their personal experiences where some employees have made mistakes with drug use yet have later redeemed themselves as valuable employees.

The proposal has been amended to change the penalty for a first violation to a six-month suspension, with the same reinstatement requirements as are currently in place, and provides for license revocation for a second violation. The amendments to §301.1

and §311.303 to provide for episodic random testing have been removed because §301.1 is already under amendment to add a definition for Paper/Program Trainer; these amendments may be brought back for consideration at a future date.

The proposal was discussed again at the Rules Committee's meeting on January 31, 2017, and at the Commission meeting on February 16, 2017. Hearing no objection, the Commission authorized staff to publish the proposal in the *Texas Register*, where it appeared in the March 10, 2017, edition. The Commission has received no comments on the proposal to date.

E. Proposal

See the following four pages for the proposed amendments to Rules 311.302, 311.304, and 311.308.

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

CHAPTER 311. OTHER LICENSES

SUBCHAPTER D. ALCOHOL AND DRUG TESTING

DIVISION 1. DRUGS

1 **Sec. 311.304. 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 violation, the stewards or racing judges shall:

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

16 (2) prohibit the licensee from participating in racing
17 until:

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

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

25 (C) the licensee has produced a negative test result.

26 (d) For a second or subsequent violation, the stewards or racing
27 judges shall revoke the licensee's license.[+]

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

CHAPTER 311. OTHER LICENSES

SUBCHAPTER D. ALCOHOL AND DRUG TESTING

DIVISION 1. DRUGS

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

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

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

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

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

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

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 1/25/17

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

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Contact Information:

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E-mail address:	info@txrc.texas.gov	Fax number:	(512) 833-6907
Mailing address:			

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 313 Rule: 501

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

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

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA § 3.02

A. Brief Description of the Issue

TxRC Rule 313.501 currently provides that training facility licenses expire on December 31 regardless of when they are issued. This provides a significant disincentive for training facilities to become licensed in the second half of the year.

B. Discussion of the Issue and Problem

Training facility licenses expire at the end of the calendar year in which they were issued. This proposal would change the expiration date to one year after the end of the month of issuance. This will make the renewal provisions of training facility licenses consistent with those of occupational licenses and would also be more equitable for facilities applying for licenses in the latter part of the calendar year.

C. Possible Solutions and Impact

There are two potential approaches that would make the license terms more equitable: (1) make the licenses effective for a full year, regardless of when they are issued, or (2) pro rate the license fee based on when the license is issued. The latter solution would be administratively more difficult and would result in a process that is still not consistent with other license types.

D. Support or Opposition

The proposal was discussed at the Rules Committee's meeting on January 31, 2017, and again at the Commission meeting on February 16, 2017. Hearing no objection, the Commission authorized staff to publish the proposal in the *Texas Register*, where it appeared in the March 10, 2017, edition. The Commission has received no comments on the proposal to date.

E. Proposal

See next page.

CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER E. TRAINING FACILITIES

1 **Sec. 313.501. Training Facility License**

2 (a) A training facility must be licensed by the Commission in
3 accordance with this section to provide official workouts.

4 Except as otherwise provided by this subchapter, an official
5 workout obtained at a training facility licensed under this
6 section satisfies the workout requirements of §313.103 of this
7 title (relating to Eligibility Requirements).

8 (b) A training facility license expires one year after the last
9 day of the month [~~on December 31 of the year~~] in which the
10 license was issued. An applicant for a training facility license
11 must submit with the application documents the license fee of
12 \$1,800. [~~The annual fee for a training facility license is~~
13 ~~\$1,800, which is due and payable to the Commission on receipt of~~
14 ~~the license certificate.~~]

15 (c) A training facility license is personal to the licensee and
16 may not be transferred.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 1/25/17

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

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Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 315 Rule: 1

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

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

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA § 3.02

A. Brief Description of the Issue

In preparing for the current race meet at Valley Race Park, staff observed a discrepancy in the lists of required officials between the rules for horse tracks versus greyhound tracks.

B. Discussion of the Issue and Problem

TxRC Rule 315.1, Required Officials, lists the greyhound racing officials required to be present at each greyhound race. Currently, the track superintendent is not on that list. However, Rule 313.1, Racetrack Official, includes the track superintendent among the required officials at horse race meetings. For consistency, and to ensure that greyhound racing surfaces receive appropriate attention, staff proposes that the track superintendent be added to the list of race officials in Rule 315.1.

C. Possible Solutions and Impact

The proposed solution is to add track superintendents to the list of race officials in Rule 315.1.

There will be some impact to the association from this change because the current rule does not require that the track superintendent be present for each race, while the proposal does.

D. Support or Opposition

The proposal was discussed at the Rules Committee's meeting on January 31, 2017, and again at the Commission meeting on February 16, 2017. Hearing no objection, the Commission authorized staff to publish the proposal in the *Texas Register*, where it appeared in the March 10, 2017, edition. The Commission has received no comments on the proposal to date.

E. Proposal

See next page.

CHAPTER 315. OFFICIALS AND RULES FOR GREYHOUND RACING

SUBCHAPTER A. OFFICIALS

DIVISION 1. APPOINTMENT OF OFFICIALS

1 **315.1. Required Officials**

2 (a) The following officials must be present at each greyhound
3 race conducted in this state:

4 (1) at least two racing judges;

5 (2) a commission veterinarian;

6 (3) an association veterinarian;

7 (4) a racing secretary;

8 (5) an assistant racing secretary;

9 (6) a paddock judge;

10 (7) a starter;

11 (8) a clerk of scales;

12 (9) a mutuel manager;

13 (10) a chart writer;

14 (11) a photofinish operator and timer;

15 (12) a kennel master; [~~and~~]

16 (13) a mechanical lure operator; and

17 (14) a track superintendent.

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

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 3/20/17

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

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Personal Submission *OR*
 Submission on Behalf of Texas Racing Commission
(Name of Organization)

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

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

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

A. Brief Description of the Issue

One racetrack has expressed interest in encouraging the development of racing clubs to increase patronage. A racing club is a multiple ownership entity created to purchase and race a horse under the supervision of a leading trainer. Ownership interests are sold at a set fee to a large number of participants, with each owner holding less than 1% interest in the horse. However, the creation of a large number of small interest owners could create a problem by allowing access to the backside to individuals who have no legitimate reason for being there.

B. Discussion of the Issue and Problem

The Commission's rules currently require that only the owners of 5.0% or more interest in a horse be licensed; owners of less than 5.0% are not required to become licensed. However, the Commission's rules do allow these owners of small interests to become licensed, no matter how small the interest. This can become a problem because licensure as an owner allows a person to secure a badge and thereby gain access to the secured backside of a racetrack.

ARCI's model rule addresses the licensure issue as follows:

ARCI-008-015 Owners

(B)(4) To obtain an owner's license, an owner with less than a five percent ownership or beneficial interest in a horse shall establish a bona fide need for the license and the issuance of such license shall be approved by the stewards.

C. Possible Solutions and Impact

The Commission could incorporate the model rule into its rules. This would allow agency staff to limit the issuance of licenses, while still permitting those who have a bona fide need for the license to secure one.

D. Support or Opposition

This proposal will be presented to the industry for the first time at the next Rules Committee meeting.

E. Proposal

See next page.

CHAPTER 311. OTHER LICENSES
SUBCHAPTER B. SPECIFIC LICENSES

1 **§311.101. Horse Owners**

2 (a) General Provisions.

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

17 (2) If the owner is not an individual, each individual who
18 is a director, officer, or partner of the owner or who has an
19 ownership interest in the horse of 5.0% or more must be licensed
20 by the Commission.

21 (3) If the owner is not an individual, the owner must
22 provide to the Commission:

23 (A) a sworn statement by the chief executive officer
24 of the owner or by one of the partners of the owner that the
25 officer or partner represents the owner and is responsible for
26 the horse;

27 (B) a statement that the owner is authorized by law to
28 do business in Texas; and

29 (C) a list of the names and addresses of all
30 individuals having an ownership interest in the horse.

31 (4) If the owner is not an individual, the ownership entity
32 must:

CHAPTER 311. OTHER LICENSES

SUBCHAPTER B. SPECIFIC LICENSES

1 (A) designate a representative; or

2 (B) file an authorized agent form with the Commission
3 and pay the prescribed fee.

4 (5) If the registered owner of a horse is a minor, a
5 financial responsibility form approved by the executive
6 secretary must be signed by the parent or guardian of the owner
7 assuming financial responsibility for the debts incurred for the
8 training and racing of the horse.

9 (6) To obtain an owner's license, an owner with less than a
10 five percent ownership or beneficial interest in a horse shall
11 establish a bona fide need for the license and, if established,
12 the issuance of such license shall be approved by the stewards.

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

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 3/20/17

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

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

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

Contact Information:

Name:	Staff	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: 311 Rule: 5

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: §3.02 and §7.02

A. Brief Description of the Issue

Commission Rule 311.2(d)(2) states:

An occupational licensee may not act in any capacity other than that for which he or she is licensed.

This proposal would address the issue of individuals who are licensed only as an exercise rider or as a pony person but who also perform unlicensed work for a trainer as a groom.

B. Discussion of the Issue and Problem

Individuals licensed as a pony person or exercise rider are considered independent contractors and are licensed for those jobs alone; they are not linked to any specific trainer or employer.

Licensees licensed as grooms work for a specific trainer in caring for the horses; their applications are signed by a trainer and their license is linked to that trainer.

By working as a groom without a groom's license, these licensees expose the horses to the same risk of contamination as any other groom, but without being subject to the random drug testing program that applies to all other trainer employees. In addition, they violate the clear prohibition in the rules against acting in an unlicensed capacity.

C. Possible Solutions and Impact

The proposal would address the problem by creating two new combination license types:

- Groom/Exercise Rider, and
- Groom/Pony Person.

The licensee would benefit by being able to obtain a \$25 combination license instead of separately paying for two \$25 licenses in order to comply with Rule 311.2(d)(2).

The Commission would benefit by ensuring that all persons working as grooms are associated with their employing trainers and are therefore subject to the random human drug testing program.

D. Support or Opposition

This proposal will be presented to the industry for the first time at the next Rules Committee meeting

E. Proposal

See next page:

CHAPTER 311. OTHER LICENSES

SUBCHAPTER A. LICENSING PROVISIONS

DIVISION 1. OCCUPATIONAL LICENSES

Sec 311.5 License Fees

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

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

Type of License	1 Year Fee	2 Year Fee	3 Year Fee
Adoption Program Personnel	\$25		
Announcer	\$35		
Apprentice Jockey	\$75		
Assistant Farrier/Plater/Blacksmith	\$25		
Assistant Starter	\$25		
Assistant Trainer	\$100		
Assistant Trainer/Owner	\$100		
Association Assistant Management	\$50		
Association Management Personnel	\$75		
Association Officer/Director	\$100		
Association Other	\$75		
Association Staff	\$35		
Association Veterinarian	\$75		
Authorized Agent	\$15		
Chaplain	\$25		
Chaplain Assistant	\$25		
Equine Dental Provider	\$100		
Exercise Rider	\$25		
Farrier/Plater/Blacksmith	\$75		
Groom/Hot Walker	\$25		
Groom/Exercise Rider	\$25		
Groom/Pony Person	\$25		
Jockey	\$100	\$200	\$300
Jockey Agent	\$100		
Kennel	\$75		
Kennel Helper	\$25		
Kennel Owner	\$100	\$200	\$300
Kennel Owner/Owner	\$100	\$200	\$300
Kennel Owner/Owner-Trainer	\$100	\$200	\$300
Kennel Owner/Trainer	\$100	\$200	\$300
Lead-Out	\$25		
Maintenance	\$35		
Medical Staff	\$35		
Miscellaneous	\$25		
Multiple Owner	\$35	\$70	\$105
Mutuel Clerk	\$35		
Mutuel Other	\$35		
Owner	\$100	\$200	\$300
Owner-Trainer	\$100	\$200	\$300
Pony Person	\$25		
Racing Industry Representative	\$100		
Racing Industry Staff	\$30		
Racing Official	\$50		
Security Officer	\$30		
Stable Foreman	\$50		
Tattooer	\$100		
Test Technician	\$25		
Trainer	\$100	\$200	\$300
Training Facility Employee	\$30		
Training Facility General Manager	\$50		
Valet	\$25		

CHAPTER 311. OTHER LICENSES

SUBCHAPTER A. LICENSING PROVISIONS

DIVISION 1. OCCUPATIONAL LICENSES

Vendor Concessionaire	\$100		
Vendor/Concessionaire Employee	\$30		
Vendor/Totalisator	\$500		
Vendor/Totalisator Employee	\$50		
Veterinarian	\$100	\$200	\$300
Veterinarian Assistant	\$30		

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 1/25/17

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

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 313 Rule: 24

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

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

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA § 3.02

A. Brief Description of the Issue

At the direction of the Executive Director, TRC staff compared the ARCI model rules on racing issues to the Commission's rules to identify any areas in which TRC's rules could be improved. Staff has identified a potential efficiency improvement based on the model rule regarding the report submitted to the executive director at the conclusion of a race meeting.

B. Discussion of the Issue and Problem

ARCI Model Rule ARCI-006-015, Stewards, addresses the duties of the racing stewards and requires the presiding steward to submit a report to the executive director within seven days of a race meet's conclusion. The current TRC rules requires all of the stewards to submit this report. However, TRC typically retains only the presiding steward at a racetrack for a few days after a meet has ended; the other stewards are released and participate in preparing the report remotely. Allowing the presiding steward to complete the report independently will be more efficient and will eliminate the extra hours worked by the two other stewards.

C. Possible Solutions and Impact

The relevant portion of the model rule, ARCI 006-015(l)(3), provides:

Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the Commission a written report regarding the race meeting. The report shall contain:

- (a) the stewards' observations and comments regarding the conduct of the race meeting and the overall conditions of the association grounds during the race meeting; and*
- (b) any recommendations for improvement by the association or action by the Commission.*

The Commission's proposal closely tracks this language.

The only expected impact of this change is that it will be more efficient for staff to prepare the the report because it will not require the coordination and participation of all three stewards at a time when two of the stewards have left the track.

D. Support or Opposition

This proposal will be presented to the industry for the first time at the next Rules Committee meeting.

E. Proposal

See next page.

CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER A. OFFICIALS

DIVISION 2. DUTIES OF STEWARDS

1 **313.24. Records and Reports**

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

3 (c) Not later than seven days after the last day of a race
4 meeting, the presiding steward[s] shall submit to the executive
5 secretary a written report regarding the race meeting. The
6 report must contain:

7 (1) the presiding steward's [~~stewards~~] observations and
8 comments regarding the conduct of the race meeting and the
9 overall conditions of the association grounds during the race
10 meeting; and

11 (2) any recommendations for improvement by the association
12 or action by the Commission and any recommendations for changes
13 to the Rules.