



TEXAS RACING COMMISSION

**P. O. Box 12080
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Texas Racing Commission
Tuesday, April 10, 2018
10:30 a.m.
John H. Reagan Building, Room 140
105 West 15th Street
Austin, TX 78701

AGENDA

I. CALL TO ORDER

Roll Call

II. PUBLIC COMMENT

III. GENERAL BUSINESS

- A. Discussion and consideration of reports by the Executive Director and staff regarding administrative matters:
 - 1. Budget and finance
 - 2. Wagering statistics
 - 3. Enforcement
- B. Approval of memorandum of understanding with Texas Veterinary Medical Diagnostic Laboratory for fiscal year 2018
- C. Recognition of Texas Horsemen's Partnership as the official horsemen's organization

IV. PROCEEDINGS ON RACETRACKS

Discussion, consideration, and possible action to designate an application period for live race dates under Commission Rule 303.41

V. EXECUTIVE SESSION

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

- A. Under Texas Government Code § 551.071(1), the Commission may enter an executive session to seek the advice of its attorney regarding pending or contemplated litigation, or regarding a settlement offer.
- B. Under Texas Government Code § 551.071(2), the Commission may enter an executive session to discuss all matters identified in this agenda where the commission seeks the advice of its attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. This may include, but is not limited to, legal advice regarding the Open Meetings Act, the Administrative Procedures Act, and the Texas Racing Act.
- C. Under Texas Government Code § 551.074(a)(1), the Commission may enter an executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the executive director.

VI. SCHEDULING OF NEXT COMMISSION MEETING

VII. ADJOURN

III. GENERAL BUSINESS

A. Discussion and consideration of reports by the Executive Director and staff regarding administrative matters:

1. Budget and finance
2. Wagering statistics
3. Enforcement

Texas Racing Commission

FYE 08/31/2018

OBS-1

Operating Budget Status
by LBB Expenditure Object/Codes

Strategy	Program Description	FY 2018 Annual Budget	FY 2018 Expended Thru 02/28/2018	FY 2018 Unexpended Bal 8/31/2018	With 50.0% of Year Lapsed % of Budget Expended
<i>Appropriated</i> A.1.1.	- FTE's = 4.00 <u>Regulate Racetrack Owners</u>				
Base Appr =	1001 Salaries and Wages	315,108.48	137,428.92	177,679.56	43.61%
\$ 385,941.00	1002 Other Personnel Cost	27,892.54	23,707.78	4,184.76	85.00%
Sup Appr =	2001 Prof Fees and Services	-	-	-	
\$ -	2003 Consumables	-	-	-	
Total Appr =	2004 Utilities	-	-	-	
\$ 385,941.00	2005 Travel	3,000.00	871.98	2,128.02	29.07%
Budgeted =	2006 Rent Building	-	-	-	
\$ 351,472.11	2007 Rent Machine	-	-	-	
Difference	2009 Other Operating Cost	5,471.08	2,178.98	3,292.10	39.83%
(34,468.89)	CB Computer Equipment	-	-	-	
-8.93%	Total Strategy A.1.1.	351,472.11	164,187.66	187,284.45	46.71%
<i>Appropriated</i> A.2.1.	0 FTE's = 0 <u>Texas Bred Incentive</u>				
	ATB Money Expended	2,918,433.48	1,346,128.13	1,572,305.35	46.13%
2,918,433.00	Total Strategy A.2.1.	2,918,433.48	1,346,128.13	1,572,305.35	46.13%
<i>Appropriated</i> A.3.1.	- FTE's = 5.62 <u>Supervise Racing and Licensees</u>				
Base Appr =	1001 Salaries and Wages	380,006.65	184,980.83	195,025.82	48.68%
\$ 545,741.00	1002 Other Personnel Cost	21,491.01	7,527.60	13,963.41	35.03%
Sup Appr =	2001 Prof Fees and Services	11,125.00	3,345.00	7,780.00	30.07%
\$ -	2003 Consumables	-	-	-	
Total Appr =	2004 Utilities	-	-	-	
\$ 545,741.00	2005 Travel	68,320.00	13,490.22	54,829.78	19.75%
Budgeted =	2006 Rent Building	-	-	-	
\$ 485,148.94	2007 Rent Machine	-	-	-	
Difference	2009 Other Operating Cost	4,206.28	1,668.66	2,537.62	39.67%
(60,592.06)	CB Computer Equipment	-	-	-	
-11.10%	Total Strategy A.3.1.	485,148.94	211,012.31	274,136.63	43.49%
<i>Appropriated</i> A.3.2.	- FTE's = 3.75 <u>Monitor Occupational Licensee Act.</u>				
Base Appr =	1001 Salaries and Wages	207,290.18	110,668.94	96,621.24	53.39%
\$ 235,247.00	1002 Other Personnel Cost	11,199.22	6,302.03	4,897.19	56.27%
Sup Appr =	2001 Prof Fees and Services	1,000.00	220.00	780.00	22.00%
\$ -	2003 Consumables	500.00	148.64	351.36	29.73%
Total Appr =	2004 Utilities	-	-	-	
\$ 235,247.00	2005 Travel	42,400.00	6,091.39	36,308.61	14.37%
Budgeted =	2006 Rent Building	-	-	-	
\$ 266,317.80	2007 Rent Machine	-	-	-	
Difference	2009 Other Operating Cost	3,928.40	1,441.17	2,487.23	36.69%
\$ 31,070.80	CB Computer Equipment	-	-	-	
13.21%	Total Strategy A.3.2.	266,317.80	124,872.17	141,445.63	46.89%
<i>Appropriated</i> A.4.1.	- FTE's = 3.00 <u>Inspect and Provide Emerg. Care</u>				
Base Appr =	1001 Salaries and Wages		106,492.68	106,492.68	50.00%
\$ 364,152.00	1002 Other Personnel Cost	9,024.93	1,972.44	7,052.49	21.86%
Sup Appr =	2001 Prof Fees and Services	88,000.00	58,945.00	29,055.00	66.98%
\$ -	2003 Consumables	-	27.98	(27.98)	
Total Appr =	2004 Utilities	-	-	-	
\$ 364,152.00	2005 Travel	21,500.00	5,944.98	15,555.02	27.65%
Budgeted =	2006 Rent Building	-	-	-	
\$ 335,490.14	2007 Rent Machine	-	-	-	
Difference	2009 Other Operating Cost	3,979.85	1,826.73	2,153.12	45.90%
\$ (28,661.86)	CB Computer Equipment	-	-	-	
-7.87%	Total Strategy A.4.1.	335,490.14	175,209.81	160,280.33	52.23%

Texas Racing Commission

FYE 08/31/2018

OBS-2

Operating Budget Status
by LBB Expenditure Object/Codes

Strategy	Program Description	FY 2018 Annual Budget	FY 2018 Expended Thru 02/28/2018	FY 2018 Unexpended Bal 8/31/2018	With 50.0% of Year Lapsed % of Budget Expended
<i>Appropriated</i> A.4.2.	- FTE's = 2.80				
	<u>Administer Drug Testing</u>				
Base Appr =	1001 Salaries and Wages	160,006.30	82,508.01	77,498.29	51.57%
\$ 215,181.00	1002 Other Personnel Cost	1,120.03	532.59	587.44	47.55%
Sup Appr =	2001 Prof Fees and Services	-	500.00	(500.00)	
\$ -	2003 Consumables	-	-	-	
Total Appr =	2004 Utilities	-	-	-	
\$ 215,181.00	2005 Travel	17,425.00	4,513.55	12,911.45	25.90%
Budgeted =	2006 Rent Building	-	-	-	
\$ 182,001.39	2007 Rent Machine	-	-	-	
Difference	2009 Other Operating Cost	3,450.06	881.04	2,569.02	25.54%
\$ (33,179.61)	CB Computer Equipment	-	-	-	
-15.42%	Total Strategy A.4.2.	182,001.39	88,935.19	93,066.20	48.87%
<i>Appropriated</i> B.1.1.	- FTE's = 4.85				
	<u>Occupational Licensing</u>				
Base Appr =	1001 Salaries and Wages	197,981.42	96,699.97	101,281.45	48.84%
\$ 412,016.00	1002 Other Personnel Cost	7,588.91	3,831.54	3,757.37	50.49%
Sup Appr =	2001 Prof Fees and Services	-	-	-	
\$ -	2003 Consumables	3,500.00	256.84	3,243.16	7.34%
Total Appr =	2004 Utilities	-	-	-	
\$ 412,016.00	2005 Travel	22,700.00	5,903.51	16,796.49	26.01%
Budgeted =	2006 Rent Building	-	-	-	
\$ 343,562.14	2007 Rent Machine	1,400.00	1,289.80	110.20	92.13%
Difference	2009 Other Operating Cost	110,391.81	33,483.57	76,908.24	30.33%
\$ (68,453.86)	CB Computer Equipment	-	-	-	
-16.61%	Total Strategy B.1.1.	343,562.14	141,465.23	202,096.91	41.18%
<i>Appropriated</i> B.1.2.	- FTE's = 0				
	<u>Texas OnLine</u>				
Base Appr =	1001 Salaries and Wages	-	-	-	
\$ 19,185.00	1002 Other Personnel Cost	-	-	-	
Sup Appr =	2001 Prof Fees and Services	-	-	-	
\$ -	2003 Consumables	-	-	-	
Total Appr =	2004 Utilities	-	-	-	
\$ 19,185.00	2005 Travel	-	-	-	
Budgeted =	2006 Rent Building	-	-	-	
\$ 17,000.00	2007 Rent Machine	-	-	-	
Difference	2009 Other Operating Cost	17,000.00	3,134.00	13,866.00	18.44%
\$ (2,185.00)	CB Computer Equipment	-	-	-	
-11.39%	Total Strategy B.1.2.	17,000.00		13,866.00	18.44%
<i>Appropriated</i> C.1.1.	- FTE's = 5.00				
	<u>Monitor Wagering and Audit</u>				
Base Appr =	1001 Salaries and Wages	274,779.60	126,501.24	148,278.36	46.04%
\$ 373,795.00	1002 Other Personnel Cost	28,438.90	9,617.26	18,821.64	33.82%
Sup Appr =	2001 Prof Fees and Services	-	-	-	
\$ -	2003 Consumables	-	7.69	(7.69)	
Total Appr =	2004 Utilities	-	-	-	
\$ 373,795.00	2005 Travel	12,500.00	2,735.10	9,764.90	21.88%
Budgeted =	2006 Rent Building	-	-	-	
\$ 330,466.29	2007 Rent Machine	-	-	-	
Difference	2009 Other Operating Cost	14,747.80	4,944.98	9,802.82	33.53%
\$ (43,328.71)	CB Computer Equipment	-	-	-	
-11.59%	Total Strategy C.1.1.	330,466.29	143,806.27	186,660.02	43.52%

Texas Racing Commission

FYE 08/31/2018

OBS-3

Operating Budget Status
by LBB Expenditure Object/Codes

Strategy	Program Description	FY 2018 Annual Budget	FY 2018 Expended Thru 02/28/2018	FY 2018 Unexpended Bal 8/31/2018	With 50.0% of Year Lapsed % of Budget Expended
<i>Appropriated</i> D.1.1.	- FTE's = 5.93 <u>Central Administration</u>				
Base Appr =	1001 Salaries and Wages	387,123.51	189,603.76	197,519.75	48.98%
\$ 753,512.00	1002 Other Personnel Cost	44,861.62	8,858.76	36,002.86	19.75%
Sup Appr =	2001 Prof Fees and Services	20,175.00	5,048.52	15,126.48	25.02%
\$ -	2003 Consumables	7,500.00	2,099.39	5,400.61	27.99%
Total Appr =	2004 Utilities	47,984.29	20,940.40	27,043.89	43.64%
\$ 753,512.00	2005 Travel	10,000.00	2,338.11	7,661.89	23.38%
Budgeted =	2006 Rent Building	103,770.00	60,050.60	43,719.40	57.87%
\$ 666,813.16	2007 Rent Machine	900.00	451.01	448.99	50.11%
Difference	2009 Other Operating Cost	44,498.75	20,212.80	24,285.95	45.42%
\$ (86,698.84)	CB Computer Equipment	-	-	-	0.00%
-11.51%	Total Strategy D.1.1.	666,813.16	309,603.35	357,209.81	46.43%
<i>Appropriated</i> D.1.2.	- FTE's = 3.80 <u>Information Resources</u>				
Base Appr =	1001 Salaries and Wages	249,187.68	124,593.78	124,593.90	50.00%
\$ 509,511.00	1002 Other Personnel Cost	13,173.00	6,434.34	6,738.66	48.84%
Sup Appr =	2001 Prof Fees and Services	154,185.00	11,725.00	142,460.00	7.60%
\$ -	2003 Consumables	1,565.00	321.39	1,243.61	20.54%
Total Appr =	2004 Utilities	-	-	-	0.00%
\$ 509,511.00	2005 Travel	3,500.00	327.75	3,172.25	9.36%
Budgeted =	2006 Rent Building	476.00	240.00	236.00	50.42%
\$ 505,934.68	2007 Rent Machine	-	-	-	
Difference	2009 Other Operating Cost	83,848.00	54,845.34	29,002.66	65.41%
\$ (3,576.32)	CB Computer Equipment	-	-	-	
-0.70%	Total Strategy D.1.2.	505,934.68	198,487.60	307,447.08	39.23%
<i>Appropriated</i> D.1.3.	- FTE's = 38.75 <u>Other Support Services</u>				
Base Appr =	1001 Salaries and Wages	-	-	-	
\$ 6,732,714.00	1002 Other Personnel Cost	-	-	-	
Sup Appr =	2001 Prof Fees and Services	-	-	-	
\$ -	2003 Consumables	-	-	-	
Total Appr =	2004 Utilities	-	-	-	
\$ 6,732,714.00	2005 Travel	-	-	-	
Budgeted =	2006 Rent Building	-	-	-	
\$ 6,402,639.65	2007 Rent Machine	-	-	-	
Difference	2009 Other Operating Cost	-	-	-	
\$ (330,074.35)	CB Computer Equipment	-	-	-	
-4.90%	Total Strategy D.1.3.	-	-	-	
\$ 3,814,281	Regulatory Program Operating Budget	3,484,206.65	1,560,713.59	1,675,115.23	44.79%
\$ 2,918,433	TX Bred Program Operating Budget	2,918,433.48	1,346,128.13	1,572,305.35	46.13%
\$ 6,732,714	Total M.O.F. (TXRC Acct. 597 & GR)	6,402,640.13	2,906,841.72	3,247,420.58	45.40%
	Total All Programs Operating Budget				

Texas Racing Commission

FYE 08/31/2018

OBS-4

Operating Budget Status
by LBB Expenditure Object/Codes

Strategy	Program Description	FY 2018 Annual Budget	FY 2018 Expended Thru 02/28/2018	FY 2018 Unexpended Bal 8/31/2018	With 50.0% of Year Lapsed % of Budget Expended
\$ -	FTE's = 38.75				
<i>Appropriated</i>	Direct Expense of Regulatory Programs				
	1001 Salaries and Wages	2,384,469.18	1,159,478.13	1,224,991.05	48.63%
	1002 Other Personnel Cost	164,790.15	68,784.34	96,005.81	41.74%
	2001 Prof Fees and Services	274,485.00	79,783.52	194,701.48	29.07%
	2003 Consumables	13,065.00	2,861.93	10,203.07	21.91%
	2004 Utilities	47,984.29	20,940.40	27,043.89	43.64%
	2005 Travel	201,345.00	42,216.59	159,128.41	20.97%
	2006 Rent Building	104,246.00	60,290.60	43,955.40	57.83%
	2007 Rent Machine	2,300.00	1,740.81	559.19	75.69%
	2009 Other Operating Cost	291,522.03	124,617.27	166,904.76	42.75%
	CB Computer Equipment	-	-	-	0.00%
\$ 3,814,281	Total Direct Expense of Regulatory Program	3,484,206.65	1,560,713.59	1,923,493.06	44.79%
\$ 2,918,433	FTE's = - Direct Expense of TX Bred Program	2,918,433.48	1,346,128.13	1,572,305.35	46.13%
\$ 6,732,714	FTE's = 38.75 Total Direct Expense of All Programs	6,402,640.13	2,906,841.72	3,495,798.41	45.40%
\$ -	Indirect Expense of All Programs				
<i>Un-Appropriated</i>	OASI Match	182,411.89	89,642.78	92,769.11	49.14%
	Group Insurance	265,000.00	135,495.15	129,504.85	51.13%
	State Retirement	187,466.08	89,591.82	97,874.26	47.79%
	Benefit Replacement	3,178.86	3,080.58	98.28	96.91%
	ERS Retiree Insurance	390,000.00	196,306.77	193,693.23	50.34%
	SWCAP GR Reimburse	-	-	-	0.00%
	Unemployment Cost	17,000.00	611.00	16,389.00	3.59%
	Other	-	-	-	-
\$ 1,045,057	Total Indirect Expense of All Programs	1,045,056.83	514,728.10	530,328.73	49.25%
\$ 7,777,771	Total Direct and Indirect Expense of All Programs	7,447,696.97	3,421,569.82	4,026,127.15	45.94%

Source Of Funds	Agency Method Of Finance	FY 2018 Projected Revenue	FY 2018 Actual Revenue Thru 02/28/2018	N/A	With 50.0% of Year Lapsed % of Revenue Collected
	Regulatory Program MOF:				
Acct. 597	Cash Balance Carry Forward	\$ 44,530.00	\$ 44,530.00		n/a
Acct. 597	Live Race Day Fees	\$ -	\$ -		
Acct. 597		\$ -	\$ -		
Acct. 597	Annual License Fees (Active & Inactive)	\$ 3,837,854.00	\$ 1,802,181.27		46.96%
Acct. 597	Outs	\$ -	\$ -		
Acct. 597	Occupational License Fees and Fines	\$ 690,000.00	\$ 281,880.75		40.85%
Acct. 597	Other Revenue	\$ 23,867.00	\$ 12,890.29		54.01%
Acct. 1	GR Funds	\$ -	\$ -		
	Sub-Total Regulatory Prgm. MOF	\$ 4,596,251.00	\$ 2,141,482.31		46.59%
	Texas Bred Program MOF:				
Acct. 597	Cash Balance Carry Forward	\$ -	\$ -		
Acct. 597	Breakage and 1% Exotic	\$ 2,918,433.48	\$ 1,346,128.13		46.13%
Acct. 597	Other	\$ -	\$ -		
	Sub-Total Texas Bred Prgm. MOF	\$ 2,918,433.48	\$ 1,346,128.13		46.13%
All Sources	Total MOF	\$ 7,514,684.48	\$ 3,487,610.44		46.41%
	MOF Estimated to Exceed or (Fall-Short of Covering) Direct & Indirect Expenses of Operating Budget	\$ 66,987.51	\$ 66,040.62		



Fiscal Year 2018 Operational Budget

Updated: March 16, 2018
Thru: February 28, 2018

Summary of Operating Revenue

By Revenue Type:	Budget	Collected	Suspended	Uncollected Balance	%
Account 597 - Racing Commission - GRD	\$ 7,514,684	\$ 3,487,610	\$ -	\$ 4,027,074	54%
Account 1 - State of Texas - GR	\$ -	\$ -	\$ -	\$ -	
TOTAL - ALL REVENUES	\$ 7,514,684	\$ 3,487,610	\$ -	\$ 4,027,074	54%

Summary of Appropriated Operating Expenses

Type:	Budget	Expended	Encumbered	Unexpended Balance	%
1001 - Salaries and Wages:	\$ 2,384,469	\$ 1,159,478	\$ -	\$ 1,224,991	51%
1002 - Other Personnel Cost:	\$ 164,790	\$ 68,784	\$ -	\$ 96,006	58%
2001 - Professional Fees and Services:	\$ 274,485	\$ 79,784	\$ -	\$ 194,701	71%
2003 - Consumable Supplies:	\$ 13,065	\$ 2,862	\$ -	\$ 10,203	78%
2004 - Utilities:	\$ 47,984	\$ 20,940	\$ -	\$ 27,044	56%
2005 - Travel:	\$ 201,345	\$ 42,217	\$ -	\$ 159,128	79%
2006 - Rent Building:	\$ 104,246	\$ 60,291	\$ -	\$ 43,955	42%
2007 - Rent Machine and Other:	\$ 2,300	\$ 1,741	\$ -	\$ 559	24%
2009 - Other Operating Expense:	\$ 291,522	\$ 124,617	\$ -	\$ 166,905	57%
4000 - Grants	\$ 2,918,433	\$ 1,346,128	\$ -	\$ 1,572,305	54%
5000 - Capital Expenditures:	\$ -	\$ -	\$ -	\$ -	0%
TOTAL - ALL APPROPRIATED EXPENDITURES	\$ 6,402,640	\$ 2,906,842	\$ -	\$ 3,495,798	55%

Unappropriated Operating Expenses

Type:	Budget	Expended	Encumbered	Unexpended Balance	%
TOTAL - ALL UNAPPROPRIATED EXPENDITURES	\$ 1,045,057	\$ 514,728	\$ -	\$ 530,329	51%
TOTAL - ALL EXPENDITURES	\$ 7,447,697	\$ 3,421,570	\$ -	\$ 4,026,127	54%

OPERATING SURPLUS / (DEFICIT)

	\$ 66,988	\$ 66,041			
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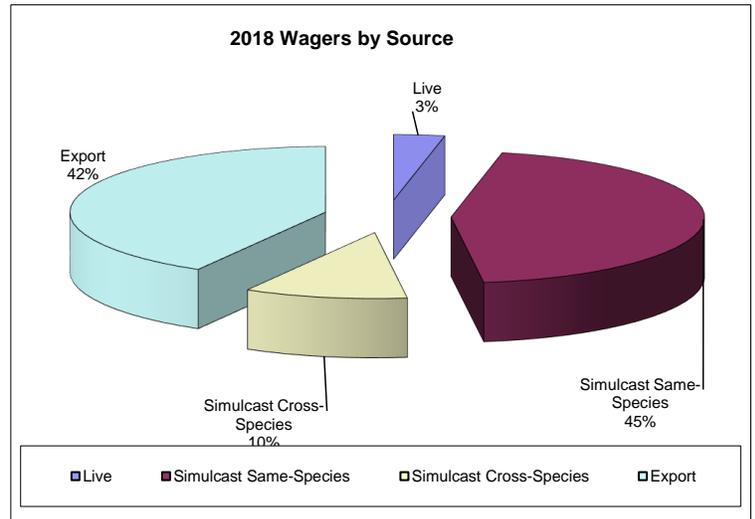
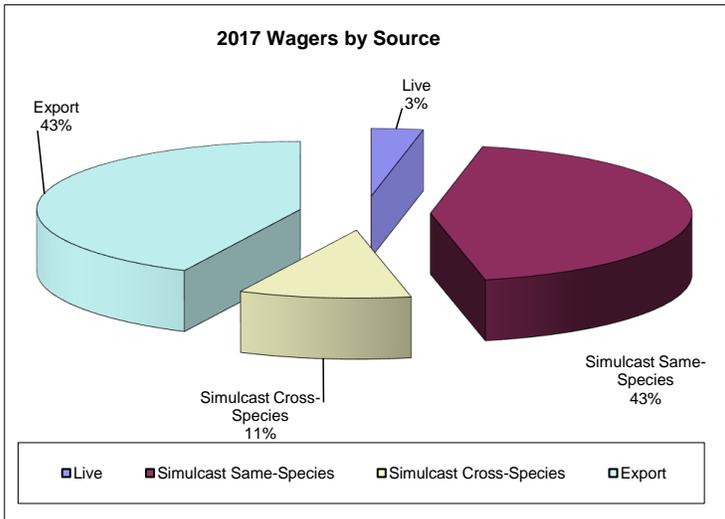
Summary of FTE's

By Fiscal Quarter:	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Authorized FTE's	46.40	46.40	46.40	46.40
Budgeted FTE's	38.75	38.75	38.75	38.75
Actual FTE's	40.50	34.70	0.00	0.00
Actual FTE's Over / (Under) Budget	1.75	(4.05)	n/a	n/a
Actual FTE's Over / (Under) Authorization	(5.90)	(11.70)	n/a	n/a



Texas Pari-Mutuel Racetracks Wagering Statistics Comparison Report on Total Wagers Placed in Texas & on Texas Races For the Period of January 1 through March 18

	Year 2017			Year 2018			Percentage Change	
	# Days	Wagers (Handle)		# Days	Wagers (Handle)		Wagers (Handle)	
		Total	Average per day		Total	Average per day	Total	Average per day
Greyhound Racetracks								
Live	20	\$ 417,563	\$ 20,878	33	\$ 594,284	\$ 18,009	42.32%	-13.74%
Simulcast Same-Species	199	\$ 4,901,706	\$ 24,632	196	\$ 5,053,894	\$ 25,785	3.10%	4.68%
Simulcast Cross-Species	199	\$ 3,636,906	\$ 18,276	196	\$ 3,552,836	\$ 18,127	-2.31%	-0.82%
Export	20	\$ 399,684	\$ 19,984	34	\$ 1,073,319	\$ 31,568	168.54%	57.97%
Total Wagers		\$ 9,355,859			\$ 10,274,334		9.82%	
Horse Racetracks								
Live	32	\$ 2,830,005	\$ 88,438	32	\$ 2,708,881	\$ 84,653	-4.28%	-4.28%
Simulcast Same-Species	275	\$ 39,510,955	\$ 143,676	273	\$ 40,832,170	\$ 149,568	3.34%	4.10%
Simulcast Cross-Species	275	\$ 7,138,270	\$ 25,957	273	\$ 7,026,204	\$ 25,737	-1.57%	-0.85%
Export	32	\$ 43,273,018	\$ 1,352,282	32	\$ 41,716,240	\$ 1,303,633	-3.60%	-3.60%
Total Wagers		\$ 92,752,248			\$ 92,283,494		-0.51%	
All Racetracks								
Live	52	\$ 3,247,568	\$ 62,453	65	\$ 3,303,165	\$ 50,818	1.71%	-18.63%
Simulcast Same-Species	474	\$ 44,412,661	\$ 93,698	469	\$ 45,886,064	\$ 97,838	3.32%	4.42%
Simulcast Cross-Species	474	\$ 10,775,176	\$ 22,732	469	\$ 10,579,040	\$ 22,557	-1.82%	-0.77%
Export	52	\$ 43,672,702	\$ 839,860	66	\$ 42,789,559	\$ 648,327	-2.02%	-22.81%
Total Wagers		\$ 102,108,108			\$ 102,557,828		0.44%	
Total Wagers Placed in Texas		\$ 58,435,406			\$ 59,768,268		2.28%	
Total Wagers Placed on Texas Races		\$ 46,920,271			\$ 46,092,724		-1.76%	

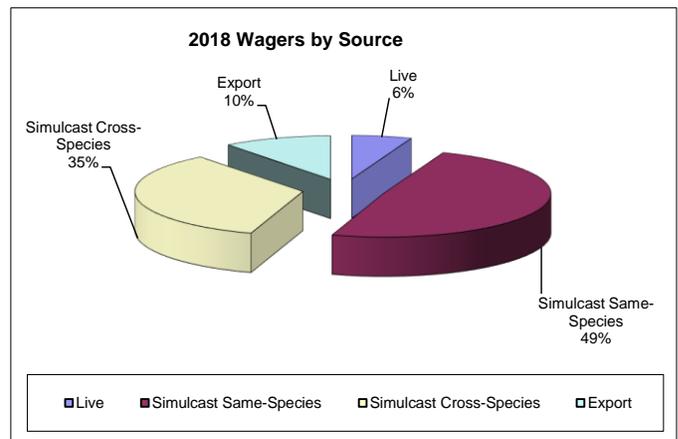
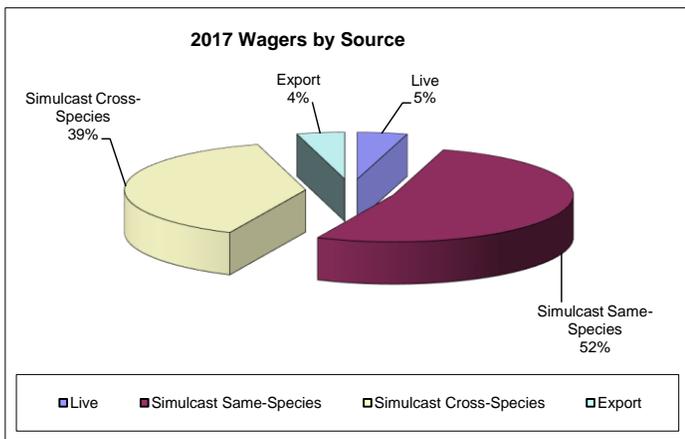




Greyhound Racetrack Wagering Statistics Comparison Report on Total Wagers Placed in Texas & on Texas Races

For the Period of January 1 through March 18

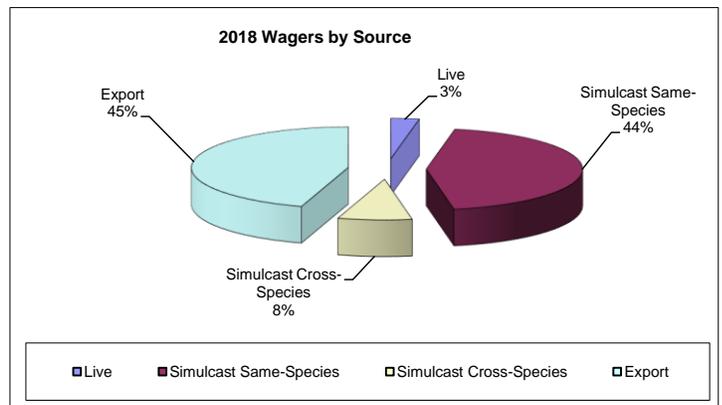
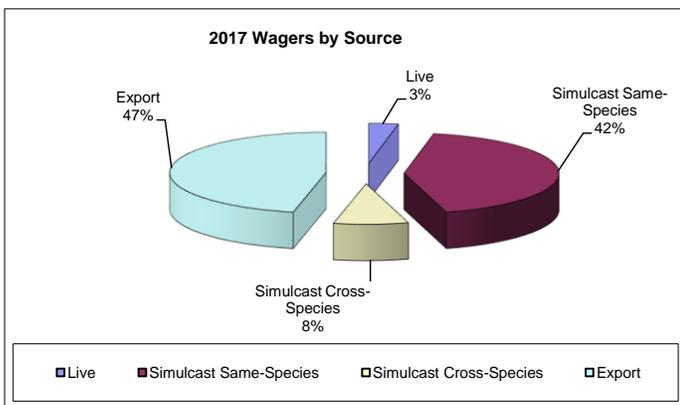
	Year 2017			Year 2018			Percentage Change	
	# Days	Wagers (Handle)		# Days	Wagers (Handle)		Wagers (Handle)	
		Total	Average per day		Total	Average per day	Total	Average per day
<u>Gulf Coast Racing</u>								
Live	0	\$ -	\$ -	0	\$ -	\$ -	0.00%	0.00%
Simulcast Same-Species	56	\$ 1,505,217	\$ 26,879	55	\$ 1,561,787	\$ 28,396	3.76%	5.64%
Simulcast Cross-Species	56	\$ 606,261	\$ 10,826	55	\$ 708,764	\$ 12,887	16.91%	19.03%
Export	0	\$ -	\$ -	0	\$ -	\$ -	0.00%	0.00%
Total Wagers		\$ 2,111,478					7.53%	
<u>Gulf Greyhound Park</u>								
Live	0	\$ -	\$ -	33	\$ 594,284	\$ 18,009	0.00%	NA
Simulcast Same-Species	77	\$ 2,053,716	\$ 26,672	75	\$ 2,280,278	\$ 30,404	11.03%	13.99%
Simulcast Cross-Species	77	\$ 2,037,011	\$ 26,455	75	\$ 1,892,958	\$ 25,239	-7.07%	-4.59%
Export	0	\$ -	\$ -	34	\$ 1,073,319	\$ 31,568	0.00%	NA
Total Wagers		\$ 4,090,727			\$ 5,840,840		42.78%	
<u>Valley Race Park</u>								
Live	20	\$ 417,563	\$ 20,878	0	\$ -	\$ -	-100.00%	-100.00%
Simulcast Same-Species	66	\$ 1,342,772	\$ 20,345	66	\$ 1,211,829	\$ 18,361	-9.75%	-9.75%
Simulcast Cross-Species	66	\$ 993,635	\$ 15,055	66	\$ 951,114	\$ 14,411	-4.28%	-4.28%
Export	20	\$ 399,684	\$ 19,984	0	\$ -	\$ -	-100.00%	-100.00%
Total Wagers		\$ 3,153,655			\$ 2,162,943		-31.41%	
<u>All Greyhound Tracks</u>								
Live	20	\$ 417,563	\$ 20,878	33	\$ 594,284	\$ 18,009	42.32%	-13.74%
Simulcast Same-Species	199	\$ 4,901,706	\$ 24,632	196	\$ 5,053,894	\$ 25,785	3.10%	4.68%
Simulcast Cross-Species	199	\$ 3,636,906	\$ 18,276	196	\$ 3,552,836	\$ 18,127	-2.31%	-0.82%
Export	20	\$ 399,684	\$ 19,984	34	\$ 1,073,319	\$ 31,568	168.54%	57.97%
Total Wagers		\$ 9,355,859			\$ 10,274,334		9.82%	
Total Wagers Placed in Texas		\$ 8,956,175			\$ 9,201,014		2.73%	
Total Wagers Placed on Texas Races		\$ 817,247			\$ 1,667,603		104.05%	





Horse Racetrack Wagering Statistics Comparison Report on Total Wagers Placed in Texas & on Texas Races For the Period of January 1 through March 18

	Year 2017			Year 2018			Percentage Change	
	# Days	Wagers (Handle)		# Days	Wagers (Handle)		Wagers (Handle)	
		Total	Average per day		Total	Average per day	Total	Average per day
Gillespie County Fair								
Live	0	\$ -	\$ -	0	\$ -	\$ -	0.00%	0.00%
Simulcast Same-Species	44	\$ 547,907	\$ 12,452	44	\$ 870,916	\$ 19,794	58.95%	58.95%
Simulcast Cross-Species	44	\$ 108,403	\$ 2,464	44	\$ 85,346	\$ 1,940	-21.27%	-21.27%
Export	0	\$ -	\$ -	0	\$ -	\$ -	0.00%	0.00%
Total Wagers		\$ 656,310			\$ 956,261		45.70%	
Lone Star Park								
Live	0	\$ -	\$ -	0	\$ -	\$ -	0.00%	0.00%
Simulcast Same-Species	77	\$ 20,041,298	\$ 260,277	77	\$ 21,108,152	\$ 274,132	5.32%	5.32%
Simulcast Cross-Species	77	\$ 1,482,244	\$ 19,250	77	\$ 1,677,836	\$ 21,790	13.20%	13.20%
Export	0	\$ -	\$ -	0	\$ -	\$ -	0.00%	0.00%
Total Wagers		\$ 21,523,542			\$ 22,785,988		5.87%	
Retama Park								
Live	0	\$ -	\$ -	0	\$ -	\$ -	0.00%	0.00%
Simulcast Same-Species	77	\$ 6,892,701	\$ 89,516	76	\$ 6,547,482	\$ 86,151	-5.01%	-3.76%
Simulcast Cross-Species	77	\$ 1,756,794	\$ 22,816	76	\$ 1,392,974	\$ 18,329	-20.71%	-19.67%
Export	0	\$ -	\$ -	0	\$ -	\$ -	0.00%	0.00%
Total Wagers		\$ 8,649,496			\$ 7,940,457		-8.20%	
Sam Houston Race Park								
Live	32	\$ 2,830,005	\$ 88,438	32	\$ 2,708,881	\$ 84,653	-4.28%	-4.28%
Simulcast Same-Species	77	\$ 12,029,049	\$ 156,221	76	\$ 12,305,620	\$ 161,916	2.30%	3.65%
Simulcast Cross-Species	77	\$ 3,790,829	\$ 49,232	76	\$ 3,870,048	\$ 50,922	2.09%	3.43%
Export	32	\$ 43,273,018	\$ 1,352,282	32	\$ 41,716,240	\$ 1,303,633	-3.60%	-3.60%
Total Wagers		\$ 61,922,901			\$ 60,600,788		-2.14%	
All Horse Tracks								
Live	32	\$ 2,830,005	\$ 88,438	32	\$ 2,708,881	\$ 84,653	-4.28%	-4.28%
Simulcast Same-Species	275	\$ 39,510,955	\$ 143,676	273	\$ 40,832,170	\$ 149,568	3.34%	4.10%
Simulcast Cross-Species	275	\$ 7,138,270	\$ 25,957	273	\$ 7,026,204	\$ 25,737	-1.57%	-0.85%
Export	32	\$ 43,273,018	\$ 1,352,282	32	\$ 41,716,240	\$ 1,303,633	-3.60%	-3.60%
Total Wagers		\$ 92,752,248			\$ 92,283,494		-0.51%	
Total Wagers Placed in Texas		\$ 49,479,230			\$ 50,567,254		2.20%	
Total Wagers Placed on Texas Races		\$ 46,103,023			\$ 44,425,121		-3.64%	



ENFORCEMENT ACTIVITY SUMMARY

1/1/2018 - 4/2/2018

thru 4/2/2018

Conduct	3
Contraband	14
	2
Failure to Pay Fine	10
Greyhound Weight Violation	3
Human Alcohol Violation	8
Human Drug Violation	6
Financial Obligations	5
Jockey - Riding	2
Jockey - Non Riding	0
Licensing	10
Medication Violations*	9
Miscellaneous	2
Reciprocity	0
Trainer Infractions	4
Veterinary	0
Violation by Mgmt. or Official	<u>1</u>
TOTAL NUMBER OF RULINGS	79

*Does not include any rulings that have not been finalized through the appeals process.

SUBSTANCES/MEDICATIONS FOUND IN RACEHORSES

THROUGH 4/2/2018

Class 1	Stimulants and depressants that have the highest potential to affect performance and have no generally accepted medical use in racehorses	0
Class 2	High potential for affecting the outcome of a race and are not generally accepted as therapeutic agents or they have therapeutic agents that have a high potential for abuse.	
	O-desmethyltramadol	1
Class 3	May or may not have a generally accepted therapeutic use in racehorses and have less potential for affecting the performance than Class 2 substances.	
		0
Class 4	Therapeutic medications with a limited ability to influence performance	
	Phenylbutazone	3
Class 5	Therapeutic medications for which concentration limits have been established	
		0
Overage of a permissible medication		
	Furosemide	<u>1</u>
	TOTAL	5

SUBSTANCES/MEDICATIONS FOUND IN GREYHOUNDS

THROUGH 4/2/2018

Class 1	Substances that have the highest pharmacologic potential to affect performance and have no generally accepted medical use in greyhounds	
Class 2	Substances that are prominent central nervous system stimulants in the lesser DEA schedules	0
Class 3	Substances that include non-scheduled drugs that have no generally accepted therapeutic use in racing greyhounds, drugs that could alter performance in a normal, healthy greyhound, drugs that have a high potential for abuse as local anesthetics and potent diuretics with potential for diluting urine	
		0
Class 4	Substances that are non-scheduled drugs with cardiac or respiratory effects, mild sedatives and steroidal anti-inflammatory drugs with short withdrawal times indicating race day administration	
	Guaifenesin	2
	Methocarbamol	2
Class 5	Substances that are therapeutic medications routinely used to restore the healing of an ailing greyhound	0
Class 6	Substances that are local anesthetics likely to produce urinary levels due to factors other than use as a nerve-blocking agent and substances that are likely to interfere with testing procedures	
		<u>0</u>
	TOTAL	4

III. GENERAL BUSINESS

B. Approval of memorandum of understanding with Texas Veterinary Medical Diagnostic Laboratory for fiscal year 2018

C. Recognition of Texas Horsemen's Partnership as the official horsemen's organization

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
TEXAS RACING COMMISSION
AND THE
TEXAS A&M VETERINARY MEDICAL DIAGNOSTIC LABORATORY**

Pursuant to Texas Racing Act (Art. 179e, V.T.C.S) Sec. 3.07(d), the Drug Testing Laboratory of the Texas A&M Veterinary Medical Diagnostic Laboratory (TVMDL) is to provide drug testing services on race animals for the Texas Racing Commission (TxRC). TxRC and TVMDL enter into this Memorandum of Understanding to delineate the responsibilities of the parties in administering TxRC's drug testing program for race animals.

**I.
DEFINITIONS**

Association - A pari-mutuel racetrack licensed by TxRC under the Act to conduct horse or greyhound racing with pari-mutuel wagering

ELISA – Enzyme-linked immunosorbent assay ("immunoassay")

Equine sample – Blood and/or urine from the same horse collected during the same approximate time-frame (either pre-race or post-race)

Executive Director – the Executive Director for the TxRC or a designee of the Executive Director

LC/MS – Liquid Chromatography-Mass Spectrometry

**II.
LABORATORY COVENANTS**

TVMDL agrees to:

1. Provide sufficient security to control access to the TVMDL Drug Testing Lab and to ensure only authorized persons handle samples or gain access to TVMDL processes or to areas where records and samples are stored.
2. Provide, with approval of the Executive Director of the TxRC, all supplies for the collection and shipment of samples, including sample jars, blood tubes, seals, labels, vacutainer sleeves, collection needles, and shipping containers. TVMDL will bill the actual cost of supplies to the association the supplies are shipped to. On request by the TxRC, TVMDL shall provide documentation regarding the cost of supplies. TVMDL shall obtain approval from the Executive Director of the TxRC before changing supplies.

3. Inspect each shipment of samples on arrival at TVMDL for evidence of possible tampering. Any evidence of tampering shall be noted and reported to the Executive Director in writing.
4. Use chain-of-custody procedures to maintain control and accountability of samples at all stages, from receipt to final disposition.
5. Provide secured and appropriate storage conditions for samples while under custody at TVMDL.
6. Maintain and follow approved Standard Operating Procedures within the oversight of the TVMDL Quality Management System.
7. Provide testing for the presence of prohibited substances and controlled therapeutic medications on equine urine samples as follows:
 - a. Instrumental analysis, either LC/MS or GC/MS, on each equine urine sample.
 - b. Specific gravity determination on each equine urine sample.
 - c. Analyses for contemporary performance-enhancing (presumed or actual) drugs of notoriety by appropriate methods (LC/MS, GC/MS, or ELISA) as requested by TxRC.
 - d. Each sample with the presence of a controlled therapeutic medication, as published by TxRC, that exceeds the corresponding maximum permissible concentration shall be reported as positive and the quantitative level of the medication shall be reported to the TxRC.
8. Provide testing for the presence of prohibited substances and controlled therapeutic medications on equine blood samples as follows:
 - a. Furosemide LC/MS screening on each equine serum sample to ensure compliance with TxRC's Bleeders and Furosemide Program. Evidence of non-compliance will be reported to the TxRC. Report as positive for each sample in which the concentration of furosemide exceeded 100 ng/mL and a urine specific gravity of less than 1.010. Report as a letter of notification for each sample in which the concentration of furosemide exceeded 100 ng/mL of furosemide and a urine specific gravity of 1.010- 1.012 or no urine sample was submitted for testing. Report as a letter of notification for each sample in which the horse received furosemide treatment but furosemide was not detected in the sample. Report as a letter of notification for each sample in which the horse did not receive furosemide treatment but furosemide was detected in the sample.
 - b. Test for total carbon dioxide on samples of equine blood as requested by the TxRC. Each sample exceeding the maximum permissible level as published by TxRC shall be reported as positive to TxRC (to include reporting its quantitative level). Alternatively, TVMDL may recommend another laboratory to conduct testing for total carbon dioxide.
 - c. Instrumental analysis, either LC/MS or GC/MS, on each equine blood sample. Additionally, each equine blood sample will be extracted and screened independently by instrumental analysis for the presence of dimethyl sulfoxide (DMSO). Pooling of no more than 4 samples is permissible.

- d. Analyses for contemporary performance-enhancing (presumed or actual) drugs of notoriety by appropriate methods (LC/MS, GC/MS, or ELISA) as requested by TxRC.
 - e. Each sample with the presence of a controlled therapeutic medication, as published by TxRC, that exceeds the corresponding maximum permissible concentration shall be reported as positive and the quantitative level of the medication shall be reported to the TxRC.
9. Perform testing for beta-agonist drugs, including Clenbuterol, Albuterol, Ractopamine and Zilpaterol in equine hair samples by instrumental analysis as requested.
 10. Provide testing for the presence of prohibited substance(s) in canine urine samples. Testing shall be by instrumental analysis, LC/MS or GC/MS, on each canine urine sample, with an emphasis on drugs classified as Category I or II by the TxRC Greyhound Medication Classification.
 11. Perform confirmatory analysis on samples, whether equine or canine, blood or urine, when a suspicious finding is identified from screening. At least one definitive analytical technique should be employed for the confirmatory analysis (e.g., mass spectrometry).
 12. Perform tests as required by the Thoroughbred Owners and Breeders Association (TOBA) for substances in samples from horses that participated in graded stakes races and listed stakes races at the \$75,000 purse level or above.
 13. Expedite tests as requested for Quarter Horse trials with a goal of reporting test results to TxRC within five calendar days of receiving samples.
 14. Blood samples labeled as "Vet Work" will be screened by LC/MS for Non-steroidal anti-inflammatory drugs (NSAIDs), corticosteroids, or other drugs as requested. Results for Vet Work samples will be reported by Letter of Notification to the Director of Investigations within 120 hours of receipt.
 15. Biological samples other than blood and urine (e.g. ocular fluid) will be screened by LC/MS or GC/MS. Turn-around times will be dependent upon the extent of confirmatory testing in the event a sample is deemed suspect from initial screening, but will not exceed ten business days. These samples will be reported by Letter of Notification to the Director of Investigations.
 16. With prior approval, perform other testing as requested, utilizing the most effective or appropriate technology or platform.
 17. All tested samples shall be stored in secured and appropriate conditions before either disposal of or releasing to a third party (for various purposes). Minimum retention period for a negative sample is 5 calendar days after reporting. Minimum retention period for a positive sample is 1 year after reporting or until all legal proceedings concerning the sample are concluded (whichever is longer). Minimum retention period for all records is two years or until all legal proceedings concerning the sample are concluded (whichever is longer).

to TxRC a copy of the analytical results of any test conducted pursuant to this Memorandum of Understanding.

19. Provide qualified professional personnel to testify in an administrative hearing or other legal proceeding involving a test performed pursuant to this Memorandum of Understanding and participate in and assist with pretrial matters in those proceedings, such as interrogatories and depositions.
20. Notify the TxRC in writing at least 30 days before implementing any change in analytical procedures which in consequence alters the detection sensitivity for any substance classified as Category III, IV, or V in the TxRC Equine Medication Classification.
21. Participate in industry-recognized quality assurance programs.
22. Refrain from disclosing any information relating to a sample to any person other than one designated by TxRC to receive the information.
23. Maintain qualified staff with no financial interest in racehorses, racing greyhounds, or an association or any other conflict of interest within the racing industry. All laboratory personnel must be employees of the Texas A&M Veterinary Medical Diagnostic Laboratory, a member of the Texas A&M University System, and at all times be subject to the rules and policies of the A&M System, as promulgated by the Board of Regents of the A&M System or the TVMDL Director.
24. Consent to background investigation through the TxRC conducted by the Texas Department of Public Safety, including fingerprinting, of all TVMDL staff involved in drug testing.
25. Allow access by TxRC to all records of TVMDL that pertain to drug testing services performed pursuant to this Memorandum of Understanding.
26. Make reasonable efforts to collect payment from each association and notify the Executive Director of any charges that are unpaid 30 days after invoicing.
27. Notify the Executive Director, within 30 days of receipt, of all findings and recommendations made by the State Auditor, an internal auditor of the Texas A&M University System, or another auditor acting on behalf of or under contract with TVMDL or the Texas A&M University System regarding operations of the Drug Testing Laboratory of TVMDL, as they relate to this Memorandum of Understanding.

III.

COMMISSION COVENANTS

TxRC agrees to:

1. Supervise the sample collection site at each association to ensure the site has the necessary personnel, supplies, equipment, facilities, and supervision to provide for the identification of animals and humans and to collect, identify, secure, store, and ship each sample to TVMDL.
2. Submit urine and blood samples from approximately 2,900 horses per year. Submit approximately 320 canine urine samples per year. TxRC will make every effort to sample for

testing in the frequency of approximately 2.0 equine samples per horse race and 0.9 canine samples per greyhound race. If the number of racing performances changes during the calendar year, the number of specimens may be adjusted accordingly, and the TxRC Executive Director will notify the TVMDL Director as soon as practicable.

3. Require each association to deliver all samples to TVMDL in a secure manner, at the association's expense, in accordance with a delivery schedule approved by TVMDL.
4. Apprise and update TVMDL in a timely manner of all drugs on the permitted list and all changes in medication rules, practices, or procedures.
5. Participate in and fund an industry-recognized quality assurance program.

7. Employ enforcement measures necessary to ensure that the costs incurred by TVMDL for drug testing services pursuant to this Memorandum of Understanding are promptly paid by each association.

IV. COST OF SERVICES

Except as otherwise provided by this paragraph, TVMDL agrees to charge, and TxRC approves a per-animal charge of, \$215.00 for equine samples (for tests conducted pursuant to Article II, Sections 7 a, b, & d; 8 a, c, & e; 11 and 13, whether in blood, urine, or both) and \$45.00 for canine samples (pursuant to Article II, Sections 10 and 11). For tests conducted pursuant to Article II, Section 8b (total carbon dioxide), TVMDL agrees to charge and TxRC approves a per-sample charge of \$28.50, unless TVMDL recommends a different laboratory to conduct the testing for total carbon dioxide, in which case the charge shall be separately determined. For tests conducted pursuant to Article II, Sections 7c and 8d (contemporary performance-enhancing drugs of notoriety), TVMDL agrees to charge and TxRC approves a per-sample charge of \$13.50 (where an existing methodology exists) and a mutually agreed upon test development costs and subsequent per-sample charge (where a methodology must be developed). For tests conducted pursuant to Article II, Section 9 (beta-agonist drugs), TVMDL agrees to charge, and TxRC approves a per-sample charge of \$100.00. For tests conducted pursuant to Article II, Section 12 (TOBA tests), TVMDL agrees to charge, and TxRC approves a per-sample charge of \$444.00. For tests conducted pursuant to Article II, Section 14 (vet work), TVMDL agrees to charge, and TxRC approves a per-sample charge of \$65.00. For tests conducted pursuant to Article II, Section 15 (ocular fluid, etc.), TVMDL agrees to charge, and TxRC approves, a per-sample charge of \$55.00. For tests conducted pursuant to Article II, Section 16 (other testing as requested), TVMDL and TxRC will mutually agree on the per-sample charge depending on the methodology and platform employed for testing.

Pursuant to the Act, Sec. 3.07, the associations are responsible for payment of these charges.

V.

EXECUTION

The Parties agree to use due diligence in the exercise of their responsibilities as outlined in this Memorandum of Understanding. The term of this Memorandum of Understanding is from the date of Commission approval through August 31, 2018. To ensure the continuity of the drug testing program in pari-mutuel racing, all terms of this Memorandum of Understanding continue in effect until a new Memorandum of Understanding is executed. If either Party determines that events have changed and significantly affected a material term of the Memorandum of Understanding, including but not limited to, the closing of a race track, or a significant increase in the cost of drug testing or testing supplies, the Parties may renegotiate the terms of this Memorandum of Understanding.

For the faithful performance of this agreement, this agreement is executed by the undersigned persons in their capacities described below. This agreement takes effect on the date of approval by the Commissioners of the Texas Racing Commission.

TEXAS RACING COMMISSION

Chuck Trout
Executive Director

Date

TEXAS A&M VETERINARY MEDICAL DIAGNOSTIC LABORATORY

Bruce L. Akey, MS DVM
Director

Date

Approved as to form:

Devon Bijansky
TxRC General Counsel

Date



TEXAS RACING COMMISSION
P. O. BOX 12080
AUSTIN, TEXAS 78711-2080
(512) 833-6699
FAX (512) 833-6907

March 22, 2018

Marsha Rountree
Executive Director
Texas Horsemen's Partnership, LLP
P.O. Box 142533
Austin, TX 78714

Re: Recognition as Horsemen's Representative Organization

Dear Ms. Rountree:

On March 8, 2018, the Texas Racing Commission received the application of the Texas Horsemen's Partnership for recognition as the organization to represent the horsemen before the agency. The Commission received no other applications for recognition as the horsemen's representative organization.

Staff reviewed the application and the records of the Commission and the Secretary of State regarding the status of the entities and individuals named in the application. Each entity is in good standing with the state, each director is properly licensed with the Commission as an owner and/or trainer, and each director's license is in good standing. In addition, the key employees are appropriately licensed as industry representatives and their licenses are in good standing.

Based on our review of all pertinent documents, the Texas Horsemen's Partnership, LLP, satisfies the requirements for recognition. Therefore, pursuant to my authority under Texas Commission Rule § 309.299, the Texas Horsemen's Partnership, LLP, is recognized for the next two-year term as the horsemen's representative organization in Texas.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Trout", written over a white background.

Chuck Trout
Executive Secretary

cc: Texas Racing Commission

IV. PROCEEDINGS ON RACETRACKS

Discussion, consideration, and possible action to designate an application period for live race dates under Commission Rule 303.41



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

To: Texas Racing Commissioners

From: Chuck Trout, Executive Director

Date: April 2, 2018

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

In accordance with Commission Rule 303.41, staff recommends that the Texas Racing Commission open an application period for race dates for January 1, 2019, through December 31, 2019, and January 1, 2020, through August 31, 2020. Staff also recommends that the application period for these race dates be opened on June 1, 2018, and be closed on July 17, 2018.

Please note that the Commission has previously allocated some 2019 race dates to several associations. During the application period, some associations may request amendments to the existing 2019 dates, and other associations will be requesting 2019 dates for the first time.

Staff recommends allowing associations to apply for race dates to be conducted through the end of Fiscal Year 2020 in order to allow both the Commission and the associations to develop longer-term budgeting and staffing plans.

A copy of Rule 303.41 is attached.

RULES OF RACING

Chapter 303 – General Provisions

Subchapter B – Powers and Duties of the Commission

§303.41 Allocation of Race Dates

(a) The commission shall allocate live race dates, including charity days, to each association for such time periods and at such racing locations as the commission determines in accordance with the Act and this section.

(b) Upon its own motion or upon the request of any association, the commission may designate an application period during which the commission shall accept applications for race dates.

(c) The commission shall establish the time period or periods for which it will consider granting race dates.

(d) Upon designation by the commission of an application period under this section, the executive secretary shall publicize that application period to the affected greyhound and horse racing associations at least 30 days before the closing date of the period.

(e) The application must be on a form prescribed by the commission. After the request is filed, the executive secretary may require the association to submit additional information if the executive secretary determines the additional information is necessary to effectively evaluate the request.

(f) In allocating race dates under this section, the commission may consider the following factors and the degree to which the association's proposed race meeting will serve to nurture, promote, develop, or improve the horse or greyhound industry in Texas:

(1) the association's current ability to pay all fees and other amounts owed to the commission, to the state, and to local governments;

(2) the association's willingness and ability to comply and past performance in complying with the Rules and the Act;

(3) the current condition of the association's racetrack and facilities for patrons, race animals, and occupational licensees;

(4) the anticipated effect of the proposed race meeting on the continuity of racing during the year;

(5) the live race dates requested by other associations licensed to conduct races for the same species of animal;

(6) the anticipated overall economic effect to the state from the race meeting;

(7) the anticipated effect of the race meeting on the greyhound or horse breeding industry in Texas;

(8) the anticipated effect of scheduled race meetings in neighboring race states on the proposed race meeting; and

(9) the anticipated availability of race animals for the race meetings.

(g) The commission shall approve the actual days awarded, and the total number of performances. The commission may require a minimum number of races in a race meet.

(h) An association shall conduct pari-mutuel racing on each race date granted under this section, and in accordance with the race date calendar approved by the Commission, unless the association receives the prior approval of the executive secretary.

(i) If circumstances beyond the control of the association prevent the association from conducting a performance, the commission may award a make-up performance.

(j) Change in Race Date Allocation.

(1) The executive secretary may permit an association to request additional live race dates after its request under this section has been acted on by the commission if the executive secretary determines that:

(A) the request includes evidence that granting the additional live race dates will enhance the breeding and training industries for horses or greyhounds;

(B) the association's failure to request the live race dates initially was not due to the association's neglect; and

(C) if the request duplicates a request by the association that has already been denied by the commission, changed circumstances exist that necessitate additional consideration by the commission.

(2) An association may request a change to the live race dates granted by the commission provided the association obtains the approval of all associations that are affected by the proposed change. This subsection applies to any proposed change to the number or format of live race dates.

(3) The executive secretary may approve an association's request to add, delete, or modify live race dates, provided that the request:

(A) does not add any live race dates that are more than fourteen calendar days preceding the start of the Commission-approved race meet or more than fourteen days following the end of the Commission-approved race meet;

(B) is supported in writing by each breed organization affected by the change;

(C) is supported in writing by each association that is affected by the change; and

(D) in the case of a horse racing association, is supported in writing by the horsemen's organization.

(4) In determining whether to approve a request under this subsection, the executive secretary may consider the effect that approving the request would have on the workload and budget status of the Commission.

(5) For purposes of this subsection, an allocation of live race performances may be changed in the same manner as a change in the allocation of live race dates.