

The Texas Racing Commission proposes amendments to 16 TAC § 309.3, Racetrack License Application Procedure. § 309.3 relates to the process by which the Commission opens an application period for accepting applications for racetrack licenses.

The changes to § 309.3 allow the Commission to open an application period for a recently active pari-mutuel racetrack and limit applications to requests to operate that particular facility. The proposal is limited to tracks that have conducted live pari-mutuel racing within the previous two calendar years.

Charla Ann King, Executive Director for the Texas Racing Commission, has determined that for the first five year period the amendment is in effect there will be no fiscal implications for state or local government as a result of enforcing the amendment.

Ms. King has also determined that for each year of the first five years the amendment is in effect the anticipated public benefit will be to support the financing of racetrack facilities. This proposal provides a racetrack facility owner with the option to promptly seek a new license for the facility if the original racing license moves, becomes inactive, or is revoked.

The rule will have no adverse economic effect on small or micro-businesses, and therefore preparation of an economic impact statement and a regulatory flexibility analysis is not required.

There are no negative impacts upon employment conditions in this state as a result of the proposed amendment.

All comments or questions regarding the proposed amendment may be submitted in writing within 30 days following publication of this notice in the <eti>Texas Register<et> to Mark Fenner, General Counsel, Texas Racing Commission, at P.O. Box 12080, Austin, Texas 78711-2080, telephone (512) 833-6699, or fax (512) 833-6907.

The amendment is proposed under the Texas Revised Civil Statutes, Article 179e, § 3.02, which authorizes the Commission to make rules relating exclusively to horse and greyhound racing, and § 11.01, which requires the

Commission to adopt rules regulating pari-mutuel wagering on greyhound and horse racing.

The amendment implements Texas Civil Statutes, Article 179e.

309.3. Racetrack License Application Procedure.

(a) (No change.)

(b) Application process.

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

(3) The Commission may open an application period that is limited to applications for a license to conduct racing at a racetrack facility that conducted live pari-mutuel racing within the prior two calendar years. In the case of an application period opened under this paragraph, the Commission shall specify the class of license and the specific racetrack facility for which it is accepting applications. The Commission may place any conditions on the applications that facilitate the expeditious resumption of live racing while remaining consistent with the Act, the Rules, and the Commission's duty to ensure the integrity of pari-mutuel racing.

(4) [~~3~~] The Commission shall publish in the Texas Register an announcement of the beginning of the application process at least 30 days before the first day of the application period.

(5) [~~4~~] While an application for a particular class of racetrack in a geographic region is pending before the Commission, the Commission may not designate an additional application period nor accept additional applications for the same class and geographic region.

(6) [~~5~~] When deciding whether to open an application period, the Commission shall consider the availability of racing and wagering opportunities in the proposed geographical region, the availability of competitive race animals for the class of racetrack, and the workload and budget status of the Commission.

(c)-(e) (No change.)