

# TEXAS RACING COMMISSION

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



## COMMITTEE ON RULES

Tuesday, December 1, 2015  
10:30 a.m.  
Texas Animal Health Commission  
2105 Kramer Lane  
Austin, Texas 78758

### Agenda

The Committee will discuss the following requests for rule amendments:

- A. Proposal to Address Disciplinary Hearings Notice Requirements  
The proposal would clarify that mailing a hearing notice to a licensee's address of record constitutes effective notification, even if the letter is returned as being refused or undeliverable.
- B. Proposal to Establish Discovery Procedures for Disciplinary Hearings  
The proposal would formalize procedures by which the parties exchange information prior to a disciplinary hearing.
- C. Proposal to Modify Time in Which to Hold Summary Suspension Hearings  
The proposal would extend the permissible time in which to hold a summary suspension hearing from three days to seven days.
- D. Proposal to Update Obsolete References to Videotape  
The proposal would replace the word "videotape" with "video recording" and allow an association that uses film to provide either a print or a digital image from the negative.
- E. Proposal to Update Licensing Requirements for Veterans  
The proposal would address the requirements of SB 807 and SB 1307 by allowing military members, veterans, and military spouses to apply to have certain education and/or examination requirements and fees waived.
- F. Proposal to Amend the Effective Time of a Claim  
The proposal would amend the claiming rules so that a claim becomes effective when the horse becomes a starter and the field is dispatched by the Official Starter.
- G. Proposal to Amend the Restrictions on Claims  
The proposal would amend the claiming rules to eliminate the undefined term "protection claim" and to more closely follow the ARCI Model Rules.

The Committee will discuss closing the rule reviews of Chapter 307, Proceedings before the Commission, and Chapter 323, Disciplinary Action and Enforcement.

The Commission will discuss opening the rule reviews of Chapter 301, Definitions, Chapter 303, General Provisions, Chapter 319, Veterinary Practices and Drug Testing, and Chapter 321, Pari-mutuel Wagering.

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: 9 Nov. 2015

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

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

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

**Contact Information:**

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E-mail address:	info@txrc.texas.gov	Fax number:	512-833-6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(es):

Personal Submission *OR*

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

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

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

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

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

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

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

Statutory Authority for Proposed Change: TRA 3.02

**A. Brief Description of the Issue**

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

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

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

**C. Possible Solutions and Impact**

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

**D. Support or Opposition**

The proposal has been evaluated by staff but has not yet been discussed with industry representatives.

**E. Proposal**

See next page.

1 **Sec. 307.62. Disciplinary Action**

2 (a) (No change.)

3 (b) Notice of Hearing. Except as otherwise provided by the  
4 Rules, the stewards and racing judges shall provide written  
5 notice to a person who is the subject of a disciplinary hearing  
6 at least 10 calendar days before the hearing. Notice given under  
7 this subsection must state the nature of the charges against the  
8 person and the possible penalties that may be imposed. The  
9 person may waive his or her right to 10 days notice. Refusal to  
10 accept delivery of any notice or the inability to deliver any  
11 notice because of a changed address for which no notice of  
12 change was given as required in Rule 311.209(b) shall be deemed  
13 to be receipt of any such notice.

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

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(Name of Organization)

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

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

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

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

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

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

Statutory Authority for Proposed Change: TRA 3.02

**A. Brief Description of the Issue**

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

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

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

**C. Possible Solutions and Impact**

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

**D. Support or Opposition**

The proposal has been evaluated by staff but has not yet been discussed with industry representatives.

**E. Proposal**

See next page.

CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION

SUBCHAPTER C. PROCEEDINGS BY STEWARDS AND RACING JUDGES

1 **Sec. 307.62. Disciplinary Action**

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

3 (j) Discovery.

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

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

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

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

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

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

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 9 Nov. 2015

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Personal Submission *OR*

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Proposed Change to (if known): Chapter: 307 Rule: 62

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, 3.16

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

Rule 307.62(i) authorizes boards of stewards to summarily suspend a license under certain circumstances, provided that the licensee is given the opportunity to be heard within three calendar days after the date the license is summarily suspended. However, because of the race schedule, stewards are not always able to schedule a hearing within three days of the summary suspension date.

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

Rule 307.62(i) is based on ARCI Model Rule 003-010, Proceedings by Stewards/Judges, which requires a hearing to take place shortly after a board of stewards summarily suspends a license but does not articulate a specific timeframe for scheduling a summary suspension hearing. The model rule allows jurisdictions to choose the optimal number of days for that jurisdiction.

Because racing at each track does not take place every day, the stewards are often not on site to hold summary suspension hearings within three days of an initial summary suspension. At some tracks there are up to five days between race days, and depending on when a summary suspension is imposed, it may not be possible to schedule a hearing on the suspension for seven days.

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

Extending the three-day period to schedule summary suspension hearings to seven days will ensure that any summary suspension can be followed up with a summary suspension hearing in accordance with the rule.

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

The proposal has been evaluated by staff but has not yet been discussed with industry representatives.

### **E. Proposal**

See next page.

1 **Sec. 307.62. Disciplinary Action**

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

3 (i) Summary Suspension. If the stewards or racing judges  
4 determine that a licensee's actions constitute an immediate  
5 danger to the public health, safety, or welfare, the stewards or  
6 racing judges may enter a ruling summarily suspending the  
7 license, without a prior hearing. A summary suspension takes  
8 effect immediately on issuance of the ruling. If the stewards  
9 or racing judges suspend a license under this subsection, the  
10 licensee is entitled to a hearing on the suspension not later  
11 than seven [~~three~~] calendar days after the day the license is  
12 suspended. The licensee may waive his or her right to a hearing  
13 on the summary suspension within the seven [~~three~~]-day period.

**TEXAS RACING COMMISSION  
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Date of Request: 9 Nov. 2015

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Personal Submission *OR*

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

Proposed Change to (if known): Chapter: 309 Rule: 126-127

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, 6.06

**A. Brief Description of the Issue**

Rules 309.126-127 address requirements that associations create and maintain audio-visual records of races. Currently, the rules refer to “videotape” recordings and equipment, as well as photographic “negatives.” Given digital recording technology, these terms are now outdated.

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

Rules 309.126 and 309.127, adopted before digital recording became widespread, address requirements that associations create and maintain audio-visual records of races. Currently, the rules require associations to have “videotape” recording equipment, to make “videotape” recordings of races, and to maintain those recordings and photographic “negatives” for Commission use. However, associations today generally use digital recording equipment, so the rule should be updated to reflect current technology.

**C. Possible Solutions and Impact**

Replacing the word “videotape” with “video recording” and allowing the association to provide either a print or a digital image of a negative would update the rules to reflect modern audio-visual recording technologies.

**D. Support or Opposition**

The proposal has been evaluated by staff but has not yet been discussed with industry representatives.

**E. Proposal**

See next page.

1 **309.126 Video Recording [~~Videotape~~] Equipment**

2 (a) An association shall provide a video recording [~~videotape~~]  
3 system to record each race in color from start to finish.

4 (b) The video recording [~~videotape~~] of a horse race must provide  
5 a clear panoramic and head-on view of the position and action of  
6 the horses and jockeys at a range sufficient for motions to be  
7 easily discerned by the stewards. The video recording  
8 [~~videotape~~] of a greyhound race must provide a clear view of the  
9 position and action of the greyhounds at a range sufficient for  
10 motions to be easily discerned by the racing judges.

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

12 (e) The location and height of video towers and the operation of  
13 the video recording [~~videotape~~] system must be approved by the  
14 executive secretary before its first use in a race.

15 (f) An association shall provide a viewing room in which, on  
16 approval of the stewards or racing judges, an owner, trainer,  
17 jockey, or other interested individual may view a video  
18 [~~videotape~~] recording of a race.

19 (g) The association shall maintain an auxiliary video recording  
20 [~~videotape~~] system in case of an emergency.

21 (h) (No change.)

1

1 **309.127 Maintenance of Still Images [~~Negatives~~] and Video**  
2 **Recordings [~~Videotapes~~]**

3 (a) An association shall preserve either the negative of each  
4 photograph of the finish of a race or the image of each  
5 electronic photofinish of a race, whichever device is used, and  
6 the video recording [~~videotape~~] of a race for at least one year  
7 after the last day of the race meeting during which the  
8 photograph, electronic photofinish image or video recording  
9 [~~videotape~~] was made.

10 (b) On request by the Commission, the association shall provide  
11 a digital image or print from a negative, or copy of the image  
12 from the electronic photofinish device or a copy of a video  
13 recording [~~videotape~~] to the Commission.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 11/6/15

***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: 311.2

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

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

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

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

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

Statutory Authority for Proposed Change: 84<sup>th</sup> Legislative Session, Senate Bill 807 and 1307

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

Recent legislation by the 84<sup>th</sup> Legislative Session (SB 807 and SB 1307) amend the current laws relating to occupational license application fees and examination fees for certain military service members, military veterans, and military spouses.

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

The legislature found that state occupational licensing requirements and fees are barriers to employment for service members, veterans, and military spouses. In response, the Occupation Code now requires state agencies to waive educational requirements where a service member's or veteran's training already qualifies them to hold a particular license. In addition, the Occupational Code requires state agencies to waive initial licensing and examination fees for service members and veterans who hold a substantially equivalent certification from the military and for service members, their spouses, and veterans who hold a similar license in another jurisdiction with similar licensing requirements.

By waiving the educational and initial licensing and examination fees for qualified individuals, state agencies can remove these barriers and ease the transition to employment.

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

Rule 311.2, Application Procedure, will be amended so that a military member, veteran, or military spouse can apply to have education and/or examination requirements and fees waived. An application addendum will be developed as appropriate.

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

The proposal has been evaluated by staff but has not yet been discussed with industry representatives.

### **E. Proposal**

See next page.

**CHAPTER 311. OTHER LICENSES**

**SUBCHAPTER A. OCCUPATIONAL LICENSES.**

1 **Sec. 311.2 Application Procedure**

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

3 (f) License provisions for military service members, military  
4 spouses, and military veterans.

5 (1) The terms "military service member," "military spouse,"  
6 and "military veteran" shall have the same meaning as those  
7 terms are defined in Texas Occupations Code, Chapter 55.

8 (2) Credit for Military Service. Military service members  
9 and military veterans, as defined in Texas Occupations Code,  
10 Chapter 55, will receive credit toward any experience  
11 requirements for a license as appropriate for the particular  
12 license type and the specific experience of the military service  
13 member or veteran.

14 (3) Credit for holding a current license issued by another  
15 jurisdiction. Military service members, military spouses, and  
16 military veterans who hold a current license issued by another  
17 jurisdiction that has licensing requirements that are  
18 substantially equivalent to the license in this state will  
19 receive credit toward any experience requirements for a license  
20 as appropriate for the particular license type.

21 (4) Supporting documentation must be submitted with the  
22 license application.

23 (5) The executive director may waive any prerequisite to  
24 obtaining a license for an applicant who is a military service  
25 member, military veteran, or military spouse, after reviewing  
26 the applicant's credentials.

27 (6) Expedited license procedure. As soon as practicable  
28 after a military service member, military veteran, or military  
29 spouse files an application for a license, the commission will  
30 process the application and issue the license to an applicant  
31 who qualifies under this section.

1           (7) License application and examination fees will be waived  
2 for the initial application of an applicant who qualifies under  
3 this subsection.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 9 Nov. 2015

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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: 313 Rule: 303

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**

Rule 313.303, Effective Time of Claim, provides that a person with a valid claim to a horse becomes the owner of the horse when the horse steps on to the racetrack for the race. This means that, once it steps onto the track, the claimant becomes the owner of the horse even if it is not capable of breaking from the gate due to its physical infirmity.

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

The severity of this rule became apparent recently when one trainer entered a horse into a claiming race and after the jockey took the horse onto the track, refused to ride because of its condition. The horse had been claimed and ownership transferred. The new owner had the horse's legs x-rayed and learned that both front legs were fractured.

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

Rule 313.303 could be amended to provide that the effective time of transfer occurs at another time. Examples include:

- Model Rule ARCI-009-010: "Title to the claimed horse transfers at time it leaves the paddock."
- California Rule 1658: "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."
- New York Rule 4038.5: "The person determined at the closing time for claiming to have the right of claim shall become the owner of the horse when the start is effected, ... "
- Kentucky Rule 810 KAR 1:015: "Title to a claimed horse shall be vested in the successful claimant from the time the horse is a starter; ..."
- Louisiana Rule 9913: "Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter."
- Oklahoma Rule 325:30-1-11: "Title to a horse which is claimed shall be vested in the successful claimant from the time the Starter (the Racing Official) dispatches the field and the horse becomes a starter; ..."
- New Mexico Rule 15.2.4.8: "... title to the horse shall be transferred to the claimant from the time the horse enters the track to the post."

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

The proposal has been evaluated by staff but has not yet been discussed with industry representatives.

### **E. Proposal**

See next page.

**Sec. 313.303. Effective Time of Claim**

- (a) A person who has a valid claim to a horse becomes the owner of the horse when the Official Starter dispatches the field and the horse becomes a starter. [~~horse steps on to the racetrack for the race.~~] This subsection applies regardless [~~of whether the horse reaches the starting gate and regardless~~] of subsequent injury to the horse during or after the race.
- (b) On the day claimed, a claimed horse runs in the interest of and for the account of the owner from whom the horse was claimed.

**TEXAS RACING COMMISSION  
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Date of Request: 9 Nov. 2015

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Proposed Change to (if known): Chapter: 313 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**

Rule 313.110, Restrictions on Claims, prohibits a "protection claim" and subjects a person making such a claim to disciplinary action, but fails to define the term. In addition, ARCI's model rules do not define or use the term.

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

The stewards recently encountered a situation in which a trainer claimed a horse on behalf of one owner from another of the trainer's owners. The stewards voided the claim as a protection claim, which the trainer attempted to protest since he was no longer training in fact for the original owner. However, the stewards' decision stood and the trainer was left dissatisfied because the rule did not clearly identify his situation as the type that would be identified as a protection claim.

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

The proposal would amend Rule 313.110 to eliminate the term "protection claim" and to ensure that all of the factors identified in Model Rule ARCI-009-025, Prohibitions, are also included in the Texas rule.

ARCI-009-025, Prohibitions, provides:

- (1) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.
- (2) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.
- (3) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.
- (4) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.
- (5) A person shall not claim more than one horse in a race. No authorized agent shall submit more than one claim for the same horse in a race, even if the authorized agent represents several owners.

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

The proposal has been evaluated by staff but has not yet been discussed with industry representatives.

### **E. Proposal**

See next page.

**Sec. 313.310. Restrictions on Claims**

- (a) A horse that is claimed may not remain in the care or custody of the owner or trainer from whom the horse was claimed.
- (b) A person may not claim more than one horse in a race nor submit more than one claim for a race. An authorized agent may not submit more than one claim in a race, regardless of the number of persons the agent represents. A trainer may not be listed as the trainer for a claimant on more than one claim in the same race.
- (c) A person may not offer or agree to claim or refrain from claiming a horse. A person may not prevent or attempt to prevent another person from claiming a horse.
- (d) A person may not prevent or attempt to prevent a horse from racing in a claiming race for the purpose of avoiding a claim.
- (e) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer. [~~A protection claim is prohibited and a person making such a claim is subject to disciplinary action by the stewards.~~]
- (f) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.
- (g) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

## **CURRENT RULE REVIEWS CHAPTERS 307 AND 323**

Texas Government Code § 2001.039 requires state agencies to review all current rules to determine whether the reasons for initially adopting the rules continue to exist. The review must be conducted not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The state agency must readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule.

On August 29, 2014, the Commission opened the reviews of Chapter 307, Proceedings Before the Commission, and Chapter 323, Disciplinary Action and Enforcement. Notice of the reviews was published in the September 26, 2014, edition of the *Texas Register* (39 *TexReg* 7785). The Commission received no comments on the rule review.

The Table of Contents for Chapters 307 and 323 are attached below.

Staff recommends that the Commission readopt the rules of Chapters 307 and 323.

# CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION

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- Sec. 307.1. Applicability
- Sec. 307.2. Definitions
- Sec. 307.3. Types of Proceedings
- Sec. 307.4. Decision-making Proceedings
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- Sec. 307.6. Probation
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### **Subchapter B. Contested Cases**

- Sec. 307.31. Prehearing Procedures
- Sec. 307.32. Nonparty Participation
- Sec. 307.33. Hearing
- Sec. 307.34. Exceptions and Replies
- Sec. 307.35. Oral Argument
- Sec. 307.36. Consideration by Commission
- Sec. 307.37. Final Order
- Sec. 307.38. Rehearing
- Sec. 307.39. Judicial Review

### **Subchapter C. Proceedings By Stewards And Racing Judges**

- Sec. 307.61. General Authority
- Sec. 307.62. Disciplinary Hearings
- Sec. 307.63. Ruling
- Sec. 307.64. Penalties
- Sec. 307.65. Reciprocity
- Sec. 307.66. Applicability of Rules and Rulings
- Sec. 307.67. Appeal to the Commission
- Sec. 307.68. Stay
- Sec. 307.69. Action by Commission

### **Subchapter D. Rulemaking**

- Sec. 307.101. Purpose
- Sec. 307.102. Rulemaking Procedure
- Sec. 307.103. Petition for Adoption of Rules
- Sec. 307.104. Saving Provisions
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## **CHAPTER 323. DISCIPLINARY ACTION AND ENFORCEMENT**

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#### **Subchapter A. General Provisions**

- Sec. 323.1. Investigation and Disciplinary Action
- Sec. 323.2. Complaints
- Sec. 323.3. Notice to Violator
- Sec. 323.4. Action on Complaints
- Sec. 323.5. Complaints against Officials

#### **Subchapter B. Civil Remedies**

- Sec. 323.101. Administrative Penalties

#### **Subchapter C. Criminal Enforcement**

- Sec. 323.201. Reporting of Criminal Activity and Convictions
- Sec. 323.202. Notice to District Attorneys
- Sec. 323.203. Department of Public Safety Reports

## **PROPOSED RULE REVIEWS CHAPTERS 301, 303, 319 AND 321**

Texas Government Code 2001.039 directs each state agency to review, and consider for readoption, each of its rules every four years. During the review, the Commission must assess whether the reasons for adopting the rules continue to exist.

To formally initiate the rule review process, the Commission must vote at a public meeting to publish notice in the *Texas Register* of the Commission's intention to review specific rules. After the time for public comment has passed, the Commission will take one of the following actions in regard to the rules in Chapters 301, 303, 319, and 321: readoption, repeal, or readoption with revisions.

If the Commission readopts a rule (with no changes), notice of the readoption will appear in the *Texas Register* "Rules Review" section, but the text of the readopted rule will not be published.

Any proposed repeal of a rule or any proposed amendment to a rule will be published in the "Proposed Rules" section of the *Texas Register*, and will be the subject of an additional 30-day comment period.

The *Table of Contents* for these chapters are attached below.

## CHAPTER 301 DEFINITIONS

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§301.1. Definitions

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## CHAPTER 303. GENERAL PROVISIONS

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- §303.2. Commission Responsibilities.
- §303.3. Offices.
- §303.4. Meetings.
- §303.5. Quorum.
- §303.6. Commission Officers.
- §303.7. Employees.
- §303.8. Executive Secretary.
- §303.9. Records.
- §303.10. Investigatory Files.
- §303.11. Vacancies in the Commission.
- §303.12. Use of Commission Motor Vehicles.
- §303.13. Seal of the Commission.
- §303.14. Unofficial Statements.
- §303.15. Acts in the Commission's Name.
- §303.16. Historically Underutilized Businesses.
- §303.17. Vendor Protests.

#### **Subchapter B. Powers and Duties of the Commission**

- §303.31. Regulation of Racing.
- §303.32. Power of Entry.
- §303.33. Subpoenas.
- §303.34. Certified Documents.
- §303.35. Access to Commission Programs.
- §303.38. Cooperation with Peace Officers and other Enforcement Entities.
- §303.41. Allocation of Race Dates.
- §303.42. Approval of Charity Race Days.
- §303.43. Allocation of Live Race Dates for Class 1 Racetracks.

#### **Subchapter C. Powers and Duties of the Comptroller of Public Accounts**

- §303.61. Power of Entry.
- §303.62. Records.
- §303.63. Comptroller Rules.

## **Subchapter D. Texas Bred Incentive Programs**

### Division 1 General Provisions

- §303.81. Texas Bred Incentive Programs.
- §303.82. Bond Required.
- §303.83. Audits, Financial Statements and Performance Measures.
- §303.84. Report to the Commission.
- §303.85. Background Investigations.
- §303.86. Participation in Texas Bred Programs.

### **Division 2. Programs for Horses**

- §303.92. Thoroughbred Rules.
- §303.93. Quarter Horse Rules.
- §303.94. Arabian Horse Rules.
- §303.95. Races for Accredited Texas-Bred Horses.
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- §303.97. Dually Registered Horses.
- §303.99. Stakes and Other Prepayment Races-Breed Registries.

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## **Subchapter F. Licensing Persons with Criminal Backgrounds**

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

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- §319.2. Treatment Restricted.
- §319.3. Medication Restricted.
- §319.4. Veterinarians.
- §319.5. Report of Treatment by Veterinarians.
- §319.6. Access to Pre-race and Test Areas Restricted.
- §319.7. Labeling Requirements.
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- §319.9. Witnesses Required.
- §319.10. Devices and Substances Prohibited.
- §319.11. Powers of Inspection, Examination, and Search and Seizure.
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- §319.102. Veterinarian's List.
- §319.104. Blocking of Legs.
- §319.105. Bandages.
- §319.106. Nerved Horses.
- §319.107. Altering Sex of Horse.
- §319.108. Extracorporeal Shock Wave Therapy.
- §319.109. Destruction of Horses.
- §319.110. Health Certificate.
- §319.111. Bleeders and Furosemide Program.
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### **Subchapter C. Treatment of Greyhounds**

- §319.201. Pre-Race Examination.
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- §319.203. Condition of Greyhounds and Inspection of Kennels.
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- §321.2. Odds Manipulation.
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- §321.205. Probable Odds.
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