

TEXAS RACING COMMISSION

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

Texas Racing Commission
Tuesday, June 3, 2008
10:30 a.m.
JH Reagan Building, Room 120
105 W. 15th Street
Austin TX 78701

AGENDA

- I. CALL TO ORDER**
Roll Call

- II. PUBLIC COMMENT**

- III. GENERAL BUSINESS**
Discussion, consideration and possible action on the following matters:
 - A. Budget and Finance Update III-1
 - B. Report on Racetrack Inspections III-5
 - C. Report and Update by the Executive Director and Staff
Regarding Administrative Matters
 - D. The Commission's Strategic Plan for Fiscal Years 2009-2013 (To be distributed)
 - E. Report and Update by the Texas Thoroughbred Association as an
official State Horse Breed Registry
 - F. Report and Update by the Texas Greyhound Association as the
official State Greyhound Breed Registry

- IV. PROCEEDINGS ON RACETRACKS**
Discussion, consideration and possible action on the following matters:

A.	Designation by the Commission of an Application Period for Race Dates under Commission Rule 303.41	IV-1
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V. PROCEEDINGS ON RULEMAKING

Discussion, consideration and possible action on the following rules:

A. Rule Proposals

1.	Proposal to Amend § 309.1, Racetrack Licenses	V-1
2.	Proposal to Amend § 309.7, Horse Racetrack Application Fees	V-2
3.	Proposal to Amend § 309.9, Denial, Suspension and Revocation of Licenses	V-4
4.	Proposal to Amend § 309.103, Construction and Renovation of Racetrack Facilities	V-5
5.	Proposal to Amend § 309.111, Comfort and Safety	V-6
6.	Proposal to Amend § 309.113, Accessibility by Disabled Persons	V-7
7.	Proposal to Amend § 309.114, Restrooms	V-8
8.	Proposal to Amend § 309.115, Refreshments	V-9
9.	Proposal to Amend § 309.116, Complaints	V-10
10.	Proposal to Amend § 309.117, First Aid	V-11
11.	Proposal to Amend § 309.118, Regulatory Office Space and Equipment	V-12
12.	Proposal to Amend § 309.120, Parking for Licensees	V-16
13.	Proposal to Amend § 309.123, Internal Communication System	V-17
14.	Proposal to Amend § 309.151, Change of Ownership, Board of Directors, or Management Committee	V-18
15.	Proposal for New § 309.168, Hazardous Weather	V-21
16.	Proposal to Amend § 309.250, Test Barn	V-22
17.	Proposal to Repeal § 309.251, Isolation Area	V-23
18.	Proposal to Repeal § 309.252, Treatment Area	V-24
19.	Proposal to Amend § 309.253, Postmortem	V-25
20.	Proposal to Amend § 309.254, Equine Ambulance	V-26

21.	Proposal for New § 309.255, Chase Vehicle	V-27
22.	Proposal to Amend § 309.256, Starting Crew	V-28
23.	Proposal to Amend § 309.296, Official Program	V-29
24.	Proposal to Amend § 309.305, Starting Boxes	V-30
25.	Proposal to Amend § 309.309, Lockout Kennel	V-31
26.	Proposal to Amend § 309.311, Kennel Compound	V-32
27.	Proposal to Amend § 309.312, Turnout Pens	V-33
28.	Proposal to Amend § 309.314, Sprint Path	V-34
29.	Proposal for New § 309.317. Facilities and Equipment Maintenance Personnel	V-35

B. Rule Adoptions

1.	Adoption of § 311.3, Information for Background Investigation	V-36
2.	Repeal of § 311.51, Interim License to Conduct Race Meetings	V-39
3.	Adoption of § 319.336, Payment of Testing Costs	V-41
4.	Adoption of § 321.31, Vouchers	V-43
5.	Adoption of § 321.33, Expiration Date	V-44
6.	Adoption of § 321.36, Remittance of Unclaimed Outs and Vouchers	V-45
7.	Adoption of § 321.37, Cashed Tickets and Vouchers	V-47
8.	Adoption of § 321.41, Cashing Outstanding Tickets	V-48
9.	Adoption of § 321.42, Cashing Outstanding Vouchers	V-49

C. Rule Review

1.	Adoption of Chapter 311 - Other Licenses, As Amended	V-50
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VI. EXECUTIVE SESSION

The following items may be discussed and considered in executive session or open meeting and have action taken in the open meeting:

- A. Under Government Code Sec. 551.071, the Commission may open an executive session to confer with its attorney regarding pending or contemplated litigation on any matter listed in this agenda.
- B. Under Government Code Sec. 551.071(2), the Commission may open an executive session to discuss all matters identified in this agenda where the commission seeks the advice of their attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and to discuss the Open Meetings Act and the Administrative Procedures Act.
- C. Under Government Code Sec. 551.071, the Commission may open an executive session to confer with its attorney regarding litigation against the Commission in Cause No. D-1-GN-08-000416, *In Re: Larry Lawley and James R. Dunnigan, d/b/a The Lawley Group*

VII. OLD/NEW BUSINESS

Schedule next Commission Meeting

(Tuesday, August 5, 2008)

VIII. ADJOURN

Budget and Finance Update

Texas Racing Commission

LBB-4

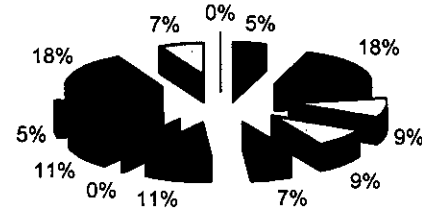
FYE 08/31/2008
 Cumulative Operating Budget Status
 by LBB Expenditure Object/Codes

Strategy	Description	FY 2008 Annual Budget	FY 2008 Expended Thru 4/30/2008	FY 2008 Unexpended Bal 4/30/2008	With 66.67% of Year Lapsed % of Budget Expended
\$ 0	FTE's = 76.60				
	<u>Sum Of All Strategies other than A.2.1</u>				
	1001 Salaries and Wages	3,793,297	2,294,465	1,498,832	60.49%
	1002 Other Personnel Cost	142,540	115,128	27,412	80.77%
	2001 Prof Fees and Services	186,242	47,037	139,205	25.26%
	2003 Consumables	29,938	12,877	17,061	43.01%
	2004 Utilities	22,900	15,344	7,556	67.00%
	2005 Travel	228,878	117,844	111,034	51.49%
	2006 Rent Building	108,014	81,076	26,938	75.06%
	2007 Rent Machine	16,500	8,798	7,702	53.32%
	2009 Other Operating Cost	292,840	147,623	145,217	50.41%
	CB Computer Equipment	35,340	9,381	25,959	26.54%
\$ 4,856,488	Total Operating Budget	4,856,488	2,849,571	2,006,917	58.68%
\$ 5,389,159	Strategy A.2.1. TX Bred Incentive	5,389,159	2,984,157	2,405,002	55.37%
\$ 10,245,647	Total All Strategies	10,245,647	5,833,728	4,411,919	56.94%

Expended Operational Budget By Strategy

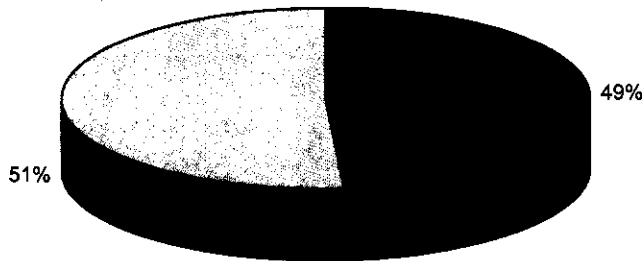
Regulate Racetrack Owners	\$	155,798
Supervise Racing	\$	492,994
Monitor Licensee Activities	\$	267,682
Inspect & Provide Emergency Care	\$	267,309
Administer Drug Test	\$	204,053
Occupational Licensing Program	\$	320,275
Texas On-Line Program	\$	11,636
Monitor Pari-Mutuel Wagering	\$	299,833
Wagering & Compliance Inspection	\$	144,923
Central Administration	\$	473,831
Information Resources	\$	211,238
Other Support Services	\$	-

Expended Operational Budget



■ Regulate Racetrack Owners	■ Supervise Racing
□ Monitor Licensee Activities	□ Inspect & Provide Emergency Care
■ Administer Drug Test	■ Occupational Licensing Program
□ Texas On-Line Program	■ Monitor Pari-Mutuel Wagering
■ Wagering & Compliance Inspection	■ Central Administration
□ Information Resources	■ Other Support Services

Expended Appropriations



■ Operational Budget □ ATB Budget

Expended Appropriations

Operational Budget	\$	2,849,571
ATB Budget	\$	2,984,157

Texas Racing Commission

LBB-1

FYE 08/31/2008
 Cumulative Operating Budget Status
 by LBB Expenditure Object/Codes

Strategy	Description	FY 2008 Annual Budget	FY 2008 Expended Thru 4/30/2008	FY 2008 Unexpended Bal 4/30/2008	With 66.67% of Year Lapsed % of Budget Expended
A.1.1.	FTE's = 4.00 <u>Regulate Racetrack Owners</u>				
	1001 Salaries and Wages	234,022	140,658	93,364	60.10%
	1002 Other Personnel Cost	5,140	10,609	(5,469)	206.40%
	2001 Prof Fees and Services	5,000	1,197	3,803	23.93%
	2003 Consumables	250	-	250	0.00%
	2004 Utilities	-	-	-	
	2005 Travel	8,100	1,182	6,918	14.60%
3.33%	2006 Rent Building	-	-	-	
\$ 4,589	2007 Rent Machine	-	-	-	
\$ 251,055	2009 Other Operating Cost	16,075	2,152	13,923	13.39%
\$ 12,943	CB Computer Equipment	-	-	-	
\$ 268,587	Total Strategy A.1.1.	268,587	155,798	112,789	58.01%
A.2.1.	FTE's = 0 <u>Texas Bred Incentive</u>				
	ATB Money Expended	5,389,159	2,984,157	2,405,002	55.37%
\$ 5,389,159	Total Strategy A.2.1.	5,389,159	2,984,157	2,405,002	55.37%
A.3.1.	FTE's = 12.00 <u>Supervise Racing and Licensees</u>				
	1001 Salaries and Wages	706,650	423,581	283,069	59.94%
	1002 Other Personnel Cost	20,800	19,052	1,748	91.60%
	2001 Prof Fees and Services	12,742	9,831	2,911	77.16%
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	40,817	28,398	12,419	69.57%
-6.56%	2006 Rent Building	-	-	-	
\$ 13,855	2007 Rent Machine	-	-	-	
\$ 849,215	2009 Other Operating Cost	4,875	2,752	2,123	56.44%
\$ (41,847)	CB Computer Equipment	35,340	9,381	25,959	26.54%
\$ 821,224	Total Strategy A.3.1.	821,224	492,994	328,230	60.03%
A.3.2.	FTE's = 7.00 <u>Monitor Occupational Licensee Act.</u>				
	1001 Salaries and Wages	389,723	236,702	153,021	60.74%
	1002 Other Personnel Cost	24,300	16,514	7,786	67.96%
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	28,719	11,507	17,212	40.07%
-0.77%	2006 Rent Building	-	-	-	
\$ 7,641	2007 Rent Machine	-	-	-	
\$ 434,687	2009 Other Operating Cost	3,875	2,958	917	76.35%
\$ 4,289	CB Computer Equipment	-	-	-	
\$ 446,617	Total Strategy A.3.2.	446,617	267,682	178,935	59.94%
A.4.1.	FTE's = 7.10 <u>Inspect and Provide Emerg. Care</u>				
	1001 Salaries and Wages	379,651	230,884	148,767	60.81%
	1002 Other Personnel Cost	10,260	10,530	(270)	102.64%
	2001 Prof Fees and Services	23,000	10,486	12,514	45.59%
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	13,500	8,447	5,053	62.57%
-3.82%	2006 Rent Building	-	-	-	
\$ 6,730	2007 Rent Machine	-	-	-	
\$ 436,742	2009 Other Operating Cost	7,125	6,961	164	97.70%
\$ (9,937)	CB Computer Equipment	-	-	-	
\$ 433,536	Total Strategy A.4.1.	433,536	267,309	166,227	61.66%

Texas Racing Commission

LBB-2

FYE 08/31/2008

Cumulative Operating Budget Status
by LBB Expenditure Object/Codes

Strategy	Description	FY 2008 Annual Budget	FY 2008 Expended Thru 4/30/2008	FY 2008 Unexpended Bal 4/30/2008	With 66.67% of Year Lapsed % of Budget Expended
A.4.2.	FTE's = 6.50 <u>Administer Drug Testing</u>				
	1001 Salaries and Wages	289,340	178,669	110,671	61.75%
	1002 Other Personnel Cost	12,280	3,960	8,320	32.25%
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	32,140	17,118	15,022	53.26%
1.08%	2006 Rent Building	-	-	-	
\$ 5,449	2007 Rent Machine	-	-	-	
\$ 325,703	2009 Other Operating Cost	6,375	4,306	2,069	67.55%
\$ 8,983	CB Computer Equipment	-	-	-	
\$ 340,135	Total Strategy A.4.2.	340,135	204,053	136,082	59.99%
B.1.1.	FTE's = 13.00 <u>Occupational Licensing</u>				
	1001 Salaries and Wages	428,147	277,458	150,690	64.80%
	1002 Other Personnel Cost	29,540	11,727	17,813	39.70%
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	2,500	-	2,500	0.00%
	2004 Utilities	-	-	-	
	2005 Travel	33,250	16,497	16,753	49.61%
-4.18%	2006 Rent Building	-	-	-	
\$ 8,127	2007 Rent Machine	11,000	5,015	5,985	45.59%
\$ 547,692	2009 Other Operating Cost	36,625	9,578	27,047	26.15%
\$ (14,757)	CB Computer Equipment	-	-	-	
\$ 541,062	Total Strategy B.1.1.	541,062	320,275	220,788	59.19%
B.1.2.	FTE's = 0 <u>Texas OnLine</u>				
	1001 Salaries and Wages	-	-	-	
	1002 Other Personnel Cost	-	-	-	
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	-	-	-	
0.00%	2006 Rent Building	-	-	-	
	2007 Rent Machine	-	-	-	
\$ 23,250	2009 Other Operating Cost	23,250	11,636	11,614	50.05%
\$ -	CB Computer Equipment	-	-	-	
\$ 23,250	Total Strategy B.1.2.	23,250	11,636	11,614	50.05%
C.1.1.	FTE's = 9.00 <u>Monitor Wagering and Audit</u>				
	1001 Salaries and Wages	412,344	265,440	146,903	64.37%
	1002 Other Personnel Cost	11,780	13,183	(1,403)	111.91%
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	225	213	12	94.65%
	2004 Utilities	-	-	-	
	2005 Travel	21,800	13,739	8,061	63.02%
-1.80%	2006 Rent Building	-	-	-	
\$ 8,085	2007 Rent Machine	-	-	-	
\$ 457,218	2009 Other Operating Cost	19,010	7,258	11,752	38.18%
\$ (144)	CB Computer Equipment	-	-	-	
\$ 465,159	Total Strategy C.1.1.	465,159	299,833	165,326	64.46%
C.1.2.	FTE's = 5.00 <u>Wagering & Compliance Inspections</u>				
	1001 Salaries and Wages	228,004	129,975	98,029	57.01%
	1002 Other Personnel Cost	6,060	4,280	1,780	70.63%
	2001 Prof Fees and Services	75,000	-	75,000	0.00%
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	18,952	7,873	11,079	41.54%
-0.60%	2006 Rent Building	-	-	-	
\$ 3,477	2007 Rent Machine	-	-	-	
\$ 327,143	2009 Other Operating Cost	4,125	2,794	1,331	67.74%
\$ 1,521	CB Computer Equipment	-	-	-	
\$ 332,141	Total Strategy C.1.2.	332,141	144,923	187,218	43.63%

Texas Racing Commission

LBB-3

FYE 08/31/2008
 Cumulative Operating Budget Status
 by LBB Expenditure Object/Codes

Strategy	Description	FY 2008 Annual Budget	FY 2008 Expended Thru 4/30/2008	FY 2008 Unexpended Bal 4/30/2008	With 66.67% of Year Lapsed % of Budget Expended
D.1.1.	FTE's = 8.00 <u>Central Administration</u>				
	1001 Salaries and Wages	439,059	257,720	181,339	58.70%
	1002 Other Personnel Cost	16,620	21,512	(4,892)	129.44%
	2001 Prof Fees and Services	25,500	19,562	5,939	76.71%
	2003 Consumables	25,000	10,701	14,299	42.80%
	2004 Utilities	20,000	11,952	8,048	59.76%
	2005 Travel	28,500	11,810	16,690	41.44%
0.47%	2006 Rent Building	105,314	78,376	26,938	74.42%
\$ 5,924	2007 Rent Machine	5,500	3,783	1,717	68.78%
\$ 753,938	2009 Other Operating Cost	103,857	58,416	45,441	56.25%
\$ 9,487	CB Computer Equipment	-	-	-	
\$ 769,350	Total Strategy D.1.1.	769,350	473,831	295,519	61.59%
D.2.1.	FTE's = 5.00 <u>Information Resources</u>				
	1001 Salaries and Wages	286,357	153,378	132,979	53.56%
	1002 Other Personnel Cost	5,760	3,760	2,000	65.28%
	2001 Prof Fees and Services	45,000	5,961	39,039	13.25%
	2003 Consumables	1,963	1,963	0	99.98%
	2004 Utilities	2,900	3,392	(492)	172.77%
	2005 Travel	3,100	1,274	1,826	41.09%
6.30%	2006 Rent Building	2,700	2,700	-	100.00%
\$ 5,498	2007 Rent Machine	-	-	-	
\$ 380,469	2009 Other Operating Cost	67,648	38,812	28,836	57.37%
\$ 29,461	CB Computer Equipment	-	-	-	
\$ 415,428	Total Strategy D.1.2.	415,428	211,238	204,190	50.85%
D.1.3.	FTE's = - <u>Other Support Services</u>				
	1001 Salaries and Wages	-	-	-	
	1002 Other Personnel Cost	-	-	-	
	2001 Prof Fees and Services	-	-	-	
	2003 Consumables	-	-	-	
	2004 Utilities	-	-	-	
	2005 Travel	-	-	-	
	2006 Rent Building	-	-	-	
	2007 Rent Machine	-	-	-	
\$ -	2009 Other Operating Cost	-	-	-	
\$ -	CB Computer Equipment	-	-	-	
\$ -	Total Strategy D.1.3.	-	-	-	
\$ 69,376	Estimated 2% appropriation rider FY-08				
\$ 4,787,112	Operating Budget regular appropriations	4,856,488	2,849,571	1,493,069	58.68%
\$ 5,389,159	Strategy A.2.1. TX Bred Incentive	5,389,159	2,984,157	2,405,002	55.37%
\$ 10,245,647	Total M.O.F.				
\$ 10,245,647	Total All Strategies	10,245,647	5,833,728	3,898,071	56.94%

111-4

Report on Racetrack Inspections

Texas Racing Commission
Report on Racetrack Inspection Activities
 June 3, 2008

Date of Inspection	Track	Type of Inspection	Number of Unsatisfactory Items	Track Remediation Complete	Inspection resolved	Unsatisfactory Items Remaining
5/06/08	Corpus Christi	Facility	*			
4/03/08	Gulf	Veterinary	0			
4/03/08	Lone Star	Pari-mutuel	0			
4/04/08	Lone Star	Safety & Security	4	1 resolved 4/18/08 3 resolved 5/21/08	5/21/08	
4/07/08	Lone Star	Racing Stewards	1			1 remains
4/10/08	Lone Star	Veterinary	1	Resolved	4/17/08	
2/21/08	Manor	Safety & Security	1			1 remains
3/27/08	Manor	Racing Stewards	3			3 remain
3/30/08	Manor	Safety & Security	4			4 remain
4/15/08	Retama	Safety & Security	0			
4/17/08	Retama	Racing Stewards	0			
4/19/08	Retama	Pari-mutuel	0			
4/25/08	Retama	Veterinary	0			
3/13/08	Sam Houston	Stewards	0			

Corpus Christi Greyhound Race Track. Staff inspected the kennels, backside, grandstand and track surface. Track management will submit a plan on May 28, 2008 to address the deficiencies identified during the inspection. Staff will conduct follow up inspections to evaluate the progress of repairs.

Lone Star Park. The new office facilities for commission and DPS staff do not have private telephone lines. Proposed changes in rule 309.118 Regulatory Office Space and Equipment define the requirements of a private telephone line:

Manor Downs. Deficiencies were identified in the grandstands, parking lot lighting and commission office. These deficiencies will be addressed during the down time between meets.

**Designation by the Commission of an
Application Period for Race Dates under
Commission Rule 303.41**



TEXAS RACING COMMISSION
8505 Cross Park Dr. #110
Austin, Texas 78711
512-833-6699
512-833-6907 FAX

To: Texas Racing Commissioners
From: Charla Ann King, Executive Director *CAK*
Date: May 23, 2008
Subject: Designation by the Commission of an Application Period for Race Dates under Commission Rule 303.41

In accordance with Commission Rule 303.41, I recommend that the Texas Racing Commission designate an application period for race dates at the next Commission meeting. All currently granted race dates expire on December 31, 2008.

I recommend that the Commission request that the associations submit race dates for calendar year 2009.

I also recommend that the Commission allow an association or group of associations to request any race dates between January 1, 2010 and August 31, 2010, which will provide the Commission with a longer-term view.

Rule Proposals

Texas Racing Commission
Title 16, Part VIII
Chapter 309. Racetrack Licenses and Operations
Subchapter A. Racetrack Licenses

1 **309.1. Racetrack Licenses.**

2 (a) (No change.)

3 (b) Duration of License. A racetrack license is perpetual.

4 The Commission may suspend or revoke a license in
5 accordance with the Act and these rules. By agreement with
6 the Commission, an association may voluntarily surrender a
7 racetrack license for suspension or revocation.

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

1 **309.7. Horse Racetrack Application Fees.**

2 (a) General Provisions.

3 (1) An applicant for a license must submit with the
4 application documents an application or license fee in an
5 amount set by the Commission.

6 (2) The application fee for a racetrack license must
7 be in the form of a certified check or cashier's check.

8 (b) Application Fees.

9 (1) The application fee for a ~~horse~~ racetrack license
10 is composed of a processing charge, a variable
11 investigation charge, and a variable hearing charge. The
12 processing charge is the amount needed by the Commission to
13 cover the administrative costs of processing the
14 application. ~~set to cover administrative costs.~~ The
15 investigation charge is the amount needed by the Commission
16 to cover the costs incurred by the Department of Public
17 Safety and Commission staff for conducting the background
18 investigation on the applicant. The hearing charge is the
19 amount needed by the Commission to pay for the State Office
20 of Administrative Hearings, legal and court reporting
21 services for conducting a hearing on the application. An
22 applicant for a ~~horse~~ racetrack license must pay all
23 charges contemporaneously with filing the application. The
24 failure to pay the total amount of the application fee may
25 result in the application being summarily denied by the
26 Commission or an administrative law judge. The Commission
27 shall hold the application fee in the state treasury in a
28 suspense account. The Commission may transfer the
29 processing funds due to the Commission to the Texas Racing
30 Commission Fund as costs are incurred. If the application
31 is not certified as completed under § 309.3(d) of this
32 chapter, the Commission shall return the investigation
33 charge and hearing charge, as well as any part of the
34 processing charge that exceeds the actual administrative
35 costs to the Commission of processing the application. ~~If~~
36 ~~the application is certified as complete, the Commission~~
37 ~~shall hold the investigation charge and hearing charge in~~
38 ~~the state treasury in a suspense account.~~ Not later than
39 five business days after the date the Commission order on
40 the application is final and unappealable, the Commission
41 shall transfer the remaining suspense funds due to the
42 Commission to the Texas Racing Commission Fund. If the
43 actual costs to the Commission of processing the
44 application, conducting the investigation or paying for the
45 hearing exceed the amount deposited for the applicable

Texas Racing Commission
Title 16, Part VIII
Chapter 309. Racetrack Licenses and Operations
Subchapter A. Racetrack Licenses

1 charge, the applicant shall pay the remaining amount not
2 later than 10 business days after receipt of a bill from
3 the Commission. If the costs of processing the application,
4 conducting the investigation or paying for the hearing are
5 less than the amount of the charge, the Commission shall
6 refund the excess not later than 10 days after the
7 Commission order on the application is final and
8 unappealable.

9 (2) The amount to be deposited for the processing
10 charge for a horse racetrack license application is:

- 11 (A) for a Class 1 racetrack, ~~\$50,000~~ \$150,000;
12 (B) for a Class 2 racetrack, ~~\$20,000~~ \$75,000;
13 (C) for a Class 3 racetrack, ~~\$3,000~~ \$25,000; and
14 (D) for a Class 4 racetrack, ~~\$1,500~~ \$10,000.

15 (3) The amount to be deposited for the investigation
16 charge for a horse racetrack license application is:

- 17 (A) for a Class 1 racetrack, \$25,000;
18 (B) for a Class 2 racetrack, \$15,000;
19 (C) for a Class 3 racetrack, \$1,500; and
20 (D) for a Class 4 racetrack, \$1,000.

21 (4) The amount to be deposited for the hearing charge
22 for a horse racetrack license application is:

- 23 (A) for a Class 1 racetrack, \$15,000;
24 (B) for a Class 2 racetrack, \$8,000;
25 (C) for a Class 3 racetrack, \$1,500; and
26 (D) for a Class 4 racetrack, \$1,000.

27 (5) The amount to be deposited for the processing
28 charge for a greyhound racetrack license application is
29 \$150,000.

30 (6) The amount to be deposited for the investigation
31 charge for a greyhound racetrack license application is
32 \$25,000.

33 (7) The amount to be deposited for the hearing charge
34 for a greyhound racetrack license application is \$15,000.

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Subchapter A. Racetrack Licenses

1 **309.9. Denial, Suspension and Revocation of Licenses**

2 (a) (No change.)

3 (b) Grounds for Denying, Suspending, and Revoking Licenses.

4 (1)-(5) (No change)

5 (6) Minimum Age, or Otherwise Ineligible. A license
6 may be denied, suspended or revoked if it is determined
7 that the licensee:

8 (A) has not attained the minimum age necessary to
9 purchase alcoholic beverages in Texas; ~~or~~

10 (B) is in the habit of using alcoholic beverages
11 to an excess or uses a controlled substance as defined
12 in Chapter 481, Health and Safety Code, or a dangerous
13 drug as defined in Chapter 483, Health and Safety
14 Code, or is mentally incapacitated;

15 (C) has improperly used a license certificate,
16 credential, or identification card issued under this
17 Act; or

18 (D) ~~(B)~~ through a change in ownership, would be
19 ineligible to be issued a license.

20 (7) (No change.)

21 (8) Unqualified. A license may be denied, suspended or
22 revoked if the Commission determines that the licensee is
23 unqualified, by experience or otherwise, to perform the
24 duties required of a licensee under the Act or the Rules.

25 (9) Moral Character and Reputation. A license may be
26 denied, suspended or revoked if the Commission determines
27 that the licensee is not of good moral character or the
28 licensee's reputation as a peaceable, law-abiding citizen
29 in the community where the licensee resides is bad.

30 (10) Ownership. A license may be denied, suspended or
31 revoked if it results or would result in a person owning
32 more than a five percent interest in more than three Texas
33 racetrack licenses.

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General Provisions

- 1 **309.103. Construction and Renovation of Racetrack**
2 **Facilities.**
3 (a) (No change.)
4 (b) Review of construction plan.
5 (1) At least ~~30~~ 60 days before the date an association
6 proposes to start a racetrack construction project, the
7 association shall submit a construction plan to the
8 executive secretary. The construction plan must be in
9 sufficient detail for the executive secretary to determine
10 whether the proposed project complies with all applicable
11 Commission rules.
12 (2)-(3) (No change.)
13 (c)-(e) (No change.)

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1 **309.111. Comfort and Safety.**

2 (a) An association shall ensure that the public areas of
3 the association grounds are designed and maintained for the
4 comfort and safety of the patrons and licensees.

5 (b) An association shall designate as a non-smoking area a
6 portion of each of the public areas on association grounds.

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1 **309.113. Accessibility by Disabled Persons.**

2 (a) An association shall ensure that all public areas of
3 the association grounds are accessible by disabled persons
4 in accordance with standards adopted for public buildings
5 under Texas Government Code, Chapter 469. Civil Statutes,
6 Article 9102.

7 (b) (No change.)

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1 **309.114. Restrooms.**

2 An association shall provide and maintain restroom
3 facilities which are adequate in number, design,
4 construction, and location for all persons on association
5 grounds, including licensees within the restricted non-
6 public areas of the enclosure. Restroom facilities shall
7 conform to the general standards as detailed in the Texas
8 Administrative Code, Title 25, Chapter 265, Department of
9 State Health Services.

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- 1 **309.115. Refreshments.**
- 2 An association shall provide an adequate supply of free
- 3 drinking water ~~and other refreshments~~ for the patrons and
- 4 licensees.

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1 **309.116. Complaints.**

2 (a) An association shall provide an office to handle
3 complaints. ~~regarding the association facilities or an~~
4 ~~alleged violation of the Act or the Rules.~~

5 (b) An association shall respond promptly to all complaints
6 by patrons and licensees. ~~regarding the association~~
7 ~~facilities.~~

8 (c) An association shall promptly notify the executive
9 secretary of a complaint regarding:

10 (1) an alleged violation of the Act or a rule of the
11 Commission;

12 (2) an alleged violation of ordinances or statutes;

13 (3) accidents or injuries; or

14 (4) unsafe or unsanitary conditions for patrons,
15 licensees or race animals.

16 (d) An association's responsibility to respond to
17 complaints under subsection (b) of this section is
18 independent of the association's responsibility to notify
19 the executive secretary under subsection (c) of this
20 section.

21 (e) ~~(d)~~ An association shall maintain a record of each
22 complaint received and the action taken by the association
23 regarding the complaint for two years.

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1 **309.117. First Aid.**

2 (a) At all times that an association is open to the public,
3 the association shall provide a first aid room equipped
4 with appropriately qualified personnel and equipment
5 suitable to respond to medical emergencies of its patrons
6 and licensees. Qualified personnel are those individuals
7 certified in basic cardiac life support and first aid in
8 conformance with accepted guidelines for emergency care and
9 resuscitation.

10 (b) During a live race meeting, a horse racing association
11 shall provide a properly equipped and staffed ambulance for
12 humans and the services of a certified paramedic at any
13 time that the racetrack is open for racing or exercising.
14 At a Class 1 or 2 racetrack, the ~~primary~~ ambulance must be
15 a Mobile Intensive Care Unit (MICU) certified by the Texas
16 Department of Health. If the MICU ambulance is used to
17 transport an individual, the association may not conduct a
18 race until the ambulance returns or is replaced by an
19 properly equipped, staffed, and certified MICU ambulance.
20 ~~by an ambulance approved by the executive secretary.~~ The
21 ambulance must be parked at the entrance to the racing
22 strip when not being used to transport an individual.

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1 **309.118. Regulatory Office Space and Equipment.**

2 (a) An association shall provide adequate office space for
3 the use of the stewards or racing judges, occupational
4 licensing personnel, the Commission's investigative unit,
5 the pari-mutuel auditing staff and the staff employed by
6 the comptroller, the Commission veterinary and drug testing
7 staff, and the Department of Public Safety. The location
8 and size of the office space, furnishings, electrical
9 outlets, telephone lines, television monitors, and
10 equipment required under this section must be approved by
11 the executive secretary.

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

13 (d) The office for the Commission's investigative unit must
14 be located adjacent to the occupational licensing office
15 and the Department of Public Safety office. The office must
16 be furnished and be equipped with:

17 (1) a private telephone line; and

18 (2) a television monitor to monitor the events on the
19 racetrack.

20 (e) The office space for occupational licensing personnel
21 must consist of two rooms, one of which must be private.
22 The room that is not private must be equipped with:

23 (1) a double counter;

24 (2) a fingerprint work area;

25 (3) a television monitor; ~~and~~

26 (4) a private telephone line; ~~-~~

27 (5) a private dedicated telephone line to be used by a
28 fax machine;

29 (6) a private dedicated telephone line to be used by a
30 credit card machine;

31 (7) the appropriate number of desks, file cabinets and
32 chairs;

33 (8) locking file cabinets or other locking storage
34 facilities adequate in size and number to store the
35 licensing files and checks; and

36 (9) power outlets adequate in number and capacity to
37 operate all of the Commission's electrical equipment
38 located within the occupational licensing office.

39 (f) The office space for the pari-mutuel auditing staff and
40 the staff employed by the comptroller must:

41 (1) provide an unrestricted view of the ~~totalisator~~
42 ~~system operators and the pari-mutuel computers;~~

43 (2) permit unrestricted entry to the totalisator
44 facilities;

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1 (3) be furnished with the appropriate number of desks
2 and chairs;

3 (4) include locking file cabinets in the work area or
4 other locking storage facilities, in which the auditors may
5 store computer printouts or magnetic tape and that are
6 large enough to store all state-controlled wagering records
7 for the association that are needed for audits by the
8 Commission or the comptroller;

9 (5) include a video and audio device that enables the
10 auditors to receive, simultaneously with the patrons, the
11 same information that the patrons receive;

12 (6) have at least ~~four~~ six power outlets to operate
13 electrical equipment;

14 (7) include a private telephone line; ~~and~~

15 (8) if requested by the Commission or the comptroller,
16 have an additional voice line to support dial-up
17 capabilities for a personal computer; and

18 (9) a private dedicated telephone line to be used by a
19 fax machine.

20 (g) Commission Veterinarian's Office.

21 (1) An association shall provide a secured office area
22 for the Commission veterinarians.

23 (2) The office must be adjacent to the drug testing
24 area ~~barn~~ and the pre-race holding area.

25 (3) The office must consist of at least two rooms, one
26 of which must be private. ~~The office must have a total~~
27 ~~floor area of at least 200 square feet.~~

28 (4) At horse racetracks, ~~t~~The office must be
29 constructed to allow a view of each of the adjacent areas.

30 (5) The office must be equipped with:

31 (A) a sink with hot and cold water built into a
32 counter of a size required by the executive secretary;

33 (B) desks and filing cabinets, in numbers as
34 required by the executive secretary, equipped with
35 locks; a desk and two filing cabinets, both of which
36 may be locked;

37 (C) at horse racetracks, refrigerators and
38 freezers, in sizes and numbers as required by the
39 executive secretary, equipped with locks; a
40 refrigerator with at least 10 cubic feet of inside
41 space and a freezer, in a size and number as required
42 by the Commission, both equipped with locks; and

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1 (D) at greyhound racetracks, a freezer in a size
2 as required by the executive secretary; a storage
3 area, which may be locked.

4 (E) a storage area, of a size required by the
5 executive secretary, with a door approved by the
6 executive secretary which may be locked.

7 (F) a private telephone line with a number of
8 telephones required by the executive secretary;

9 (G) television monitors as required by the
10 executive secretary; and

11 (H) at horse racetracks, a freestanding counter
12 of a size required by the executive secretary.

13 (6) All locks must be of a type approved by the
14 executive secretary.

15 (h) (No change.)

16 (i) All private telephone lines provided under this section
17 must:

18 (1) be assigned a unique telephone number that is
19 directly accessible by the public without the need to go
20 through an automated call answering system;

21 (2) be able to make both local and long distance
22 calls without the need to enter an access code;

23 (3) if requested by the executive secretary, be
24 listed in the governmental section of the local telephone
25 directory; and

26 (4) if requested by the executive secretary, be
27 listed on the association's website. ~~have listings separate~~
28 ~~from the association.~~

29 (j) An association shall provide at its expense computer
30 lines, phone equipment, and any necessary voice and data
31 network cabling circuits, and network cabling in the
32 offices of the state regulatory and law enforcement
33 personnel as prescribed by the executive secretary. In
34 addition, the association shall reimburse the Commission
35 for the costs of any network or data circuits installed or
36 caused to be installed by the Commission at the
37 association's location.

38 (k) All costs of telecommunications for regulatory and law
39 enforcement personnel provided under this section shall be
40 paid by the association and the telecommunications service
41 may not be interrupted at any time. To ensure minimal
42 disruption to the Commission's regulatory functions, the
43 association shall ensure the Commission staff has twenty-
44 four hour access and keys to any telecommunications rooms

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- 1 ~~adequate any access to the telecommunications equipment~~
2 serving regulatory and law enforcement personnel as
3 prescribed by the executive secretary.
4 (l) An association shall provide to the Commission a number
5 of keys to the Commission offices as approved by the
6 executive secretary.
7 (m) An association shall provide, inside the enclosure and
8 in close proximity to the Commission's regulatory offices,
9 adequate reserved parking for Commission staff.

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- 1 **309.120. Parking for Licensees.**
- 2 An association shall provide a lighted parking area for
- 3 licensees outside the stable or kennel area.

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1 **309.123. Internal Communication System.**

2 (a) An association shall provide a telephone extension
3 and/or a two-way radio to the following: ~~an internal~~
4 ~~telephone communication system with outlets in:~~

5 (1) the stewards' or judges' stand;

6 (2) the racing office;

7 (3) the tote room;

8 (4) the jockey room;

9 (5) the paddock or lockout kennel;

10 (6) the entrance to the kennel compound;

11 (7) the pre-race holding area;

12 (8) the Commission veterinarian's office;

13 (9) the test barn;

14 (10) the starting gate or boxes;

15 (11) the finish line;

16 (12) the video camera locations;

17 (13) the clocker's stand;

18 (14) the location of the ambulances; ~~and~~

19 (15) the outrider; ~~other locations designated by the~~
20 ~~executive secretary.~~

21 (16) the chase truck;

22 (17) the claims clerk;

23 (18) the security office; and

24 (19) other locations designated by the executive secretary.

25 (b) The executive secretary may approve an alternative
26 communication system in areas within the enclosure for
27 which the executive secretary has determined telephone
28 communication is impractical.

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1 **309.151. Change of Ownership, Board of Directors, or**
2 **Management Committee.**

3 (a) Except as otherwise provided by this section, an
4 association may not transfer an ownership interest in the
5 association, grant or sell an option to buy an ownership
6 interest in the association, or make a change in the board
7 of directors or management committee of the association
8 without the prior approval of the Commission.

9 (b) For each request for a change or a transfer of an
10 ownership interest in an association, or a change in the
11 board of directors or management committee of the
12 association, the association shall reimburse the Commission
13 for the actual investigative and administrative costs
14 related to the transfer or change request.

15 (c) ~~(b)~~ To receive the approval of the Commission for a
16 proposed ownership transfer, the association shall submit
17 to the Commission all written documents relating to the
18 transfer. If there are no written documents relating to the
19 transfer, the association shall submit a written summary of
20 all terms of the transfer including, but not limited to,
21 the consideration given, the proposed date of the transfer,
22 and the terms of any option given for future acquisition of
23 additional ownership interests. The association shall also
24 submit the following information:

25 (1) the transferor's name, total ownership percentage,
26 and the manner in which the ownership interest is held,
27 such as through a limited partnership or shares of stock in
28 a corporate general partner or association;

29 (2) the transferee's name, residence address and
30 telephone number, business address and telephone number,
31 date of birth, physical description, driver's license
32 number, and social security number;

33 (3) the percentage of ownership interest the
34 transferee is acquiring; and

35 (4) a set of fingerprints on a form prescribed by the
36 Department of Public Safety, a set of fingerprints for
37 classification by the Federal Bureau of Investigation and
38 completed background information form for the Department of
39 Public Safety, if the transfer results in the acquisition
40 of an ownership interest of 5.0% or more in the association
41 by an individual who has not previously submitted
42 fingerprints to the Commission.

43 (d) ~~(e)~~ To receive the approval of the Commission for a
44 change in the board of directors or management committee,

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1 the association shall submit to the Commission a written
2 request for the change, the names of the individuals
3 involved in the change, the percentage of any ownership
4 interest the individuals hold in the association, and the
5 proposed date of the change. If the proposed change
6 involves placing an individual on the board of directors or
7 management committee who has not previously submitted
8 fingerprints to the Commission, the association shall also
9 submit:

10 (1) the individual's name, residence address and
11 telephone number, business address and telephone number,
12 date of birth, physical description, driver's license
13 number, and social security number; and

14 (2) a set of fingerprints on a form prescribed by the
15 Department of Public Safety, a set of fingerprints for
16 classification by the Federal Bureau of Investigation and
17 completed background information form for the Department of
18 Public Safety.

19 ~~(e)-(d)~~ The transfers of pecuniary interests in an
20 association described by this subsection are considered to
21 have the prior approval of the Commission, subject to the
22 right of the Commission to object to the transfer after it
23 is informed of the transfer and has performed any
24 background investigation required by the Commission or the
25 Department of Public Safety. Not later than 10 days after
26 the effective date of a transfer to which this subsection
27 applies, the transferee shall submit to the Commission
28 information regarding the transfer on a form prescribed by
29 the Commission and the Department of Public Safety. If the
30 transferee is not an individual, the form required by this
31 subsection must be submitted for all officers, directors,
32 partners, and members of any management committee of the
33 transferee. The following transfers are considered to have
34 the prior approval of the Commission in accordance with
35 this subsection:

36 (1) a transfer to an exempt institutional investor of
37 a direct or indirect beneficial ownership interest or a
38 warrant or other option to buy a direct or indirect
39 beneficial ownership interest in an association provided:

40 (A) following the transfer, the exempt
41 institutional investor owns, directly or indirectly,
42 less than 10% of the total beneficial ownership
43 interests in the association; and

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1 (B) if the transfer results in the investor
2 holding 5.0% or more of the total beneficial ownership
3 interests in the association, the exempt institutional
4 investor provides to the Commission, not later than 10
5 days after the transfer, a copy of the investor's most
6 recent annual report or, if the report is not
7 available, a copy of the investor's most recent
8 audited financial statements; and
9 (2) a transfer to any person of a direct or indirect
10 beneficial ownership interest or a warrant or other option
11 to buy a direct or indirect beneficial ownership interest
12 in an association provided:
13 (A) the interest was transferred after having
14 been registered under the Federal Securities Act of
15 1933; and
16 (B) following the transfer, the person owns, directly or
17 indirectly, less than 5.0% of the total beneficial
18 ownership interests in the association.

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1 **309.168. Hazardous Weather.**

2 (a) An association shall establish and implement
3 procedures, approved by the executive secretary, to protect
4 race animals, licensees, employees, and patrons from
5 hazardous weather conditions.

6 (b) During live racing the stewards or judges, and during
7 non-live racing the association, shall order all
8 individuals on association grounds to take shelter when
9 hazardous weather occurs. The order to take shelter shall
10 take place:

11 (1) before lightning-producing thunderstorms have
12 moved to within 6 miles of the facility; or

13 (2) whenever the facility is within the affected area
14 of a severe thunderstorm or tornado warning as announced by
15 the National Weather Service.

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1 **309.250. Test Barn.**

2 (a) An association shall provide a test barn for taking
3 specimens for testing. The barn must be adjacent to the
4 Commission veterinarian's office.

5 (b) The barn must be shielded from the noise and excitement
6 of the races.

7 (c) The barn must be clean, sanitary, adequately
8 ventilated, and safe for the horses and the individuals who
9 handle the horses.

10 (d) The barn must be equipped with:

11 (1) a walk ring large enough to accommodate eight
12 horses;

13 (2) at least four enclosed stalls, equipped with dutch
14 doors and observation windows;

15 (3) a washrack that is large enough to accommodate two
16 horses at the same time; and

17 (4) eight disinfected water buckets for drinking
18 water.

19 (e) An association shall provide restroom facilities for
20 the test barn employees in close proximity to the test
21 barn.

22 (f) The area must have only one entrance, which must be
23 that is locked or guarded at all times. The area must have
24 a security guard present on live race days prior to the
25 first race and remaining until all race horses have been
26 released. The guard shall:

27 (1) restrict access to the test barn to Commission
28 personnel, test technicians, veterinarians, authorized
29 licensees escorting race horses for testing, and
30 Commission-escorted guests; and

31 (2) maintain an accurate log of all horses and
32 licensees entering and leaving the test barn on a form
33 approved by the executive secretary.

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Facilities for Horses

1 ~~309.251. Isolation Area.~~

2 ~~(a) An association shall provide an isolation area for~~
3 ~~treating a horse that may have a communicable disease.~~

4 ~~(b) The isolation area must be in a location and equipped~~
5 ~~as approved by the executive secretary.~~

6 ~~(c) The isolation area must be cleaned and disinfected~~
7 ~~regularly.~~

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Facilities for Horses

1 ~~309.252. Treatment Area.~~

2 ~~(a) An association shall provide a treatment area for~~
3 ~~providing emergency care to a horse that is injured in~~
4 ~~racetrack or training.~~

5 ~~(b) The treatment area must be in a location and equipped~~
6 ~~as approved by the executive secretary.~~

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- 1 **309.253. Postmortem.**
2 (a) An association shall provide a postmortem area.
3 (b) The area must be located in a secluded area and must
4 allow access by an equine ambulance.
5 (c) The area must be equipped with:
6 (1) a cover;
7 (2) a concrete or asphalt slab with a rough finish;
8 (3) adequate drainage; and
9 (4) hot and cold water and a hose, ~~and~~
10 ~~(5) a locked storage area.~~
11 (d) An association shall provide services for the disposal
12 of a horse that dies at the racetrack.

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Facilities for Horses

1 **309.254. Equine Ambulance.**

2 (a) An association shall provide an equine ambulance and
3 trained personnel on association grounds on each day that
4 the racetrack is open for racing or exercising.

5 (b) The ambulance must be properly ventilated and kept in
6 the shade at an entrance to the racing strip when not in
7 use.

8 (c) The ambulance must be a large, covered and enclosed
9 vehicle that is low to the ground. The ambulance must be
10 able to:

11 (1) navigate on the racetrack during all weather
12 conditions; and

13 (2) transport a horse off the association grounds.

14 (d) The ambulance must be equipped with:

15 (1) large, portable screens to shield a horse from
16 public view;

17 (2) ramps or a system to lower the ambulance to ground
18 level to load a horse;

19 (3) adequate means of loading a horse that is down;

20 (4) a rear door and a door on each side;

21 (5) a padded interior;

22 (6) a movable partition to initially provide more room
23 to load a horse and to later restrict a horse's movement;

24 (7) a shielded area for the individual handling the
25 horse;

26 (8) a storage area for supplies;

27 (9) a front leg Kimzey brace or an equivalent approved
28 by the Commission veterinarian; and

29 (10) a water supply to treat heat exhaustion.

30 (e) If the ambulance is being used to transport a horse,
31 the association may not conduct a race until the ambulance
32 is replaced.

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1 **309.255. Chase Vehicle.**

2 (a) An association shall provide a chase vehicle and driver
3 for the commission veterinarian's use during each live
4 performance.

5 (b) In addition to the driver, the association shall have
6 at least one assistant starter accompany the commission
7 veterinarian during each race.

8 (c) The chase vehicle must be able to navigate on the
9 racetrack during all weather conditions.

10 (d) The chase vehicle must be large enough to provide:

11 (1) interior seating for at least four people; and

12 (2) room to store the portable screens used to shield
13 a horse from public view.

14 (e) The chase vehicle shall be equipped with a five-gallon
15 water container, a sponge, and a scraper.

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1 **309.256. Starting Crew.**

2 An association shall provide a starting crew for each race
3 to assist in handling the horses in the starting gates. The
4 association shall provide one assistant starter for each
5 horse to start in a race. ~~a sufficient number of assistant~~
6 ~~starters for the number of horses to start in a race.~~

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Operations

1 **309.296. Official Program.**

2 (a) For each race day, an association shall prepare an
3 official program. The official program must contain the
4 order of the races on that day and:

5 (1) for each race:

6 (A) the names of the horses in the race and their
7 program number;

8 (B) the conditions of the race;

9 (C) the distance of the race;

10 (D) the probable odds on each horse;

11 (E) the value of the race;

12 (F) the claiming prices, if applicable; and

13 (G) the types of wagers to be offered for that
14 race; and

15 (2) for each horse listed in the program:

16 (A) the post position;

17 (B) the age, color, sex, and breeding;

18 (C) the jockey, trainer, owner or stable name,
19 and racing colors;

20 (D) the weight carried; ~~and~~

21 (E) if the horse is eligible for participation in
22 the Texas Bred Incentive Program, the name or logo of
23 the appropriate official breed registry;

24 (F) if the horse is a leased animal, the names of
25 the lessee and lessor must appear on the program; and

26 (G) the city and state of the owner or the
27 designated representative.

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

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Subchapter D. Greyhound Racetracks
Facilities and Equipment

- 1 **309.305. Starting Boxes.**
2 (a) An association shall provide and maintain at least two
3 starting boxes approved by the executive secretary. Each
4 starting box must be equipped with an automatic opener with
5 a manual back-up.
6 (b) The association shall periodically inspect each
7 starting box to ensure its safe and effective operation.
8 ~~When the track is being used for racing or schooling, the~~
9 ~~association shall have at least one person present on~~
10 ~~association grounds who is skilled and qualified to~~
11 ~~maintain the starting boxes.~~
12 (c) An association shall ensure that the starting box
13 located at the five-sixteenths start is set back in the
14 chute.

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Facilities and Equipment

1 **309.309. Lockout Kennel.**

2 (a) An association shall provide a lockout kennel that:

3 (1) is soundproof, to prevent noise from disturbing
4 the greyhounds that are waiting to race;

5 (2) is air-conditioned sufficiently to maintain a
6 temperature between 68 and 75 degrees Fahrenheit; and

7 (3) has sealed or ceramic floors and walls to permit
8 proper cleaning and disinfection. ~~and~~

9 ~~(4) has a one-way viewing window to allow the trainers~~
10 ~~to view the interior of the lockout kennel.~~

11 (b) Each crate located in the lockout kennel must:

12 (1) be constructed of a smooth, hard material, such as
13 stainless steel or tile;

14 (2) be at least three feet wide, four feet deep, and
15 four feet high;

16 (3) be constructed so that the crate floor is not in
17 direct contact with the concrete surface;

18 (4) be located on the floor level to prevent
19 greyhounds from sustaining jumping injuries; and

20 (5) have a drop latch on the door.

21 (c) An association shall provide a comfortable room near
22 ~~adjacent to~~ the lockout kennel in which a kennel owner or
23 trainer may view the race. The association shall also
24 provide kennel owners and trainers a method for monitoring
25 the interior of the lockout kennel as approved by the
26 executive secretary. ~~and view the interior of the lockout~~
27 ~~kennel.~~

28 (d) An association shall provide an area adjacent to the
29 lockout kennel in which a greyhound can wait to weigh-in
30 and cool down following a race or wait for schooling races.
31 The area must:

32 (1) be large enough to comfortably accommodate 100
33 greyhounds and the leadouts and trainers;

34 (2) be adequately shaded and fenced to shield the
35 greyhounds' view of the racetrack;

36 (3) have eight water faucets with hoses;

37 (4) have a disinfected dipping vat, approved by the
38 Commission veterinarian, through which a greyhound may be
39 walked to assist in cooling down following a race; and

40 (5) have adequate drainage.

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Subchapter D. Greyhound Racetracks
Facilities and Equipment

1 **309.311. Kennel Compound.**

2 (a) An association shall provide in the kennel compound
3 area ÷

4 ~~(1) not more than 18 separate kennel buildings for the~~
5 ~~kennel owners under contract with the association, and~~
6 ~~(2) a separate kennel building for greyhounds that will be~~
7 ~~participating in stake races, designed to accommodate~~
8 ~~several trainers and their greyhounds.~~

9 (b)-(d) (No change.)

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Facilities and Equipment

1 **309.312. Turnout Pens.**

2 Each kennel building must have at least three turnout pens.

3 Each pen must:

4 (1) be free of any obstructions;

5 (2) measure at least 20 feet by 40 feet;

6 (3) have gates that connect to the other pens;

7 (4) have at least a 15 foot overhang from the

8 building;

9 (5) have at least two halogen lights of 300 watts each
10 located at each end;

11 (6) be surrounded by a fence at least six feet high,
12 of which the lower 32 inches is constructed of cinder block
13 or a comparable material and the remaining portion is
14 constructed of chain link;

15 (7) have a gate adequate to accommodate a vehicle to
16 remove the sand and deposit new sand;

17 (8) have adequate water faucets and drainage; and

18 (9) have sand or a comparable material of a depth
19 approved by the executive secretary that is maintained in a
20 sanitary state. a minimum of 12 inches of sand or a
21 comparable material that is replaced at least every 3
22 months.

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Facilities and Equipment

1 **309.314. Sprint Path.**

- 2 An association shall provide, for every five ~~three~~ kennel
3 buildings, a sprint path located adjacent to the kennel
4 compound area. The sprint path must:
5 (1) be at least 30 feet wide and 400 feet long;
6 (2) be divided down the middle by a chain link fence;
7 (3) have at least one gate on each end for entering or
8 exiting with greyhounds;
9 (4) have a driveway along the side;
10 (5) have a base and surface comparable to the
11 racetrack surface; ~~and~~
12 (6) have a highly visible material at both ends; and
13 ~~be maintained by the association at all times.~~
14 (7) be maintained by the association at all times.
15

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Facilities and Equipment

1 **309.317. Facilities and Equipment Maintenance Personnel.**
2 When the track is being used for racing or schooling, the
3 association shall have at least one person present on
4 association grounds who is skilled and qualified to
5 maintain the starting boxes, the racing surface, and all
6 track equipment.

Rule Adoptions
§ 311.3, Information for Background Investigation

Texas Racing Commission
Title 16, Part VIII
Chapter 311. Other Licenses
Subchapter A. Licensing Provisions
Division 1. Occupational Licenses

1 **Sec. 311.3. Information for Background Investigation**

2 (a) Fingerprint Requirements and Procedure.

3 (1) Except as otherwise provided by this section, an
4 applicant for a license must submit with the application
5 documents a set of the applicant's fingerprints on a form
6 prescribed by the Department of Public Safety. If the applicant
7 is not an individual, the applicant must submit a set of
8 fingerprints on the above-referenced forms for each individual
9 who:

10 (A) serves as a director, officer, or partner of the
11 applicant;

12 (B) holds a beneficial ownership interest in the
13 applicant of 5.0% or more; or

14 (C) owns any interest in the applicant, if requested
15 by the Department of Public Safety.

16 (2) The fingerprints must be taken by a peace officer or a
17 person authorized by the Commission.

18 (3) Not later than 10 business days after the day the
19 Commission receives the sets of fingerprints under this section,
20 the Commission shall forward the fingerprints to the Department
21 of Public Safety.

22 (4) A person who desires to renew an occupational license
23 must have submitted a set of fingerprints pursuant to this
24 section within the three ~~five~~ years prior to renewal or provide
25 a new set of fingerprints for classification by the Federal
26 Bureau of Investigation.

27 (5) Waiver.

28 (A) Pursuant to Texas Civil Statutes, Art. 179e,
29 §7.10, the Commission will waive the fingerprint

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Title 16, Part VIII
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Division 1. Occupational Licenses

1 requirements in this section for an applicant for an owner
2 or trainer license if:

3 (i) the individual presents proof of a valid
4 owner or trainer license issued in a racing
5 jurisdiction that requires the submission of
6 fingerprints to the Federal Bureau of Investigation
7 and the Commission verifies that fingerprints were
8 submitted by that jurisdiction for the applicant
9 within the three ~~five~~ years preceding the date of the
10 application in Texas; and

11 (ii) the applicant's permanent residence is
12 outside the State of Texas.

13 (B) This subsection does not apply to an applicant
14 who:

15 (i) has a criminal history in another state, as
16 revealed by a report by the Federal Bureau of
17 Investigation or other reliable criminal information
18 sources;

19 (ii) maintains a residence or is employed,
20 whether self-employed or otherwise, in Texas; or

21 (iii) obtains a license badge issued by the
22 Commission which gives the applicant access to a
23 restricted area on association grounds.

24 (C) Notwithstanding a waiver of the fingerprint
25 requirements under this subsection, the Commission reserves
26 the right, at its sole discretion, to require the
27 submission of fingerprints after a license has been issued.

28 (b) Criminal History Record.

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Subchapter A. Licensing Provisions
Division 1. Occupational Licenses

1 (1) For each individual who submits fingerprints under
2 subsection (a) of this section, the Commission shall obtain a
3 criminal history record maintained by the Texas Department of
4 Public Safety and the Federal Bureau of Investigation.

5 (2) The Commission may obtain criminal history record
6 information from any law enforcement agency.

7 (3) Except as otherwise provided by this subsection, the
8 criminal history record information received under this section
9 from any law enforcement agency that requires the information to
10 be kept confidential as a condition of release of the
11 information is for the exclusive use of the Commission and its
12 agents and is privileged and confidential. The information may
13 not be released or otherwise disclosed to any person or agency
14 except in a criminal proceeding, in a hearing conducted by the
15 Commission, on court order, or with the consent of the
16 applicant. Information that is in a form available to the public
17 is not privileged or confidential under this subsection and is
18 subject to public disclosure.

**Repeal of § 311.51, Interim License to
Conduct Race Meetings**

Texas Racing Commission
Title 16, Part VIII
Chapter 311. Other Licenses
Subchapter A. Licensing Provisions
Division 2. Other Licenses

1 ~~Sec. 311.51. Interim License to Conduct Race Meetings.~~

2 ~~(a) Qualifications. The Commission shall issue to a qualified~~
3 ~~person an interim license to conduct pari-mutuel race meetings~~
4 ~~at a racetrack for which a racetrack license has been previously~~
5 ~~issued. For purposes of this section, a "qualified person" is a~~
6 ~~person who:~~

7 ~~(1) was the holder of a lien or other debt instrument which~~
8 ~~secured the original financing of the premises and facilities~~
9 ~~(or any refinancing thereof); and~~

10 ~~(2) is otherwise eligible pursuant to the Act and the rules~~
11 ~~to hold a racetrack license.~~

12 ~~(b) Eligibility. To be eligible to receive an interim license~~
13 ~~under this section, a person must:~~

14 ~~(1) own or hold a leasehold interest in the racetrack~~
15 ~~premises and facilities pursuant to:~~

16 ~~(A) the foreclosure of the lien securing the original~~
17 ~~financing of the premises and facilities (or any~~
18 ~~refinancing thereof);~~

19 ~~(B) the enforcement of an agreement securing the~~
20 ~~original financing (or any refinancing thereof) of the~~
21 ~~premises and facilities, provided the agreement was~~
22 ~~approved by the Commission at the time the agreement was~~
23 ~~executed; or~~

24 ~~(C) other transfer in lieu of foreclosure or~~
25 ~~enforcement of the person's rights as a lien holder;~~

26 ~~(2) not previously have held a racetrack license for the~~
27 ~~racetrack;~~

28 ~~(3) complete an application form prescribed by the~~
29 ~~executive secretary; and~~

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Subchapter A. Licensing Provisions
Division 2. Other Licenses

1 ~~(4) pay the base portion of the license fee prescribed in~~
2 ~~subsection (c) of this section.~~

3 ~~(c) Fees.~~

4 ~~(1) Application fee. The application fee is the amount~~
5 ~~needed by the Commission to cover the costs incurred by the~~
6 ~~Department of Public Safety and Commission staff for conducting~~
7 ~~the background investigation on the applicant. The Department of~~
8 ~~Public Safety shall calculate the costs it incurred in~~
9 ~~conducting the background investigation and notify the~~
10 ~~Commission. The applicant shall pay the application fee not~~
11 ~~later than 10 business days after receiving a bill for the fee~~
12 ~~from the Commission.~~

13 ~~(2) License fee. The holder of an interim license shall pay~~
14 ~~the same fees as other racetracks under §309.8 of this title~~
15 ~~(relating to Racetrack License Fees).~~

16 ~~(d) Privileges. An interim license issued under this section is~~
17 ~~valid only for the racetrack premises and facilities specified~~
18 ~~in the interim license application. An interim license issued~~
19 ~~under this section carries all the privileges and~~
20 ~~responsibilities of the class of racetrack license that had been~~
21 ~~previously issued for the racetrack premises and facilities when~~
22 ~~the person applying for the interim license was a debt holder.~~

23 ~~(e) Duration. An interim license issued under this section is~~
24 ~~valid for three years or until a new racetrack license for the~~
25 ~~racetrack premises and facilities which is of the same class as~~
26 ~~the original license is issued, whichever occurs first. An~~
27 ~~interim license issued under this section may be renewed once~~
28 ~~only and the term of the renewed interim license is three years.~~

Adoption of Modifications to Outs and Vouchers Rules

- § 319.336, Payment of Testing Costs
- § 321.31, Vouchers
- § 321.33, Expiration Date
- § 321.36, Remittance of Unclaimed Outs
and Vouchers
- § 321.37, Cashed Tickets and Vouchers
- § 321.41, Cashing Outstanding Tickets
- § 321.42, Cashing Outstanding Vouchers

Texas Racing Commission
Title 16, Part VIII
Chapter 319. Veterinary Drug Practices and Drug Testing
Subchapter D. Drug Testing
Division 2. Testing Procedures

1 **Sec. 319.336. Payment of Testing Costs.**

2 (a) Responsibility for Payment. Immediately on receipt of
3 approved charges for conducting tests under this
4 subchapter, an association shall pay the charges.

5 (b) Authority to Use Outstanding Tickets and Pari-mutuel
6 Vouchers. An association may use money held by the
7 association to pay outstanding tickets and outstanding
8 pari-mutuel vouchers to pay for charges under this section.
9 If the money held is insufficient to pay the charges, the
10 association shall pay the remainder of the charges.

11 (c) Accounting and Payment of Remainder.

12 (1) The accounting and payment of remainder of outs
13 and vouchers to the Commission shall be done in accordance
14 with §321.36. No later than 5:00 p.m. on September 30 of
15 each year, an association shall pay to the Commission the
16 cash value of outstanding tickets remaining after the
17 association offsets the drug testing costs incurred during
18 the prior mutuel year. No later than 5:00 p.m. on October
19 31 of each year, an association shall provide to the
20 Commission, on a form prescribed by the executive
21 secretary, an accounting of the outstanding tickets and
22 pari mutuel vouchers held by the association on September
23 29 of that year and the drug testing charges paid by the
24 association.

25 (2) The executive secretary will review the accounting
26 submitted by the association. If the executive secretary
27 determines the accounting is in error, the executive
28 secretary may adjust the amount due to the Commission from

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Title 16, Part VIII
Chapter 319. Veterinary Drug Practices and Drug Testing
Subchapter D. Drug Testing
Division 2. Testing Procedures

1 outstanding tickets and either demand payment of the
2 additional amount owed or reimburse the association for the
3 excess amount paid to the Commission.
4 (d) Pooling of Drug Testing Costs. The executive secretary
5 may establish a procedure to pay drug testing costs by
6 pooling the amounts held by all associations to pay
7 outstanding tickets. If the amount held by an association
8 does not cover the full costs of drug testing for that
9 association, the executive secretary may pay those costs
10 using funds paid to the Commission under subsection (c)(1)
11 of this section.

Texas Racing Commission
Title 16, Part VIII
Chapter 321. Pari-Mutuel Wagering
Subchapter A. Mutuel Operations
Division 3. Mutuel Tickets and Vouchers

1 **Sec. 321.31. Vouchers.**

2 Each voucher issued must have printed on its face:

3 (1) the name of the racetrack facility where the
4 voucher was issued;

5 (2) the unique computer-generated voucher number;

6 (3) the date the voucher was issued;

7 (4) the number of the ticket-issuing machine; ~~and~~

8 (5) the dollar amount of the voucher; and

9 (6) the expiration date of the voucher.

10

Texas Racing Commission
Title 16, Part VIII
Chapter 321. Pari-Mutuel Wagering
Subchapter A. Mutuel Operations
Division 3. Mutuel Tickets and Vouchers

1 **Sec. 321.33. Expiration Date.**

2 (a) Mutuel tickets and vouchers issued on or after
3 September 1, 2007, shall expire at the close of business
4 one year from date of issuance.

5 (b) Mutuel tickets issued during the month of August 2007
6 shall expire at the close of business on September 29,
7 2008.

8 (c) Mutuel tickets issued prior to August 1, 2007, have
9 expired in accordance with the Texas Racing Act.

10 (d) Vouchers issued prior to September 1, 2007, shall not
11 expire.

12 ~~(a) Due to the year-round nature of simulcasting and the~~
13 ~~state's fiscal year, the Commission finds a need to~~
14 ~~establish a "mutuel year" for purposes of expiration of~~
15 ~~mutuel tickets and the collection of revenue from~~
16 ~~outstanding tickets pursuant to the Act, §11.08. The mutuel~~
17 ~~year begins on August 1 and ends on July 31.~~

18 ~~(b) A mutuel ticket:~~

19 ~~(1) expires on the 60th day after the last day of the~~
20 ~~mutuel year in which the ticket was purchased; and~~

21 ~~(2) may not be cashed by an association after the~~
22 ~~expiration date for any reason.~~

23 ~~(c) A voucher has no expiration date.~~

24

Texas Racing Commission
Title 16, Part VIII
Chapter 321. Pari-Mutuel Wagering
Subchapter A. Mutuel Operations
Division 3. Mutuel Tickets and Vouchers

1 **Sec. 321.36. Remittance of Unclaimed Outs and Vouchers.**

2 (a) Pursuant to the Act, §3.07, to pay the charges
3 associated with the medication or drug testing, an
4 association may use the money held by the association to
5 pay outstanding tickets and pari-mutuel vouchers. If
6 additional amounts are needed to pay the charges, the
7 association shall pay those additional amounts. If the
8 amount of outstanding tickets and pari-mutuel vouchers held
9 exceeds the amount needed to pay the charges, the
10 association shall pay the excess to the commission.

11 (b) The association shall file a quarterly report on a
12 form prescribed by the executive director, that reports:

13 (1) the amount of outstanding tickets and pari-mutuel
14 vouchers that have expired during the quarter as outlined
15 under §321.33;

16 (2) the amount needed to reimburse the association
17 for payments made by the association to cover charges
18 associated with the medication or drug testing pursuant to
19 §3.07 of the Act; and

20 (3) the amount of excess expired tickets and pari-
21 mutuel vouchers, if any, due to the commission.

22 (c) The association shall file the quarterly reports and
23 make payments when applicable on the following schedule:

24 (1) September, October and November will constitute
25 the first quarter and shall be filed with the commission no
26 later than December 15;

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Title 16, Part VIII
Chapter 321. Pari-Mutuel Wagering
Subchapter A. Mutuel Operations
Division 3. Mutuel Tickets and Vouchers

1 (2) December, January and February will constitute
2 the second quarter and shall be filed with the commission
3 no later than March 15;

4 (3) March, April and May will constitute the third
5 quarter and shall be filed with the commission no later
6 than June 15; and

7 (4) June, July and August shall constitute the fourth
8 quarter and shall be filed with the commission no later
9 than September 15.

10 (d) The reports and payments submitted by the association
11 are subject to audit by the Commission.

12

Texas Racing Commission
Title 16, Part VIII
Chapter 321. Pari-Mutuel Wagering
Subchapter A. Mutuel Operations
Division 3. Mutuel Tickets and Vouchers

1 **Sec. 321.37. Cashed Tickets and Vouchers.**

2 (a) An association shall maintain facilities and use
3 procedures that ensure the security of cashed tickets and
4 vouchers and the integrity of records of outstanding
5 tickets and outstanding vouchers.

6 (b) The association shall store cashed tickets and vouchers
7 in a secure area.

8 (c) The association shall prohibit individuals other than
9 the association's mutuel manager from having access to the
10 cashed tickets and vouchers or to storage areas for
11 outstanding ticket records and outstanding voucher records.

12

Texas Racing Commission
Title 16, Part VIII
Chapter 321. Pari-Mutuel Wagering
Subchapter A. Mutuel Operations
Division 3. Mutuel Tickets and Vouchers

1 **Sec. 321.41. Cashing Outstanding Tickets.**

2 (a) For purposes of this section, an outstanding ticket is
3 one that was purchased for a race held at least 21 ~~10~~ days
4 before the date the ticket is presented for payment.

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

10 (c) The association may not permit an outstanding ticket to
11 be cashed at a ticket window other than a designated
12 window.

13 (d) At the end of each race day, the mutuel manager shall
14 deliver to the pari-mutuel auditor:

15 (1) a list of the outstanding tickets that were cashed
16 on the previous race day; and

17 (2) a photostatic copy of each outstanding ticket
18 cashed on the previous race day.

19 (e) In the event a photostatic copy can not be provided,
20 the association will not be held liable for a reader cashed
21 ticket if the association can produce documentation to
22 support the ticket's existence.

23

Texas Racing Commission
Title 16, Part VIII
Chapter 321. Pari-Mutuel Wagering
Subchapter A. Mutuel Operations
Division 3. Mutuel Tickets and Vouchers

1 **Sec. 321.42. Cashing Outstanding Vouchers.**

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

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

10 (c) The association may not permit an outstanding voucher
11 to be cashed at a mutuel window other than a designated
12 window.

13 (d) At the end of each race day, the mutuel manager shall
14 deliver to the pari-mutuel auditor:

15 (1) a list of the outstanding vouchers that were
16 cashed on the previous race day; and

17 (2) a photostatic copy of each outstanding voucher
18 cashed on the previous race day.

19 (e) In the event a photostatic copy can not be provided,
20 the association will not be held liable for a reader cashed
21 voucher if the association can produce documentation to
22 support the voucher's existence.

Rule Review
Adoption of Chapter 311

1 **Adoption of Chapter 311 - Other Licenses, As Amended**
2

3 At the Commission meeting on October 4, 2007, the Texas Racing
4 Commission voted to publish Chapter 311, Other Licenses, in the
5 *Texas Register* for rule review, along with proposed amendments
6 to the following sections:
7

- 8 § 311.1, Occupational Licenses
- 9 § 311.52, Spouse's License
- 10 § 311.101, Horse Owners
- 11 § 311.102, Greyhound Owners
- 12 § 311.104, Trainers
- 13 § 311.105, Jockeys
- 14 § 311.108, Authorized Agent
- 15 § 311.212, Duty to Wear Badge
- 16 § 311.214, Financial Responsibility, and
- 17 § 311.216, Conduct in Stable Area.
- 18

19 The Commission also proposed the repeal of 311.408, Jockey
20 Agents, and the creation of new 311.111, Jockey Agent. The rule
21 review and proposed changes were published in the January 4,
22 2008, edition of the *Texas Register* for comment and were
23 subsequently were adopted at the Commission meeting on February
24 7, 2008.
25

26 At the Commission meeting on April 1, 2008, the Commission
27 proposed the repeal of § 311.51, Interim License Conduct Race
28 Meetings. The proposed repeal was published in the April 25,
29 2008, edition of the *Texas Register* and is eligible for repeal
30 at the Commission meeting on June 3, 2008.
31

32 The Commission has received no comments to date on the Chapter
33 311 rule review other than comments received in response to
34 individual rule proposals.
35

36 The Commission has now completed its review of Chapter 311 and
37 may readopt the chapter in accordance with Government Code §
38 2001.039.