BACKGROUND AND PURPOSE

Under the Texas Racing Act, a steward is a horse racing official who presides over a race meeting, has jurisdiction over all racing officials, rules on protests and claims of foul, and imposes fines and suspensions. The steward, in a sense, acts like a judge as he/she interprets and enforces the Texas Racing Act and the Rules promulgated by the Texas Racing Commission. In Texas, all stewards presiding at a race meeting are Commission employees. To serve as a steward, an individual must have appropriate experience, satisfactorily pass an optical examination indicating at least 20/20 vision, corrected and the ability to distinguish colors, agree to a complete background check, may not receive income directly related to horse and greyhound racing, and satisfactorily pass a written examination.

C.S.H.B. 2888 would provide the steward or judge the opportunity to elect to take the examination in either English or Spanish or in written form or orally and allow the commission to examine a renewal applicant before renewing the license.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Racing Commission in SECTION 1 (Section 3.07(c), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes)) and SECTION 3 (Section 3.07(c), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes)) of this bill.

ANALYSIS

SECTION 1. Amends Section 3.07 (c), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), requires the commission to require each steward or judge to take and pass both an examination regarding the steward's or judge's authority and duties, rather than written examination, and a medical examination annually. Requires the commission to, by rule, prescribe the methods and procedures for taking the examinations and the standards for passing. Requires the commission, in prescribing the methods and procedures, to provide a steward or judge the opportunity to elect to take the examination regarding the steward's or judge's authority and duties in English or Spanish and orally or in writing. Provides that failure to pass an examination is a ground for refusal to issue an original or renewal license to a steward or judge or for suspension or revocation of such a license.

SECTION 2. Amends Section 7.10, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), by adding Subsection (c), authorizes the commission to examine a person licensed pursuant to a waiver before renewing the person's license to verify that the person is qualified to perform all duties required for the license, notwithstanding the commission's waiver of a licensing prerequisite for an original license. Authorizes the examination to consist of an oral or written examination, a practical examination , or both. Authorizes the commission to delegate to the stewards and racing judges the responsibility to determine whether a prerenewal examination is required. Requires the commission to provide the licensee the opportunity to elect to take the examination in English or Spanish, if an examination is required under this subsection.

SECTION 3. (a) Requires the Texas Racing Commission to adopt the rules necessary to implement Section 3.07(c), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as soon as practicable after the effective date of this Act. Authorizes the commission to adopt rules before January 1, 2006, in the manner provided by law for emergency rules.

(b) Authorizes the Texas Racing Commission to , but is not required to, offer an examination in Spanish or orally, as provided by Section 3.07(c), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), before January 1, 2006.

SECTION 4. Effective date.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the bill by adding new language authorizing the commission to examine a person licensed pursuant to a waiver before renewing the license.

C.S.H.B. 2888 79(R)