

By: Hilderbran

H.B. No. 3839

Substitute the following for H.B. No. 3839:

By: Kuempel

C.S.H.B. No. 3839

A BILL TO BE ENTITLED

AN ACT

relating to establishing the Texas Derby.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes) is amended by adding Article 9A to read as follows:

ARTICLE 9A. TEXAS DERBY

Sec. 9A.001. TEXAS DERBY. (a) The commission shall establish the Texas Derby as an annual grade 1 stakes race of Texas-bred thoroughbred and quarter horses in this state.

(b) The commission shall set the date of and the location for the Texas Derby. The Texas Derby must be held annually at one of the class 1 racetracks in this state on a rotating basis as determined by the commission.

(c) The date of the initial Texas Derby may not be earlier than January 1, 2013. Not later than January 1, 2013, the commission shall establish the annual rotation for the location of the Texas Derby by conducting a blind drawing of the names of each class 1 racetrack in this state. This subsection expires January 1, 2014.

Sec. 9A.002. QUALIFYING RACES. (a) The commission shall establish two annual races of Texas-bred thoroughbred and quarter horses to qualify horses for entry into the Texas Derby.

(b) The commission shall establish for each qualifying

1 race:

2 (1) the date on which each race will be conducted,
3 provided the date is not the same for each race; and

4 (2) the class 1 racetrack where each qualifying race
5 will be conducted, provided that each race is conducted at a
6 different racetrack in a county with a population of at least two
7 million or adjacent to a county with a population of at least two
8 million.

9 (b-1) The date of a qualifying race for the initial Texas
10 Derby may not be earlier than January 1, 2012. This subsection
11 expires January 1, 2013.

12 (c) A horse is not eligible to run in a qualifying race or
13 the Texas Derby unless the horse:

14 (1) is a Texas-bred thoroughbred or quarter horse; and

15 (2) is not more than three years of age.

16 (d) A horse that finishes first, second, or third in a race
17 under this section qualifies to run in the Texas Derby race
18 established under Section 9A.001 of this Act.

19 Sec. 9A.003. INSPECTION AND EXAMINATION OF HORSE. (a) For
20 each qualifying race conducted under Section 9A.002 of this Act and
21 for the Texas Derby, the commission shall appoint a veterinarian to
22 supervise the inspection and examination of each horse entered in
23 the race to determine whether the horse is qualified to participate
24 in the race.

25 (b) The commission, in consultation with veterinarians,
26 shall by rule establish a list of documentation that must be
27 presented to the veterinarian appointed under Subsection (a) of

1 this section for each race to demonstrate that the horse is
2 qualified to run in the race.

3 Sec. 9A.004. TEXAS DERBY PURSE FUND. (a) The commission
4 shall establish a Texas Derby purse fund.

5 (b) The commission shall annually contribute \$3 million to
6 the Texas Derby purse fund from money allocated and available to the
7 commission for any purpose, including money specifically dedicated
8 to purse funds.

9 (c) A horse racing association conducting a qualifying race
10 under Section 9A.002 of this Act or the Texas Derby shall:

11 (1) collect an entry fee from each owner of a horse
12 entered in the race; and

13 (2) remit to the commission a portion of the fees in
14 the amount determined by the commission to ensure that the purse for
15 the Texas Derby is at least \$5 million, including the amount
16 contributed by the commission.

17 (d) The commission shall adopt rules for accounting, audit,
18 and distribution of money from the Texas Derby purse fund to winners
19 of the race.

20 SECTION 2. Notwithstanding Section 9A.004, Texas Racing Act
21 (Article 179e, Vernon's Texas Civil Statutes), as added by this
22 Act, the Texas Racing Commission may not contribute to the Texas
23 Derby purse fund before January 1, 2013.

24 SECTION 3. This Act takes effect September 1, 2009.