

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER D. TEXAS BRED INCENTIVE PROGRAM

DIVISION 3. PROGRAMS FOR GREYHOUNDS

1 **Sec. 303.102. Greyhound Rules**

2 (a) (No change.)

3 (b) Owners' Awards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 5/5/16

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

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

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

Contact Information:

Name:	Veterinary Medical Director Robert James, DVM	Phone(s):	(512) 833-6699
E-mail address:	info@txrc.texas.gov	Fax number:	(512) 833-6907
Mailing address:	P.O. Box 12080, Austin, TX 78711-2080		

Check appropriate box(es):

Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 319 Rule: 110

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

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

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA § 3.02

A. Brief Description of the Issue

Texas Racing Commission (TRC) Rule 319.110, Health Certificate, is inconsistent with Texas Animal Health Commission's (TAHC's) rules regarding the health inspection requirements for a horse to enter a racetrack facility. Also, the present rule-heading "Health Certificate" does not adequately address those additional requirements for horses entering a pari-mutuel track as required by the TAHC.

B. Discussion of the Issue and Problem

TRC Rule 319.110 provides that to be admitted on to an association's grounds, a horse must have:

- (1) a current negative test for equine infectious anemia conducted in accordance with rules of the Texas Animal Health Commission; and
- (2) a health certificate issued in the 45-day period preceding the horse's arrival.

TAHC Rule 49.1 provides that equine entering a pari-mutuel track must have a negative EIA test within the past 12 months and a Certificate of Veterinary Inspection.

TAHC Rule 49.5 provides that equine entering a racetrack facility must have a negative Piroplasmosis test (*Theileria equi*) within the past 12 months. (TAHC policy excepts Thoroughbreds.)

TAHC Rule 51.1 provides that a Certificate of Veterinary Inspection is valid for 30 days.

TAHC Rule 51.4 provides that horses entering a pari-mutuel track from out-of-state or area of origin must have a negative EIA test within the past 12 months and a Certificate of Veterinary Inspection.

TAHC Rule 51.4 provides that horses from in-state origin entering a pari-mutuel track from out-of-state or area of origin must have a negative EIA test within the past 12 months and a Certificate of Veterinary Inspection.

TAHC Rule 58.2 provides that if TAHC's Executive Director determines that livestock have been exposed to or infected with a disease (with limited exceptions) and determines that an animal health emergency exists, then the executive director is authorized to exercise all the necessary authority to respond as expediently as possible, including determining the necessary requirements related to quarantine, disposal, testing, movement, inspection, and treatment.

Specifically, TRC's rule treating 45-day old health certificates as valid is inconsistent with TAHC's 30-day requirement. In addition, TRC's rule does not address piroplasmosis, nor does it address the possibility that TAHC may impose additional requirements in response to an animal health emergency. Also, TRC's rule-heading "Health Certificate" does not address other current TAHC entry requirements such as a current negative test for equine infectious anemia and a negative Piroplasmosis test (*Theileria equi*) within the past 12 months.

C. Possible Solutions and Impact

While the Commission could specifically adopt TAHC's current requirements, this approach would require TRC to amend its rules anytime TAHC amends its rules. Staff recommends instead that the rule be amended to incorporate TAHC's standards by reference. TAHC follows the same rule-making process that TRC does, so the industry will retain the ability to fully participate in the development of those rules.

D. Support or Opposition

The proposal was published in the July 1, 2016, edition of the *Texas Register*. As of July 20, 2016, staff has not received any comments in response to the publication.

E. Proposal

See next page.

§319.110. Requirements to Enter Association Grounds Health Certificate

To be admitted on to an association's grounds, a horse must be accompanied by a current certificate of veterinary inspection and meet any other health inspection requirements established by the Texas Animal Health Commission. ~~have:~~

- ~~(1) a current negative test for equine infectious anemia conducted in accordance with rules of the Texas Animal Health Commission; and~~
- ~~(2) a health certificate issued in the 45 day period preceding the horse's arrival.~~