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Lawsuit filed to stop vote on historical racing in Texas

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BY ANNA M. TINSLEY

atinsley@star-telegram.com

FORT WORTH — State Rep. Matt Krause went to court Thursday to prevent state racing officials from potentially approving a controversial plan to allow historical racing at dog and horse tracks throughout Texas.

On the eve of a possible vote by the Texas Racing Commission, Krause, R-Fort Worth, applied for a temporary restraining order to prevent commissioners from adopting rules to allow historical racing, the replaying of already-run races on slot-machine-like devices.

“I have taken steps today to file suit against the members of the Texas Racing Commission, and put a temporary stop to their attempts to usurp the law,” Krause said in a statement. “We believe that previous legal rulings and the constitutional power of the Texas Legislature leave no doubt that the Racing Commission has no standing to legalize historical racing machines on their own.”

Commission officials, including Robert Schmidt, a local orthopedic surgeon who leads the group, said they had no comment.

The commission had added the issue — which would affect racetracks including Lone Star Park at Grand Prairie — to its agenda today for discussion and a possible vote.

A hearing on the restraining order is scheduled for 9 a.m. today in Judge Wade Birdwell’s courtroom.

This issue has been before the commission for months, and more than 13,000 people have sent in their thoughts about allowing the practice.

Supporters say it would help struggling Texas racetracks compete with out-of-state tracks that offer casinos, bigger crowds and bigger purses. Opponents say these machines look and act much like slot machines, essentially bringing a form of casino-style gambling to the state.

State Rep. Dan Flynn, R-Van, has sent a letter to Attorney General Greg Abbott [asking](#) whether the commission has the authority to allow the machines at racetracks.

Individual lawmakers as well as the Texas Senate Caucus have asked the commission not to move forward with the proposal, saying it would expand gambling in Texas.

“If the courts cannot or will not act on this urgent issue, it will be our job as legislators to rein in the out of control Texas Racing Commission come January,” Krause said. “If individual commissioners choose to continue their unconstitutional pursuit of expanded gaming in Texas, they too will have to answer for their actions.”

Historical racing

For years, gambling advocates have asked Texas lawmakers to allow slot machines or casino gambling at racetracks, something they believe is needed to keep Texas competitive.

The commission received a petition this year from those who race and breed horses in Texas, asking for [rule changes](#) to allow wagering on historical races.

The games are also known as instant racing machines and have the look and feel of video lottery terminals — a variation of slot machines. The machines would randomly replay races that have already been held.

But unlike slot machines in traditional casinos, the payoffs are tied to historical race results. No information such as horse names, dates and tracks is included that could help players identify the winners in advance.

In some states, lawmakers agree that allowing racing machines is an extension of pari-mutuel wagering, not an expansion of casino gambling.

The horse-racing industry in Kentucky has reported that it has been a big moneymaker, with more than \$30 million wagered on instant racing in May alone at just two tracks.

Opponents say historical racing would clearly expand casino-style gambling in Texas. They say that if it looks and plays like a slot machine, it’s effectively a slot machine regardless of whether a pari-mutuel system determines the payoff.

Commission officials say that they have looked into the issue and that the rule change wouldn't be an expansion of gambling.

Anna M. Tinsley, 817-390-7610 Twitter: [@annatinsley](#)