

Senate Republicans urge commission to reject instant racing

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Members of the Texas Senate Republican Caucus called on the Texas Racing Commission to reject rule changes that would allow historical racing machines at horse and dog racing tracks.

Fifteen Texas senators signed a statement urging the commission not to adopt proposed rules they said “appear to be an attempt by the racing commission to circumvent the legislature’s authority to decide what types of gambling are and are not legal.”

Historical racing machines—also called “instant racing” devices—display information and a brief video clip from previously run races stripped of identifying markers. They also allow players the option of pushing a single button to play and allowing the machine to make wagering choices.

Members of the Senate Republican Caucus asserted historical racing does not fit the legal definition of pari-mutuel gambling, which requires the full amount wagered by all parties on a single race to be split among contestants, the racetrack and people who placed winning bets.

“By its own terms, historical racing does not split the money as required by the pari-mutuel statute, as those persons winning bets placed on the race when it was originally won are long forgotten and will not be tracked down and paid additional funds. Further, with each bet placed on a particular race, the odds change, making the payout rates change accordingly,” the caucus said.

Overstepping authority

By changing the rules to allow historical gambling, the Texas Racing Commission would be overstepping its authority, the group insisted.

Members of the caucus may or may not all agree whether historical gambling should be allowed in Texas, their statement to the commission said.

“However, we do strongly agree that the legislature is the appropriate authority to weigh the consequences and impact of the historical racing proposal, as it has ramifications that will be felt statewide,” the caucus stated.

The Senate Republican Caucus submitted its statement to the Texas Racing Commission less than a week after Rep. Dan Flynn, R-Van, co-chair of the House Select Committee on Transparency in State Agency Operations, submitted a formal request to Attorney General Greg Abbott, asking for an official opinion about whether the commission has authority to approve historical racing machines at Texas racetracks.

Earlier, when the commission voted to publish the proposed rule changes in the *Texas Register* for a 30-day period of public review, Ann O’Connell, special counsel in the state comptroller’s office, cast the lone vote in opposition, acting on behalf of Comptroller Susan Combs.

‘Matter is now over’

“I hope the members of the Texas Racing Commission have the good graces to realize that, for practical purposes, this matter is now over,” said Rodger Weems, chairman of [Stop Predatory Gambling-Texas](#).

“To defy the Texas comptroller, the chair of the House committee on transparency and the entire caucus of the Senate’s majority party would be

an act of incredible hubris. The distinguished members of the Texas Racing Commission are better people than that.”