



TEXAS RACING COMMISSION
P. O. Box 12080
Austin, TX 78711-2080
(512) 833-6699
Fax (512) 833-6907

Monday, November 26, 2018
10:30 a.m.
Texas Animal Health Commission
2105 Kramer Lane
Austin, TX 78758

RULES COMMITTEE
AGENDA

I. CALL TO ORDER

II. PROCEEDINGS ON RULES

- a. Discussion and possible action to make recommendations to the Commission regarding the Rules of the Texas Racing Commission, as proposed at the October 12, 2018 Commission meeting:
 1. amendments to 16 TAC § 321.320, Super Hi-Five
 2. amendments to 16 TAC § 313.405, Whips and Other Equipment
 3. the repeal of 16 TAC § 311.52, Spouse's License
 4. the repeal of 16 TAC § 321.41, Cashing Outstanding Tickets
 5. the repeal of 16 TAC § 321.42, Cashing Outstanding Vouchers
- b. Discussion and possible action to make recommendations to the Commission regarding the following sections of the Rules of the Texas Racing Commission:
 1. amendments to 16 TAC § 313.103, Eligibility Requirements
 2. amendments to 16 TAC § 303.102, Greyhound Rules
 3. amendments to 16 TAC § 301.1, Definitions
 4. amendments to 16 TAC § 303.1, Purpose
 5. amendments to 16 TAC § 303.95, Races for Accredited Texas-Bred Horses
 6. new 16 TAC § 303.44. Oversight of Use of Funds Generated by Pari-Mutuel Racing

7. amendments to 16 TAC § 321.320, Super Hi-Five
8. amendments to 16 TAC § 321.321, Fortune Pick (n)
- c. Discussion regarding possible changes to claiming rules, 16 TAC Chapter 313, Subchapter C

III. PUBLIC COMMENT

IV. ADJOURN

CHAPTER 321 PARI-MUTUEL WAGERING
SUBCHAPTER C REGULATION OF LIVE WAGERING
DIVISION 2 DISTRIBUTION OF PARI-MUTUEL POOLS
SECTION 321.320 SUPER HI-FIVE

1 (a) – (c) (No change.)

2 (d) Unique winning wager [~~ticket~~] option.

3 (1) Unique wager [~~ticket~~], as used in this subsection, shall be defined as having
4 occurred when there is one and only one winning wager [~~ticket~~] whose combination
5 finished in correct sequence as the first five betting interests based upon the official
6 order of finish and is equal to the minimum allowable wager, ~~to be verified by the~~
7 ~~unique serial number assigned by the totalisator company that issued the winning~~
8 ~~ticket~~]. In the event that there is more than one winning wager [~~ticket~~] whose
9 combination finished in correct sequence as the first five betting interests, a unique
10 winning wager [~~ticket~~] shall be deemed to not have occurred.

11 (2) If an association elects to offer the unique winning wager [~~ticket~~] option, the net
12 super hi-five pool shall be distributed to winning wagers in the following order of
13 precedence, based on the official order of finish:

14 (A) as a single price pool, including any applicable carry-over, to the holder of a
15 unique winning wager [~~ticket~~] whose combination finished in correct sequence as the
16 first five betting interests, but if there is no such unique winning wager [~~ticket~~], then

17 (B) the net pool shall be divided into two separate pools. The major pool of the net
18 pool shall be paid as a carryover into the next regularly scheduled super hi-five pool.
19 The remaining minor pool shall be paid as a super hi-five consolation pool, which shall
20 be equally divided among those wager [~~ticket~~] holders who correctly select the first five
21 interests in order, but if there are no such wagers, then

22 (C) the entire net pool shall be carried over into the next regularly scheduled super hi-
23 five pool.

24 (3) The association shall specify the minimum monetary amount of a unique winning
25 [~~ticket~~] wager with prior approval of the executive secretary.

26 (4) Prior to the start of the race meet, the association shall specify the percentages for
27 a major and minor pool with prior approval of the executive secretary.

28 (5) A written request to distribute the super hi-five pool plus any carryover on a specific
29 date and performance may be submitted by the association to the executive secretary
30 for approval. The request must be for a specified date no greater than one year from the
31 date the request is submitted and contain justification for the distribution, an explanation
32 of the benefit to be derived, and the intended date and performance for the distribution.
33 Should the super hi-five net pool and any applicable carryover be designated for
34 distribution on a specified date and performance in which there is no unique winning
35 wager [~~ticket~~], the entire pool shall be distributed using the method described in
36 subsection (i) of this section.

37 (6) Unless otherwise stated in writing by the Commission under paragraph (5) of this
38 subsection, on the last super hi-five race on the final day of the meeting, the net pool,
39 including any applicable carryover, shall be distributed using the method described in
40 subsection (i) of this section.

41 (e) – (m) (No change.)

313.405 CROPS [WHIPS] AND OTHER EQUIPMENT

1 (a) The use of a crop [whip] is not required and a jockey who uses a crop [whip] during
2 a race may do so only in a manner consistent with using the jockey's best efforts to win.

3 The correct uses of a crop [whip] include:

4 (1) showing the crop [whip] to the horse before hitting the horse;

5 (2) using the crop [whip] in rhythm to the horse's stride; and

6 (3) using the crop [whip] as an aid to keep a horse running straight.

7 ~~[(b) A whip used in races must be at least 1/4-inch in diameter and have a looped
8 leather "popper" affixed to one end. The whip must have at least three rows of leather
9 feathers above the popper and each feather must be at least one inch long. The popper
10 must be at least 1 1/4 inch wide and three inches long. A whip may not exceed one
11 pound in weight or 31 inches in length, including the popper.]~~

12 (b) All riding crops are subject to inspection and approval by the stewards and the clerk
13 of scales. Riding crops shall have a shaft and a flap and will be allowed only as follows:

14 (1) maximum weight of eight ounces;

15 (2) maximum length, including flap, of 30 inches;

16 (3) minimum diameter of the shaft of three-eighths inch;

17 (4) shaft contact area must be smooth, with no protrusions or raised surface, and
18 covered by shock absorbing material that gives a compression factor of at least one
19 millimeter throughout its circumference; and

20 (5) the flap is the only allowable attachment to the shaft and must meet these
21 specifications:

22 (A) length beyond the end of the shaft shall not exceed one inch;

23 (B) width shall be between 0.8 inch and 1.6 inches;

24 (C) no reinforcements or additions beyond the end of the shaft;

25 (D) no binding within seven inches of the end of the shaft; and

26 (E) shock absorbing characteristics similar to those of the contact area of the
27 shaft.

28 (c) If a jockey is to ride without a crop [whip], the stewards shall ensure that fact is
29 announced over the public address system.

30 (d) A jockey may not strike [whip] a horse:

- 31 (1) on the head, flanks, or on any part of the horse's body other than the shoulders
32 or hind quarters;
- 33 (2) excessively or brutally causing welts or breaks in the skin;
- 34 (3) in the post parade except when necessary to control the horse;
- 35 (4) when the horse is clearly out of the race or has obtained its maximum placing; or
- 36 (5) persistently, if the horse is not responding to the crop [~~whip~~].
- 37 (e) (No change.)

CHAPTER 311 OTHER LICENSES

SUBCHAPTER A LICENSING PROVISIONS

DIVISION 2 OTHER LICENSES

~~[SECTION 311.52 SPOUSE'S LICENSE]~~

- 1 ~~[The spouse of a licensed owner may apply for a Spouse's License by completing the~~
- 2 ~~license application, a fingerprint card, and paying the license fee. The Spouse's License~~
- 3 ~~does not allow the spouse to participate in racing.]~~

CHAPTER 321 PARI-MUTUEL WAGERING

SUBCHAPTER A MUTUEL OPERATIONS

DIVISION 3 MUTUEL TICKETS AND VOUCHERS

1 ~~**[SECTION 321.41 CASHING OUTSTANDING TICKETS]**~~

2 ~~[(a) For purposes of this section, an outstanding ticket is one that was purchased for a~~
3 ~~race held at least 21 days before the date the ticket is presented for payment.~~

4 ~~(b) An association shall designate one ticket window where a patron must cash an~~
5 ~~outstanding ticket. If the association needs more than one window, the association must~~
6 ~~submit a written request for approval from the executive secretary for additional~~
7 ~~windows.~~

8 ~~(c) The association may not permit an outstanding ticket to be cashed at a ticket window~~
9 ~~other than a designated window.]~~

10

11 ~~**[SECTION 321.42 CASHING OUTSTANDING VOUCHERS]**~~

12 ~~[(a) For purposes of this section, an outstanding voucher is one that was issued at least~~
13 ~~21 days before the date the voucher is presented for payment.~~

14 ~~(b) An association shall designate one mutuel window where a patron must cash an~~
15 ~~outstanding voucher. If the association needs more than one window, the association~~
16 ~~must submit a written request for approval from the executive secretary for additional~~
17 ~~windows.~~

18 ~~(c) The association may not permit an outstanding voucher to be cashed at a mutuel~~
19 ~~window other than a designated window.]~~

Chapter 313. Officials and Rules of Horse Racing
Subchapter B. Entries, Scratches, and Allowances
313.103. Eligibility Requirements.

- 1 (a) – (g) (No change.)
- 2 (h) To be eligible to start in a race, a horse must be properly tattooed and/or
- 3 microchipped and the horse's registration certificate, or certificates if dually registered,
- 4 showing the tattoo number or microchip number of the horse must be on file with the
- 5 racing secretary before scratch time for the race, unless the stewards authorize the
- 6 certificate or certificates to be filed at a later time.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 11/09/18

***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, and failure to complete all sections may delay consideration of your request.

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:	David Peck		
Phone Number:	(254) 592-3813	Fax number:	(254) 968-0908
Mailing address:	2274 PR 935 Stephenville, TX 76401		

Check appropriate box(es):

Personal Submission *OR*
 Submission on Behalf of Texas Greyhound Association
(Name of Organization)

Proposed Change to (if known): Chapter: 303 Rule: 102(b) (4)
 Proposed Addition to (if known): Chapter: _____ Rule: _____

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

Statutory Authority for Proposed Change: _____

A. Summary of the Issue and Proposed Solution

1. Summarize the issue. Address the following:

- What specific problems or concerns are involved in this issue?
- Do any existing model rules (such as from ARCI) relate to this issue?

The current rule on Texas-bred owner awards makes it possible for the owner of a greyhound which finishes last to collect a share of the Texas-bred award. The proposed rule will provide participation in the Texas-bred award to only those owning Texas-bred among the top four finishers.

There are no existing model rules relevant to this issue.

2. Summarize proposed solution(s). Address the following:

- How will the solution fix the problem?
- What are the benefits of the proposed change?
- What are the possible drawbacks of the proposed change?

The purpose of the Texas-bred owner award is to encourage breeding and development of greyhounds in Texas by rewarding outstanding performance. The present rule was drafted with the understanding that all greyhounds participating in the race would be Texas-bred. While this occurred in the initial racing following adoption of the rule, it has been disregarded in the subsequent racing season when there was only nominal concern for inclusion of Texas-bred. As a result, Texas-bred hounds could trail the field and still earn an owner award. The proposed change will provide owner awards only to those also eligible for point awards paid to the first through fourth finishers.

B. Impact of Proposal

Please answer the following questions to the best of your ability. Explain all “yes” answers below.

1. Is this change likely to have any fiscal impact on state or local government over the next five years?
2. Is there likely to be any cost to persons or businesses required to comply with the change?
3. Is the change likely to result in the creation or elimination of a government program?
4. Is the change likely to create any new employee positions or eliminate any existing employee positions within the Texas Racing Commission?
5. Is the change likely to require an increase or decrease in future legislative appropriations to the agency?
6. Is the change likely to require a substantial increase or decrease in the total amount of fees paid to the agency?
7. Does the change create any new regulations or expand any existing regulations?
8. Is the change likely to increase the number of individuals subject to the rule's applicability?
9. Is the change likely to have an impact on the Texas economy?

Yes	No
	x
	x
	x
	x
	x
	x
	x
	x
	x

- 10. Is the change likely to have a negative economic effect on small businesses?
- 11. Is the change likely to have a negative impact on micro-businesses (independently owned businesses with no more than 20 employees)?
- 12. Is the change likely to have a negative impact on the local economy?
- 13. Is the change likely to have a negative impact on rural communities (communities with a population of less than 25,000)?
- 14. Is the change likely to have a negative impact on employment conditions in Texas?
- 15. Is the change likely to restrict, limit, or impose a burden an owner's right to his or her private real property?

	X
	X
	X
	X
	X
	X

16. Explain any "yes" answers, including estimates of cost where appropriate.

17. If you answered "yes" to any questions above, is there another way to achieve the same goal that would not result in a "yes" answer?

18. What is the anticipated public benefit of this change?

Rewarding performance and not mere participation should encourage commitment to better breeding and development.

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, members of the public, or others.)

- For those stakeholder groups that have expressed an opinion, please state their opinion(s) and submit any formal letters of support or opposition.
- Are there any affected stakeholder groups that have not been consulted on this proposal?

The Texas Greyhound Association board of directors is unanimous in support for the proposed rule change. The TGA is not aware of any opposition to this proposal.

Proposal

Provide rule language you are proposing. Please show any language to be added with underlined text (example: new text) and any current rule language to be eliminated in brackets with strikethroughs (example: [~~text to be deleted~~]). To substitute text, show the new text first (example: new text [~~old text~~]).

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

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

(A) [~~First Texas-bred greyhound—~~] each Texas-bred greyhound finishing first [~~finish for first among Texas-bred greyhounds that compete~~] in a Texas pari-mutuel race shall receive an equal share of 50% of the award funds available under paragraph (3) of this subsection; [-]

(B) [~~Second Texas-bred greyhound—~~] each Texas-bred greyhound finishing second [~~finish for second among Texas-bred greyhounds that compete~~] in a Texas pari-mutuel race shall receive an equal share of 25% of the award funds available under paragraph (3) of this subsection; [-]

(C) [~~Third Texas-bred greyhound—~~] each Texas-bred greyhound finishing third [~~finish for third among Texas-bred greyhounds that compete~~] in a Texas pari-mutuel race shall receive an equal share of 15% of the award funds available under paragraph (3) of this subsection; and [-]

(D) [~~Fourth Texas-bred greyhound—~~] each Texas-bred greyhound finishing fourth [~~finish for fourth among Texas-bred greyhounds that compete~~] in a Texas pari-mutuel race shall receive an equal share of 10% of the award funds available under paragraph (3) of this subsection.

Chapter 303. General Provisions

Subchapter D. Texas Bred Incentive Programs

Division 3. Programs for Greyhounds

303.102. Greyhound Rules.

1 (a) (No change.)

2 (b) Owners' Awards.

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

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

11 (3) Determination of Available Award Funds. Available owners' awards for each
12 month are composed of the sum of the following two amounts:

13 (A) the total amount of money received from the Commission for the Texas Bred
14 Incentive Program for the period between the dates that the last Texas greyhound meet
15 ended and the current Texas greyhound meet began, minus the statutorily permitted
16 amount for administrative expenses, multiplied by the ratio of the live pari-mutuel races
17 proposed for the month to the number of live pari-mutuel races proposed in the current
18 greyhound meet; and

19 (B) the total amount of money received from the Commission for the Texas Bred
20 Incentive Program during the current greyhound meet for the month, minus the
21 statutorily permitted amount for administrative expenses.

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

23 (A) [~~First Texas-bred greyhound—~~] each Texas-bred greyhound **finishing first**
24 [~~finish for first among Texas-bred greyhounds that compete~~] in a Texas pari-mutuel race
25 shall receive an equal share of 50% of the award funds available under paragraph (3) of
26 this subsection; [-]

27 (B) [~~Second Texas-bred greyhound—~~] each Texas-bred greyhound **finishing**
28 **second** [~~finish for second among Texas-bred greyhounds that compete~~] in a Texas

Chapter 303. General Provisions

Subchapter D. Texas Bred Incentive Programs

Division 3. Programs for Greyhounds

303.102. Greyhound Rules.

29 pari-mutuel race shall receive an equal share of 25% of the award funds available under
30 paragraph (3) of this subsection; [-]

31 (C) [~~Third Texas-bred greyhound~~] each Texas-bred greyhound **finishing third**
32 [~~finish for third among Texas-bred greyhounds that compete~~] in a Texas pari-mutuel
33 race shall receive an equal share of 15% of the award funds available under paragraph
34 (3) of this subsection; **and** [-]

35 (D) [~~Fourth Texas-bred greyhound~~] each Texas-bred greyhound **finishing**
36 **fourth** [~~finish for fourth among Texas-bred greyhounds that compete~~] in a Texas pari-
37 mutuel race shall receive an equal share of 10% of the award funds available under
38 paragraph (3) of this subsection.

39 (5) – (8) (No change.)

40 (c) – (d) (No change.)

1 CHAPTER 301. DEFINITIONS

2 301.1. Definitions.

3 (a) Words and terms defined in the Act shall have the same meaning when used in this
4 part unless otherwise defined below.

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

7 (1) Act--The Texas Racing Act, Subtitle A-1, Title 13, Texas Occupations Code [~~Article~~
8 ~~179e, Texas Civil Statutes~~].

9 (2) – (92) (No change.)

10

11

12 CHAPTER 303. GENERAL PROVISIONS

13 SUBCHAPTER A. ORGANIZATION OF THE COMMISSION

14 303.1. Purpose.

15 (a) The Texas Racing Commission [~~, created by the Texas Racing Act, Texas Civil~~
16 ~~Statutes, Article 179e,~~] is charged with implementing, administering, and enforcing the Act.
17 It is the intent of the commission that the rules of the commission be interpreted in the best
18 interests of the public and the state.

19 (b) (No change.)

20

21

22 CHAPTER 303. GENERAL PROVISIONS

23 SUBCHAPTER D. TEXAS BRED INCENTIVE PROGRAMS

24 DIVISION 2. PROGRAMS FOR HORSES

25 303.95. Races for Accredited Texas-Bred Horses.

26 [~~The commission finds that, pursuant to the Texas Racing Act, Texas Civil Statutes, Article~~
27 ~~179e, §9.03, on] On each race day, an association shall provide for the running of at least
28 two races limited to accredited Texas-bred horses, one of which shall be restricted to
29 maidens. An association may defer, with the approval of the executive secretary, the
30 running of one or both of the two races required by this section for each race day, but the
31 association must provide that the total number of accredited Texas-bred races conducted
32 in a race meeting is equal to or greater than twice the total number of race dates in the
33 race meeting.~~

Chapter 303. General Provisions

Subchapter B. Powers and Duties of the Commission

303.44. Oversight of Use of Funds Generated by Pari-Mutuel Racing.

- 1 The commission may suspend or withhold funds from an organization:
2 (1) that it determines has failed to comply with the requirements or performance
3 measures adopted under Section 2028.001, Tex. Occ Code; or
4 (2) for which material questions on the use of funds by the organization are raised
5 following an independent audit or other report to the commission.

[Note: Section 2028.001, Tex. Occ Code, effective April 1, 2019, replaces Section 6.092(a), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), which was codified in SB 1969 (85th Regular Legislative Session, 2017).]

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 11/10/2018

***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, and failure to complete all sections may delay consideration of your request.

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:	Carl Reeves		
Phone Number:	972-237-5088	Fax number:	972-237-5022
Mailing address:	1000 Lone Star Parkway, Grand Prairie, TX 75050		

Check appropriate box(es):

Personal Submission *OR*
 Submission on Behalf of Lone Star Park at Grand Prairie
(Name of Organization)

Proposed Change to (if known): Chapter: _____ Rule: _____
 Proposed Addition to (if known): Chapter: 321 Rule: 320 (j.)

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

Statutory Authority for Proposed Change: _____

A. Summary of the Issue and Proposed Solution

1. Summarize the issue. Address the following:

- What specific problems or concerns are involved in this issue?
- Do any existing model rules (such as from ARCI) relate to this issue?

In the 2018 Spring Thoroughbred meet at Lone Star Park, the final weekend of racing was cancelled due to extreme heat. The carryover for the Super Hi-Five (as well as the Fortune Pick 6 carryover) was forced to be placed in an interest-bearing account and applied to the next live racing day in the following race meeting. In Lone Star Park’s case, the next race day was our fall meeting for quarter horses, Arabian horses and other breeds dissimilar to thoroughbreds.

Our typical patron for the spring and fall meets differs greatly. Even though this was an extremely rare case of heat causing racing to be cancelled, Lone Star Park would like to add the option to choose the most similar live racing meet to apply any remaining carryover. For example, if the final day(s) of Lone Star Park’s 2019 thoroughbred meet were to be cancelled again, it would be beneficial if there was an option to apply the remaining carryover to the 2020 thoroughbred meet.

2. Summarize proposed solution(s). Address the following:

- How will the solution fix the problem?
- What are the benefits of the proposed change?
- What are the possible drawbacks of the proposed change?

Again, this is a very rare scenario, but we have obviously seen it is possible with Texas’ weather extremes. We do not necessarily want to change the rule, just add the option to select an appropriate meet to make it more equitable to our customer base. Many of the “regular” patrons during Lone Star Park’s thoroughbred season would not have the opportunity to wager on a similar racing product and possibly win the carryover to which they contributed to during the thoroughbred season if it is applied to the quarter horse season.

B. Impact of Proposal

Please answer the following questions to the best of your ability. Explain all “yes” answers below.

1. Is this change likely to have any fiscal impact on state or local government over the next five years?
2. Is there likely to be any cost to persons or businesses required to comply with the change?
3. Is the change likely to result in the creation or elimination of a government program?
4. Is the change likely to create any new employee positions or eliminate any existing employee positions within the Texas Racing Commission?
5. Is the change likely to require an increase or decrease in future legislative appropriations to the agency?
6. Is the change likely to require a substantial increase or decrease in the total amount of fees paid to the agency?
7. Does the change create any new regulations or expand any existing regulations?

Yes	No
	X
	X
	X
	X
	X
	X
	X

- 8. Is the change likely to increase the number of individuals subject to the rule's applicability?
- 9. Is the change likely to have an impact on the Texas economy?
- 10. Is the change likely to have a negative economic effect on small businesses?
- 11. Is the change likely to have a negative impact on micro-businesses (independently owned businesses with no more than 20 employees)?
- 12. Is the change likely to have a negative impact on the local economy?
- 13. Is the change likely to have a negative impact on rural communities (communities with a population of less than 25,000)?
- 14. Is the change likely to have a negative impact on employment conditions in Texas?
- 15. Is the change likely to restrict, limit, or impose a burden an owner's right to his or her private real property?

	X
	X
	X
	X
	X
	X
	X
	X

16. Explain any "yes" answers, including estimates of cost where appropriate.

17. If you answered "yes" to any questions above, is there another way to achieve the same goal that would not result in a "yes" answer?

18. What is the anticipated public benefit of this change?

Season-specific patrons would have an equitable chance to win a carryover to which they contributed to in a given season.

C. Proposal

Provide rule language you are proposing. Please show any language to be added with underlined text (example: new text) and any current rule language to be eliminated with strikethroughs (example: ~~text to be deleted~~).

Sec. 321.320 Super Hi-Five. (subsection j)

If the final or designated mandatory payoff performance is canceled or the pool has not been distributed under subsection (i) of this section the pool shall be deposited in an interest-bearing account approved by the executive secretary. The pool plus all accrued interest shall then be carried over and added to the super hi-five pari-mutuel pool in the following race meeting on a date and performance designated by the executive secretary or the first meeting day of the next most similar racing meet based on animal breed.

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, members of the public, or others.)

- For those stakeholder groups that have expressed an opinion, please state their opinion(s) and submit any formal letters of support or opposition.
- Are there any affected stakeholder groups that have not been consulted on this proposal?

The reasons for changing this are listed above, and there has been no opposition to a possible change.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 11/10/2018

***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, and failure to complete all sections may delay consideration of your request.

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:	Carl Reeves		
Phone Number:	972-237-5088	Fax number:	972-237-5022
Mailing address:	1000 Lone Star Parkway, Grand Prairie, TX 75050		

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Lone Star Park at Grand Prairie
(Name of Organization)

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

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

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

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: _____

A. Summary of the Issue and Proposed Solution

1. Summarize the issue. Address the following:
 - What specific problems or concerns are involved in this issue?
 - Do any existing model rules (such as from ARCI) relate to this issue?

Increase interest in the Fortune Pick (n) pool by aligning with other established race tracks in the way we treat the carryover and minor pool. In the event that there is not a ticket with every Fortune Pick (n) winner (i.e. six-out-of-six), we would like to have 100% of the pool carried over. This will increase carryover amounts, and subsequently, increase interest leading to a correlated increase in handle.

2. Summarize proposed solution(s). Address the following:
 - How will the solution fix the problem?
 - What are the benefits of the proposed change?
 - What are the possible drawbacks of the proposed change?

We would like to give Texas associations the option to eliminate the payout of partial winners (less than six-out-of-six, etc.) in order to enhance the carryover amounts and engender larger handle numbers for Fortune Pick (n) wagers.

B. Impact of Proposal

Please answer the following questions to the best of your ability. Explain all “yes” answers below.

1. Is this change likely to have any fiscal impact on state or local government over the next five years?
2. Is there likely to be any cost to persons or businesses required to comply with the change?
3. Is the change likely to result in the creation or elimination of a government program?
4. Is the change likely to create any new employee positions or eliminate any existing employee positions within the Texas Racing Commission?
5. Is the change likely to require an increase or decrease in future legislative appropriations to the agency?
6. Is the change likely to require a substantial increase or decrease in the total amount of fees paid to the agency?
7. Does the change create any new regulations or expand any existing regulations?
8. Is the change likely to increase the number of individuals subject to the rule's applicability?
9. Is the change likely to have an impact on the Texas economy?
10. Is the change likely to have a negative economic effect on small businesses?
11. Is the change likely to have a negative impact on micro-businesses (independently owned businesses with no more than 20 employees)?
12. Is the change likely to have a negative impact on the local economy?
13. Is the change likely to have a negative impact on rural communities (communities with a population of less than 25,000)?
14. Is the change likely to have a negative impact on employment conditions in Texas?
15. Is the change likely to restrict, limit, or impose a burden an owner’s right

Yes	No
	X
	X
	X
	X
	X
	X
	X
	X
	X
	X
	X
	X
	X
	X
	X

to his or her private real property?

--	--

16. Explain any “yes” answers, including estimates of cost where appropriate.

17. If you answered “yes” to any questions above, is there another way to achieve the same goal that would not result in a “yes” answer?

18. What is the anticipated public benefit of this change?

This will create a larger carryover, leading to increased interest, increased handle, and larger jackpot payouts.

C. Proposal

Provide rule language you are proposing. Please show any language to be added with underlined text (example: new text) and any current rule language to be eliminated with strikethroughs (example: ~~text to be deleted~~).

Sec. 321.321 Fortune Pick (n). (subsection g)

(g) Fortune pick (n) with minor pool and carryover with unique wager:

- (1) the entire net fortune pick (n) pool and carryover, if any, shall be distributed to the holder of a unique wager selecting the first place finisher in each of the selected fortune pick (n) contests, based upon the official order of finish. If there is no unique wager selecting the first place finisher in all fortune pick (n) contests, the minor share of the net fortune pick (n) pool, at the association’s discretion with approval of the executive secretary, shall either be distributed as a single price pool to those who selected the first place finisher in the greatest number of fortune pick (n) contests or distributed as a single price pool to those who selected the first-place finisher in all of the Pick (n) contests, based on the official order of finish; and the major share shall be added to the carryover;**
- (2) if the fortune pick (n) minor pool cannot be distributed in accordance with paragraph (1) of this subsection, the minor pool shall be combined with the major pool and added to the previous day’s carryover. The entire pool plus carryover shall be carried forward to the next fortune pick (n) pool.**

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, members of the public, or others.)

- For those stakeholder groups that have expressed an opinion, please state their opinion(s) and submit any formal letters of support or opposition.
- Are there any affected stakeholder groups that have not been consulted on this proposal?

The reasons for changing this are listed above, and there has been no opposition to a possible change.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 11/10/2018

***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, and failure to complete all sections may delay consideration of your request.

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:	Carl Reeves		
Phone Number:	972-237-5088	Fax number:	972-237-5022
Mailing address:	1000 Lone Star Parkway, Grand Prairie, TX 75050		

Check appropriate box(es):

Personal Submission *OR*
 Submission on Behalf of Lone Star Park at Grand Prairie
(Name of Organization)

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

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

Statutory Authority for Proposed Change: _____

A. Summary of the Issue and Proposed Solution

1. Summarize the issue. Address the following:
 - What specific problems or concerns are involved in this issue?
 - Do any existing model rules (such as from ARCI) relate to this issue?

In the 2018 Spring Thoroughbred meet at Lone Star Park, the final weekend of racing was cancelled due to extreme heat. The carryover for the Fortune Pick 6 (as well as the Super Hi-Five carryover) was forced to be placed in an interest-bearing account and applied to the next live racing day in the following race meeting. In Lone Star Park’s case, the next race day was our fall meeting for quarter horses, Arabian horses and other breeds dissimilar to thoroughbreds.

Our typical patron for the spring and fall meets differ greatly. Even though this was an extremely rare case of heat causing racing to be cancelled, Lone Star Park would like to add the option to choose the most similar live racing meet to apply any remaining carryover. For example, if the final day(s) of Lone Star’s 2019 thoroughbred meet were to be cancelled again, it would be beneficial if there was an option to apply the remaining carryover to the 2020 thoroughbred meet.

2. Summarize proposed solution(s). Address the following:
 - How will the solution fix the problem?
 - What are the benefits of the proposed change?
 - What are the possible drawbacks of the proposed change?

Again, this is a very rare scenario, but we have obviously seen it is possible with Texas’ weather extremes. We do not necessarily want to change the rule, just add the option to select an appropriate meet to make it more equitable to our customer base. Many of the “regular” patrons during Lone Star Park’s thoroughbred season would not have the opportunity to wager on a similar racing product and possibly win the carryover to which they contributed to during the thoroughbred season if it is applied to the quarter horse season.

B. Impact of Proposal

Please answer the following questions to the best of your ability. Explain all “yes” answers below.

1. Is this change likely to have any fiscal impact on state or local government over the next five years?
2. Is there likely to be any cost to persons or businesses required to comply with the change?
3. Is the change likely to result in the creation or elimination of a government program?
4. Is the change likely to create any new employee positions or eliminate any existing employee positions within the Texas Racing Commission?
5. Is the change likely to require an increase or decrease in future legislative appropriations to the agency?
6. Is the change likely to require a substantial increase or decrease in the total amount of fees paid to the agency?
7. Does the change create any new regulations or expand any existing regulations?

Yes	No
	X
	X
	X
	X
	X
	X
	X

8. Is the change likely to increase the number of individuals subject to the rule's applicability?
9. Is the change likely to have an impact on the Texas economy?
10. Is the change likely to have a negative economic effect on small businesses?
11. Is the change likely to have a negative impact on micro-businesses (independently owned businesses with no more than 20 employees)?
12. Is the change likely to have a negative impact on the local economy?
13. Is the change likely to have a negative impact on rural communities (communities with a population of less than 25,000)?
14. Is the change likely to have a negative impact on employment conditions in Texas?
15. Is the change likely to restrict, limit, or impose a burden an owner's right to his or her private real property?

	X
	X
	X
	X
	X
	X
	X
	X

16. Explain any "yes" answers, including estimates of cost where appropriate.

17. If you answered "yes" to any questions above, is there another way to achieve the same goal that would not result in a "yes" answer?

18. What is the anticipated public benefit of this change?

Season-specific patrons would have an equitable chance to win a carryover to which they contributed to in a given season.

C. Proposal

Provide rule language you are proposing. Please show any language to be added with underlined text (example: new text) and any current rule language to be eliminated with strikethroughs (example: ~~text to be deleted~~).

Sec. 321.321 Fortune Pick (n). Subsection (n)

If the final or designated mandatory payoff performance is canceled or the major pool has not been distributed, the major pool shall be deposited in an interest-bearing account approved by the executive secretary. The major pool plus all accrued interest shall then be carried over and included in a major pool offered on one of the first five days of the next subsequent race meeting on the next performance after the undistributed mandatory payout performance or one of the first five days of the next most similar race meeting based on animal breed, as approved by the executive secretary.

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, members of the public, or others.)

- For those stakeholder groups that have expressed an opinion, please state their opinion(s) and submit any formal letters of support or opposition.
- Are there any affected stakeholder groups that have not been consulted on this proposal?

The reasons for changing this are listed above, and there has been no opposition to a possible change.

Rule Change Proposals – Rules Committee Meeting 11/26/18

Sec. 321.320 Super Hi-Five [submitted by LSP]

(j) If the final or designated mandatory payoff performance is canceled or the pool has not been distributed under subsection (i) of this section, the pool shall be deposited in an interest-bearing account approved by the executive secretary. The pool plus all accrued interest shall then be carried over and added to the super hi-five pari-mutuel pool in ~~the following~~ a subsequent race meeting on a date and performance designated by the association with the approval of the executive secretary. The designation of the date and performance must be made prior to the start of the association's next live racing meet.

Sec. 321.321 Fortune Pick (n) [submitted by LSP originally (g) and (n)]

(g) Fortune pick (n) with minor pool and carryover with unique wager;

(1) no change

(2) no change

(h) If the association elects to designate the major pool at one-hundred percent (100%) and the minor pool at zero percent (0%), the entire net fortune pick (n) pool and carryover, if any, shall be distributed to the holder of a unique wager selecting the first place finisher in each of the selected fortune pick (n) contests, based upon the official order of finish. If there is no unique wager selecting the first place finisher in all fortune pick (n) contests, the entire pool shall be combined with the previous day's carryover. The entire pool plus carryover shall be carried forward to the next fortune pick (n) pool.

~~(h)~~ (i) no change

~~(i)~~ (j) no change

~~(j)~~ (k) no change

~~(k)~~ (l) no change

~~(h)~~ (m) no change

~~(m)~~ (n) If on the last performance of the race meeting or on a designated mandatory payout performance the major pool is not distributable under subsection (g) or (h) of this section, the major pool and all money carried forward into that pool from previous performances shall be combined with the minor pool and distributed to the holders of tickets correctly designating the most winners of the races comprising the fortune pick (n) for that performance.

~~(n)~~ (o) If the final or designated mandatory payoff performance is canceled or the ~~major~~ pool has not been distributed in accordance with this section, the ~~major~~ pool shall be deposited in an interest-bearing account approved by the executive secretary. The ~~major~~ pool plus all accrued interest shall then be carried over and ~~included in a major~~ added to a fortune pick (n) pool with the same number of (n) contests offered on one of the first five days of the next performance after the undistributed mandatory payout performance, as approved by in a subsequent race meeting on a date and performance designated by the association with the approval of the executive secretary. The designation of the date and performance must be made prior to the start of the association's next live racing meet.

~~(o)~~ (p) no change

~~(p)~~ (q) no change

**HOTLINE**

Contact Us

Settings

WELCOME TO THE
CALIFORNIA HORSE RACING BOARD

About US Licensing Administrative Media Room Rules & Law Racing Veterinary Search
 Actions Safety

Query Rules & Regulations Results

Rule No.	Rule Title
1658	<p>Vesting of Title to Claimed Horse.</p> <p>(a) Title to a horse which is claimed shall be vested in the successful claimant from the time the field has been dispatched from the starting gate and the horse becomes a starter; and said successful claimant becomes the owner of the horse unless voided by the stewards under the provisions of this article. Only a horse which is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards or the Board shall have no effect upon the claim. (b) The stewards shall void the claim and return the horse to the original owner if: (1) The horse suffers a fatality during the running of the race or dies or is euthanized before leaving the track, or (2) The racing or official veterinarian determines the horse will be placed on the Veterinarian's List as bled, unsound or lame before the horse is released to the successful claimant. (A) Bled is defined as the racing or official veterinarian observing a horse bleeding from one or both nostrils during or after the race, and determining that such bleeding is a direct result of exercise induced pulmonary hemorrhage. (c) The stewards shall not void the claim if, prior to the race in which the horse is claimed, the claimant elects to claim the horse regardless of whether the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame. (1) An election made under subsection (c) of this rule shall be entered on the form CHRB-11(Rev. 8/14) Agreement to Claim, in accordance with section 1656 of this article. (d) The claim shall be void if the race is called off, canceled, or declared no contest in accordance with Rule 1544 of this division. NOTE: Authority: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code. HISTORY: 1. Amendment filed 11-22-06; effective 12-22-06. 2. Amendment filed 10-04-11; effective 11-03-11. 3. Amendment filed 4-07-14; effective 7-1-14. 4. Amendment filed 9-17-14; effective 9-17-14. 5. Amendment filed 3-08-16; effective 7-01-16.</p>
Rule Text	

[Go back and search again](#)



Quick Links

- [2018 Board Meeting Schedule](#)
- [2019 Racing Schedule](#)
- [2018 Racing Schedule](#)

New Mexico's relevant claiming provisions

15.2.4.8

CLAIMING RACES:

A. GENERAL PROVISIONS:

(1) A person entering a horse in a claiming race warrants that the title to said horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for that horse.

...

(3) The stewards may set aside and order recession of a claim for any horse from a claiming race run in this jurisdiction upon a showing that any party to the claim committed a prohibited action, as specified in Subsection E of 15.2.4 NMAC with respect to the making of the claim, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of these rules regarding claiming races. Should the stewards order a recession of a claim, they may also, in their discretion, make a further order for the costs of maintenance and care of the horse as they may deem appropriate.

(4) The successful claimant of a horse that tests positive for a substance that requires the horse to be placed on the steward's list pursuant to Subsection C of 15.2.6.9 NMAC shall be notified at the time the horse is placed on the steward's list. Once notified, the successful claimant has 72 hours in which to request the stewards to void the claim. If the claim is voided the stewards may also, in their discretion, make a further order for the costs of maintenance and care of the horse as they may deem appropriate. If the claim is not voided, all applicable time requirements and procedures pursuant to Subsection C of 15.2.6.9 NMAC shall follow the horse.

...

C. CLAIMING OF HORSES:

(1) Any horse entered in a claiming race that is not present in the paddock at least 10 minutes to post will be scratched.

(2) Any horse in a race for claiming may not wear into the paddock anything it will not race in except for a blanket, rain sheet or halter and lead shank for control.

(3) Any horse starting in a claiming race is subject to be claimed for its entered price by any: licensed owner; holder of a valid claim certificate; licensed authorized agent acting on behalf of an eligible claimant.

(4) Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant from the time the horse enters the track to the post. The successful claimant shall become the owner of the horse regardless of whether it is alive or dead, sound or unsound, or injured during the race or after it.