

TEXAS RACING COMMISSION
MEETING

10:30 a.m.
Thursday,
July 21, 2020

VIA VIDEOCONFERENCE

COMMISSIONERS PRESENT:

JOHN T. STEEN III, Chair
RONALD F. EDERER, Vice-Chair

TIM KLEINSCHMIDT
CONNIE McNABB, D.V.M.
STEVEN P. MACH
ROBERT C. PATE
ARVEL "A.J." WAIGHT, JR.

ON THE RECORD REPORTING
(512) 450-0342

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P R O C E E D I N G S

1
2 CHAIRMAN STEEN: Good morning. At this time I'd
3 like to call today's meeting of the Texas Racing Commission
4 to order. The time is 10:30.

5 Before we begin, I want to remind everyone that
6 it will be extremely important to keep your device on mute
7 until you are called upon and put your device back on mute
8 afterward.

9 If you have not previously submitted your
10 intention to comment on any particular agenda item, you
11 will be given the opportunity at the appropriate time.
12 You can send an email to info@txrc.texas.gov -- again,
13 that's info@txrc.texas.gov at any time to request to
14 comment. Please be specific about which agenda item you
15 want to comment on.

16 Robert, could you please go ahead and call the
17 roll?

18 MR. ELROD: Sure.

19 Commissioner Martin?

20 (No response.)

21 MR. ELROD: Commissioner Mach?

22 COMMISSIONER MACH: Present.

23 MR. ELROD: Commissioner McNabb?

24 COMMISSIONER McNABB: Present.

25 MR. ELROD: Commissioner Kleinschmidt?

1 COMMISSIONER KLEINSCHMIDT: Here.

2 MR. ELROD: Commissioner Moore?

3 COMMISSIONER MOORE: Here.

4 MR. ELROD: Commissioner Pate?

5 COMMISSIONER PATE: Here.

6 MR. ELROD: Commissioner Waight?

7 COMMISSIONER WAIGHT: Here.

8 MR. ELROD: Commissioner Ederer?

9 COMMISSIONER EDERER: Here.

10 MR. ELROD: Chairman Steen?

11 CHAIRMAN STEEN: Here.

12 Do we have a quorum?

13 MR. ELROD: Yes, we do.

14 CHAIRMAN STEEN: Thanks.

15 Robert, could you mute caller 15? It's a bunch
16 of typing coming through. I don't know if you have the
17 ability to do that.

18 MR. ELROD: I do, just give me a moment.

19 Fifteen?

20 CHAIRMAN STEEN: Yes. It's caller 15 that the
21 typing keeps coming through.

22 MR. ELROD: Okay. They're muted.

23 CHAIRMAN STEEN: Thank you.

24 Item II. Public comment. Robert, has anyone
25 signed up to speak?

1 MR. ELROD: No.

2 CHAIRMAN STEEN: Next item is agenda item III.A.
3 Budget and finance report.

4 Gerald Dube, please give us the update. Gerry,
5 you're on mute.

6 MR. DUBE: Sorry about that.

7 Good morning, commissioners. For the record, my
8 name is Gerald Dube, director of administration for the
9 Texas Racing Commission.

10 On pages 5 through 9 of your agenda packet are
11 the agency's fiscal year 2020 operating budget documents.
12 We have revenue collection and expenditures reported
13 through the end of May. We had 75 percent of the year
14 reported at that point.

15 The agency collected approximately \$3.53
16 million, or 68.82 percent, of projected revenue. Expended
17 was \$3.4 million, or 67 percent, of budgeted agency
18 expenditures. Of the \$3.4 million in expenditures,
19 approximately \$2.31 million are appropriated expenditures
20 and \$729,734 are unappropriated expenses such as the
21 agency's share of retirement health care costs, employee
22 insurance costs, and FICA costs.

23 Simulcast tax supplemental fees totaling
24 \$509,838.80 were collected from racetracks in July, but
25 they are not reflected in the May revenues. The agency

1 received no simulcast revenue in May, and June simulcast
2 tax revenue totaled \$175,827.58. The June simulcast
3 revenue was deposited on July 10.

4 That's all I have for the report.

5 CHAIRMAN STEEN: Thanks, Gerry.

6 Commissioners, do you have any questions?

7 (No response.)

8 CHAIRMAN STEEN: Thank you, Gerry.

9 MR. DUBE: Thank you.

10 CHAIRMAN STEEN: The next item is agenda item
11 III.B. Wagering statistics report.

12 Curley Trahan, would you please give us the
13 report.

14 MR. TRAHAN: Thank you, Mr. Chairman.

15 Good morning, commissioners. For the record,
16 I'm Curley Trahan, the director of pari-mutuels for the
17 agency.

18 In your meeting materials on pages 11 through 13
19 is a comparison report on wagering statistics for the
20 calendar-year period of January through June. The report
21 is a comparison of 2020 handle figures against those from
22 the same period for 2019.

23 The report shows that total wagering activities
24 at the greyhound racetracks decreased by 49.54 percent in
25 2020, equating to just over \$11.02 million less handle.

1 Total wagering activities also declined at the horse
2 racetracks by 13.18 percent for the period in 2020 as
3 compared to 2019. This decrease represents approximately
4 \$25.89 million in handle.

5 Overall, the report illustrates that total
6 wagers placed in Texas decreased by approximately \$70.41
7 million, representing a 48.25 percent decline, while total
8 wagers placed on Texas races showed an increase of
9 approximately \$26.70 million, or 31.54 percent.

10 This concludes my report and I would be happy to
11 answer any questions.

12 CHAIRMAN STEEN: Commissioners, do you have any
13 questions?

14 (No response.)

15 CHAIRMAN STEEN: Thank you, Curley.

16 MR. TRAHAN: Thank you, sir.

17 CHAIRMAN STEEN: There is no enforcement report
18 at this meeting, so we'll move on to item IV. Proceedings
19 on rules. This is agenda item IV.A. Discussion and
20 possible action to adopt rule amendments.

21 Devon Bijansky, will you please present these
22 items? You're on mute, I believe, Devon.

23 MS. BIJANSKY: Thank you.

24 First is item IV.A.1. 303.301, Definitions.
25 These amendments on page 15 of your materials would define

1 "event" as a planned activity or occasion such as a
2 competition or other public gathering.

3 We received four comments in response to this
4 proposed definition, beginning on page 16 of your
5 materials. The first is from the four breed registries
6 collectively, the second is from the sponsors of the bill
7 that created the horse industry escrow account, and the
8 other two are from individual horsemen.

9 All of the comments are opposed to this
10 definition of the term "event" as too restrictive of the
11 source and purposes for which funding may be granted from
12 the account.

13 CHAIRMAN STEEN: Thank you, Devon.

14 And perhaps, Commissioner Kleinschmidt or Pate,
15 would you guys sort of bring us up to speed on where we are
16 on this item, please.

17 COMMISSIONER KLEINSCHMIDT: Right. This is
18 Kleinschmidt.

19 Hey, you know, the particular wording, I mean,
20 obviously we have to get there at some point in time. But
21 I don't want to necessarily belabor the wording so much
22 right now as it's expressed where I think the intent needs
23 to go.

24 I don't read the statute as allowing a passive
25 flow-through of monies in the horse industry. I read it as

1 "event" meaning that there has to be some type of an
2 activity and it can't be a proposal, for instance, to just
3 flow money through to an individual or an entity owner of a
4 horse or horses to pay overhead or defray expenses or
5 things of that nature. So I think the intent that I'm
6 expecting to see is that there is some type of an activity
7 that occurs in order for this money to be spent for those
8 purposes.

9 And I understand the authors and supporters of
10 the bill wanting it to be as broad as possible for the
11 discretion of the breeders groups to spend these monies.
12 But it still has to be within the realm of the Commission
13 being able to account for the monies in the event of --
14 it's not in the event of, it's for the eventual audits that
15 will occur. And so I just believe that it needs to be
16 based on some type of an activity as opposed to something
17 passive, some kind of passive flow-through.

18 COMMISSIONER PATE: Commissioner Steen, just to
19 be clear, this is not a zero-sum game. These monies will
20 eventually be paid to the breeds one way or the other if
21 it's an approved event. The problem is, again, in the
22 wording of the statute itself and stretching that wording.

23 I mean, I read the correspondence from the
24 senator and others but it seems to be stretching the plain
25 meaning of the word. Commissioner Kleinschmidt and myself,

1 when we had our ad hoc meeting and we talked about the
2 possibility if we can't come to some agreement on this, we
3 can always get an attorney general's opinion on what the
4 statute means. It seems to me it means a plain meaning.

5 But that said, if there's controversy here, you
6 know, what we might want to do is consider tabling it this
7 meeting and have a conversation with the senators and some
8 other people and see if we can't get this figured out once
9 and for all and can finally approve it next time around.

10 COMMISSIONER KLEINSCHMIDT: I have no problem
11 with tabling it. This is Kleinschmidt.

12 CHAIRMAN STEEN: Robert, maybe I'll ask you, do
13 we have anybody signed up to speak on this item?

14 MR. ELROD: Not specifically, unless Mary Ruyle
15 intended to comment.

16 CHAIRMAN STEEN: Mary, I don't know if you're
17 on. Do you have any comments?

18 MS. RUYLE: I am. I haven't registered to
19 comment, I'm just here as a resource.

20 CHAIRMAN STEEN: Okay. Thank you.

21 Well, given the comments that we had from
22 various sources here, including legislators, I believe I'm
23 in favor, as well, of tabling for further discussion so we
24 can get this right. Understand the concerns for the
25 Commission with the fiduciary responsibilities we have over

1 the money.

2 (Audio interference.)

3 CHAIRMAN STEEN: Caller 18, Robert, could you
4 please mute that. Thank you.

5 Is there any further discussion from the
6 commissioners, or do we want to have a motion to table this
7 item for now?

8 COMMISSIONER MACH: I move we table the item.

9 COMMISSIONER EDERER: Second.

10 CHAIRMAN STEEN: Motion made by Commissioner
11 Mach to table. I didn't catch the second.

12 COMMISSIONER EDERER: Ron Ederer.

13 CHAIRMAN STEEN: Second by Ederer.

14 If no further discussion, we'll take it up for a
15 vote. All those in favor please signify by saying aye.

16 (A chorus of ayes.)

17 CHAIRMAN STEEN: Any opposed?

18 (No response.)

19 CHAIRMAN STEEN: That motion carries.

20 Devon, will you please present item IV.A.2. for
21 us, the next item.

22 MS. BIJANSKY: Yes, Mr. Chairman.

23 This is amendments to Section to 303.321,
24 Allocations to Breed Registries on page 23 of your
25 materials.

1 We added a provision that events funded from the
2 account must serve certain public purposes -- does someone
3 else need to be muted?

4 MR. ELROD: Yes.

5 CHAIRMAN STEEN: Caller 25, please mute, Robert.

6 MS. BIJANSKY: Thank you. These amendments
7 would add a provision that events funded from the account
8 have to serve certain public services consistent with the
9 Texas Constitution, that would require breed registries
10 requesting funding to use forms approved by the executive
11 director -- these are the forms that they are currently
12 already using -- and would eliminate a provision that's now
13 moot regarding executive director approval of requests for
14 funding.

15 There were no comments regarding these proposed
16 amendments and they're before you today for final action to
17 adopt.

18 CHAIRMAN STEEN: Thank you, Devon.

19 Robert, is anyone signed up to speak on this
20 item?

21 MR. ELROD: No, sir.

22 CHAIRMAN STEEN: Commissioners, do you have any
23 questions?

24 (No response.)

25 CHAIRMAN STEEN: If there's no further

1 discussion, I'll entertain a motion to adopt the amendments
2 to Section 303.321, Allocations to Breed Registries, with
3 the changes as noted on pages 24 through 26 of the
4 materials.

5 COMMISSIONER MACH: I'll make that motion.

6 MR. ELROD: Chairman Steen?

7 CHAIRMAN STEEN: Yes.

8 MR. ELROD: I'm sorry. It looks like either
9 John Cardwell or Bruce Bennett wanted to comment on this.

10 CHAIRMAN STEEN: Sure. Apologies, John or
11 Bruce. Are you on the line?

12 MR. CARDWELL: This is John Cardwell, sir. Can
13 you hear me?

14 CHAIRMAN STEEN: Yes, John, we can hear you.

15 MR. CARDWELL: Thank you.

16 I'm afraid there's a mistake. What I wanted to
17 comment on was the fee rule that's coming up, but while I'm
18 unmuted, I'll just go on and say the tracks have been
19 working, pursuant to the conversation that we had at the
20 Rules Committee meeting last week, on a proposal to change
21 the way the fees are calculated to take into account the
22 underpayment of the taxes that we were all hoping to get,
23 and also to take into account the loss or addition of a
24 racing license as a result of both greyhound returning
25 their license. We've had a draft rule we're circulating

1 and we're hopeful to get something to Devon by the end of
2 this week or early next week.

3 Thank you.

4 CHAIRMAN STEEN: Thanks, John. I'll bring you
5 back on, if necessary, if you're there when we get back to
6 that, but I appreciate the update. I may have you come
7 back on the record in a few items if you're still there.

8 MR. CARDWELL: Yes, sir. If I'm not, Bruce will
9 be. Thank you.

10 CHAIRMAN STEEN: Okay. Thank you.

11 COMMISSIONER MACH: Mr. Chairman, I move to
12 approve item A.2.

13 CHAIRMAN STEEN: Motion made by Commissioner
14 Mach.

15 COMMISSIONER PATE: Second.

16 CHAIRMAN STEEN: I'm sorry, I didn't see who the
17 second was. Commissioner Pate with a second.

18 Any further discussion?

19 (No response.)

20 CHAIRMAN STEEN: Okay. All those in favor
21 please signify by saying aye.

22 (A chorus of ayes.)

23 CHAIRMAN STEEN: Any opposed?

24 (No response.)

25 CHAIRMAN STEEN: That motion carries.

1 Devon, can you please walk us through item
2 IV.A.3?

3 MS. BIJANSKY: Yes, sir.

4 This is amendments to 303.322, Limitations on
5 Use of Funds by Breed Registries, beginning on page 24 of
6 your materials, and these amendments would add language
7 about the return of funds for events that are canceled.

8 The breed registries commented that this
9 language doesn't address what happens if funds are left
10 over from events that did take place, so the grayed-out
11 text on page 24 is moved to two new subsections on pages 25
12 and 26. Subsection (f) addresses the return of funds for
13 events that are canceled, and subsection (g) addresses the
14 return of funds left over from events that did take place.

15 And this is before you today for final action.

16 CHAIRMAN STEEN: Thank you, Devon.

17 Robert, is anyone signed up to speak on this
18 item?

19 MR. ELROD: No, sir.

20 CHAIRMAN STEEN: Commissioners, do you have any
21 further questions?

22 COMMISSIONER MACH: So this is an amendment --
23 this posted rule for comment has been amended since, with
24 consent of the breed registries?

25 MS. BIJANSKY: They have proposed that the

1 section -- that the amendments didn't adequately address
2 leftover funds from events that did take place, and so
3 these additional amendments address that. The Rules
4 Committee looked at -- I'm sorry, the Horse Industry Escrow
5 Account Committee looked at this last week with breed
6 registries in attendance and there were no comments in
7 opposition.

8 COMMISSIONER MACH: And you would not anticipate
9 any additional public comment on these modifications?

10 MS. BIJANSKY: No, sir.

11 COMMISSIONER PATE: These are primarily related
12 to the uncertainties, really, with respect to the COVID-
13 related events that have been previously approved and then
14 not funded. That's what precipitated a lot of this
15 discussion.

16 Isn't that correct, Devon?

17 MS. BIJANSKY: That's correct.

18 CHAIRMAN STEEN: Commissioners, any more
19 comments on that item?

20 (No response.)

21 CHAIRMAN STEEN: If not, I'll entertain a motion
22 to adopt the amendments to Section 303.322, Limitations on
23 Use of Funds by Breed Registries

24 COMMISSIONER PATE: So moved.

25 CHAIRMAN STEEN: Motion made by Commissioner

1 Pate.

2 COMMISSIONER EDERER: Second.

3 CHAIRMAN STEEN: Seconded by Commissioner

4 Ederer.

5 Any further discussion?

6 (No response.)

7 CHAIRMAN STEEN: Okay. All those in favor please
8 signify by saying aye.

9 (A chorus of ayes.)

10 CHAIRMAN STEEN: Any opposed?

11 (No response.)

12 CHAIRMAN STEEN: That motion carries. The next
13 item is agenda item IV.A.4.

14 Devon, will you please present the item?

15 MS. BIJANSKY: Yes, sir.

16 This is amendments to Section 303.325, Quarterly
17 Reports, in your materials on page 26. And these
18 amendments would add a requirement to submit copies of
19 documentation of expenses paid for with funds from the
20 account and clarifies the time frame for quarterly reports.

21 There were no comments on these proposed
22 amendments, and they're before you today for final action.

23 CHAIRMAN STEEN: Thank you, Devon.

24 Robert, is anyone signed up to speak?

25 MR. ELROD: No, sir.

1 CHAIRMAN STEEN: Commissioners, do you have any
2 further questions?

3 (No response.)

4 CHAIRMAN STEEN: If there's no further
5 discussion, I'll entertain a motion to adopt the amendments
6 to Section 303.325, Quarterly Reports.

7 COMMISSIONER MACH: I'll make that motion.

8 CHAIRMAN STEEN: Sorry. Was that a motion by
9 Mach?

10 COMMISSIONER MACH: Yes.

11 COMMISSIONER EDERER: I'll second.

12 CHAIRMAN STEEN: Second by Commissioner Ederer.
13 Any further discussion?

14 (No response.)

15 CHAIRMAN STEEN: Okay. We'll take this one up
16 for a vote. All those in favor please signify by saying
17 aye.

18 (A chorus of ayes.)

19 CHAIRMAN STEEN: Any opposed?

20 (No response.)

21 CHAIRMAN STEEN: That motion carries. The next
22 item is agenda item IV.B. Discussion regarding Section
23 309.8, Racetrack License Fees.

24 Devon, will you please present this item?

25 MS. BIJANSKY: Yes, Mr. Chairman.

1 This item is for discussion only today. For
2 some background, the need to revisit the fee rule was
3 precipitated generally by the track closures in the spring
4 that led to simulcast tax shortfalls of about \$570,000, and
5 more urgently, by Gulf Greyhound Park's announcement that
6 they're surrendering their license.

7 The Rules Committee met last week to start this
8 process and the basic concept that was discussed is that
9 track fees would be set for formula of the agency's
10 legislative appropriations minus other agency revenue in
11 the most recent time frame that's feasible to consider, so
12 primarily simulcast tax and occupational license revenue.
13 That gives us the amount needed to be generated by track
14 fees.

15 And then that amount would be allocated among
16 the tracks in whatever the way the tracks decide. And the
17 rule would have a mechanism for allocating fees among
18 whatever number of tracks there are. So if one track drops
19 out, the fees automatically would be recalculated based on
20 the new number of tracks.

21 So for example, using recent numbers, fiscal
22 year 2020 appropriations total \$4.6 million. Let's take
23 fiscal year 2019 simulcast tax which was about \$2.7
24 million, and somewhere in the neighborhood of \$600,000 in
25 occupational license fee revenue. That leaves \$1.2 million

1 to be divided among the tracks as base license fees
2 according to whatever distribution the rule provides for.

3 And for comparison, 2020 base track fees were
4 \$1.33 million. So that does get us essentially to the same
5 place that we are currently. So that's the basic concept.

6 There are still a number of issues to be worked
7 out, including how often should the fees recalculate, how
8 to address unpaid amounts from surrendered or revoked
9 licenses or licensees that just don't pay. What does a
10 dynamic formula for sharing track fees look like, so we
11 don't have to keep revisiting the rule? Is there a way to
12 establish an automatic trigger if the agency's cash balance
13 falls too low? And then some questions to discuss with our
14 finance folks about how structurally to make this work with
15 some of the more technical details of our appropriations.

16 So those are the basic parameters that we're
17 looking at. And as I said at the Rules Committee meeting,
18 we certainly welcome input from the tracks on this sort of
19 structure. And I'm pleased to hear that there is progress
20 toward a proposal from the tracks and I look forward to
21 seeing that.

22 COMMISSIONER EDERER: At the Rules --

23 CHAIRMAN STEEN: Vice Chair Ederer, do you want
24 to -- I'm sorry. Go ahead, Vice Chair Ederer.

25 COMMISSIONER EDERER: Yeah. As Devon said, we

1 had a Rules meeting and this was thoroughly explained by
2 Devon and Devon asked us to put together a proposal, merely
3 a proposal. That proposal has been distributed to the
4 tracks.

5 The tracks did participate in the Rules
6 Committee meeting and it was -- you know, I think it was as
7 thoroughly discussed as it could be at that point in time.
8 The tracks have agreed to get together, as John had just
9 said. They have come up with a proposal, apparently.

10 We will be having a meeting again just prior to
11 the next Commission meeting to go over and discuss. And
12 hopefully we will come up with a proposal that we can bring
13 to the Commission which will take care of this matter. As
14 you can see, it's a pretty complex issue.

15 Devon has been working very hard to try to put
16 this together, and I know the tracks have been also, and we
17 appreciate it. So hopefully by the next meeting we will
18 have a proposal for the Commission. That's what we're
19 working on.

20 CHAIRMAN STEEN: Thank you, Commissioner Ederer.

21 Robert, is anyone else signed up to speak on
22 this item?

23 MR. ELROD: Well, this was the topic Mr.
24 Cardwell actually wanted to speak on. I don't know if he
25 has any more.

1 CHAIRMAN STEEN: John Cardwell, did you want to
2 add anything to what was already said? And I think we
3 heard that you said the tracks were working on something to
4 bring to the Commission. I assume that would come before
5 the next Rules meeting.

6 Was there anything else you wanted to add? Are
7 you still on?

8 MR. CARDWELL: Thank you, Mr. Chairman. Yeah,
9 I'm here, Mr. Chairman. Thank you.

10 Just so you know, we have literally got a draft
11 rule circulating amongst the tracks following conversation
12 we had about the framework of it. And I think we're just
13 fine-tuning it and I think we hope to have something to
14 Devon and everybody else by the end of this week or the
15 beginning of next week. We appreciate everybody's
16 cooperation.

17 CHAIRMAN STEEN: Thank you.

18 Commissioners, did you have any other comments
19 or questions on this item?

20 (No response.)

21 CHAIRMAN STEEN: Did anybody else wish to speak
22 on the item?

23 (No response.)

24 CHAIRMAN STEEN: Okay. There's no action to be
25 taken, so appreciate the update. And we'll move on to the

1 next item.

2 The next item is agenda item IV.C. Discussion
3 and possible action to propose rule amendments.

4 Devon Bijansky, will you present the item? And
5 Devon, can we take a few of these together potentially, I
6 guess 1 and 2?

7 MS. BIJANSKY: Yes. We can take together, yes.

8 These two rule proposals involve nonsubstantive
9 amendments that came up in the rule review process. The
10 amendments to 323.101, Administrative Penalties, would
11 delete text that just received statutory provision.

12 There's really no need for it to be in the rule,
13 plus it actually gets a little bit long. And the
14 amendments also update a reference to the Racing Act.

15 And then the amendments to 323.201, Reporting of
16 Criminal Activity and Convictions, correct a reference to
17 the Transportation Code. And so these are before you today
18 for proposal.

19 CHAIRMAN STEEN: Thank you, Devon.

20 Robert, is anyone signed up to speak on these
21 items?

22 MR. ELROD: No, sir.

23 CHAIRMAN STEEN: Commissioners, do you have any
24 questions?

25 (No response.)

1 CHAIRMAN STEEN: If no further discussion, I'll
2 entertain a motion to propose the amendments to Sections
3 323.101, Administrative Penalties, and 323.201, Reporting
4 of Criminal Activity and Convictions.

5 COMMISSIONER MACH: I'll make that motion.

6 COMMISSIONER PATE: Second.

7 CHAIRMAN STEEN: Motion made by Commissioner
8 Mach, seconded by Commissioner Pate.

9 Any further discussion?

10 (No response.)

11 CHAIRMAN STEEN: We'll take this one up for a
12 vote. All those in favor please signify by saying aye.

13 (A chorus of ayes.)

14 CHAIRMAN STEEN: Any opposed?

15 (No response.)

16 CHAIRMAN STEEN: That motion carries. Moving on
17 to item IV.D.1. Closure of rule reviews for Chapter 321 and
18 323.

19 Devon, will you please present this item?

20 MS. BIJANSKY: Yes, sir.

21 Commissioners, the Government Code requires
22 state agencies to review each of its rules every four
23 years. We typically take these in chunks by chapter.

24 Last summer you proposed the review of Chapters
25 321 and 323. We received no comments in response to the

1 proposed rule review, and the only rule amendments staff is
2 recommending pursuant to the review are the two that we
3 just discussed. The staff is recommending that you re-
4 adopt Chapters 321 and 323.

5 CHAIRMAN STEEN: Thank you, Devon.

6 Robert, is anyone signed up to speak on this
7 item?

8 MR. ELROD: No, sir.

9 CHAIRMAN STEEN: If no further discussion, do we
10 have a motion to re-adopt the rules in Chapters 321 and
11 323?

12 COMMISSIONER McNABB: So moved.

13 COMMISSIONER MACH: Second.

14 CHAIRMAN STEEN: Motion made by Commissioner
15 McNabb, seconded by Commissioner Mach.

16 Any further discussion?

17 (No response.)

18 CHAIRMAN STEEN: We'll take this one up for a
19 vote. All in favor please signify by saying aye.

20 (A chorus of ayes.)

21 CHAIRMAN STEEN: Any opposed?

22 (No response.)

23 CHAIRMAN STEEN: Motion carries.

24 MS. BIJANSKY: The next --

25 CHAIRMAN STEEN: Moving on to item -- sorry.

1 Moving on to item IV.D.2. Opening of rule reviews for
2 Chapter 301, 303, 307 and 319.

3 Devon, that's you.

4 MS. BIJANSKY: And this next item, as you said,
5 is opening rule review on Chapters 301, 303, 307 and 319,
6 to initiate this process with those chapters. And so the
7 staff would recommend that you open rule review of those
8 four chapters.

9 CHAIRMAN STEEN: Thank you, Devon.

10 Robert, is anyone signed up to speak on this
11 item?

12 MR. ELROD: No, sir.

13 CHAIRMAN STEEN: If no further discussion, is
14 there a motion to publish Chapters 301, 303, 307 and 319 in
15 the *Texas Register* for rule review?

16 COMMISSIONER McNABB: So moved.

17 COMMISSIONER MACH: Second.

18 CHAIRMAN STEEN: Motion made by Commissioner
19 McNabb, seconded by Commissioner Mach.

20 Any further discussion?

21 (No response.)

22 CHAIRMAN STEEN: If not, we'll take this up for
23 a vote. All those in favor please signify by saying aye.

24 (A chorus of ayes.)

25 CHAIRMAN STEEN: Any opposed?

1 (No response.)

2 CHAIRMAN STEEN: That motion carries.

3 Next item is agenda item V. Discussion and
4 possible actions to allocate funds in the horse industry
5 escrow account to state horse breed registries and to
6 approve modification to approved events under 16 TAC
7 Chapter 303, Subchapter G.

8 Devon, will you please present this item?

9 MS. BIJANSKY: Yes, sir.

10 Commissioners, I've been saying that the
11 committees met last week; it was two weeks ago. So two
12 weeks ago the Horse Industry Escrow Account Committee met
13 to review a number of proposals from the different breed
14 registries. I'll go through those.

15 First, the Paints had submitted three proposals.

16 Those begin on page 41 of your materials. First is the
17 Lone Star 870 Battle of the Breeds Claiming Championship in
18 November. They're requesting \$55,000 which goes entirely
19 to purse money.

20 Next, the same event, they're requesting \$15,000
21 which goes entirely to Accredited Texas-Bred supplement.
22 And then third is the Lone Star Paint Horse Claiming Derby
23 where they're requesting \$50,000 which goes entirely to
24 purse money.

25 The Quarter Horse Association submitted five

1 proposals, beginning on page 55 of your materials. The
2 Retama Stakes Program, taking place this month, they've
3 requested \$445,000, going entirely to purses. The Texas
4 Summer Showdown this upcoming weekend at Retama, \$240,000
5 which goes entirely to Accredited Texas-Bred supplements.

6 The Sale Futurity Bonus, this weekend at Retama,
7 \$30,000 going entirely to award money. The 2020 Quarter
8 Horse Meet at Gillespie, Accredited Texas-Bred Owner,
9 Breeder and Stallion Owner Awards throughout the Gillespie
10 meet, they've requested \$187,000 of which \$182,000 is for
11 Accredited Texas-Bred supplement and \$5,000 is for software
12 to track these funds. And last, the Lone Star Stakes
13 Program in September through November, they've requested
14 \$575,000, of which \$500,000 is for purses and \$75,000 is
15 for advertising.

16 The Texas Thoroughbred Association has one
17 proposal, beginning on page 77. The proposal in your
18 materials is for \$200,000, but I've been informed that
19 they're revising that to only \$100,000. These are funds
20 that the Commission actually already approved in May for
21 purses at Retama this summer.

22 As you may recall, though, the Retama meet was
23 changed to Quarter Horses only with additional days being
24 added to the Thoroughbred meet at Lone Star. So this is a
25 request to modify that event to instead use \$100,000 of

1 those funds approved for Retama for purses at Lone Star in
2 August.

3 So the Horse Industry Escrow Account Committee
4 reviewed these requests. And I'll defer to them to share
5 their recommendations, but staff found no issues that would
6 prevent them from being approved.

7 Additionally, after that meeting, we received
8 two requests from the Texas Arabian Breeders Association to
9 reallocate some previously approved funds. The first on
10 page 83 would reallocate \$30,000 remaining from completed
11 events to three upcoming events to provide additional purse
12 funds for as total of six stakes races. And the second on
13 page 84 would move funds approved for Texas-Bred awards at
14 Retama to Lone Star Park because those races are taking
15 place there.

16 CHAIRMAN STEEN: Thank you, Devon.

17 Commissioners Pate and Kleinschmidt.

18 COMMISSIONER KLEINSCHMIDT: This is
19 Kleinschmidt.

20 Our recommendation would be to approve all of
21 the requests as stated.

22 COMMISSIONER PATE: That's correct, Commissioner
23 Steen.

24 One thing I did ask the staff to prepare for us
25 today, and I don't see it among the materials presented,

1 was to give the commissioners an accounting of what are the
2 total amount of funds we've approved and allocated to each
3 of the breeds and total overall. Is that in process,
4 Devon? Do y'all have that to send to us?

5 MS. BIJANSKY: It actually is complete. I can
6 send it to you, or I can send it to Robert and he may be
7 able to put it up for you right now. I don't know how
8 helpful that would be on the spot. But we can send it to
9 you if that's what you'd like.

10 COMMISSIONER PATE: Well, I mean, I was just
11 kind of wondering out loud where we were, and I know that
12 when we had our committee meeting, a number of the breeders
13 were also interested in kind of how it all totaled up too.

14 But I agree with Commissioner Kleinschmidt, all
15 of these requests met the previous standards that we've set
16 and we'd recommend that they be approved.

17 CHAIRMAN STEEN: Thank you, commissioners.

18 Robert, is anyone else signed up to speak on
19 this item?

20 MR. ELROD: I thought Mary Ruyle was, but she
21 may not need to speak.

22 MS. RUYLE: I'm here just to answer any
23 questions about the difference in the funds for Lone Star.

24 CHAIRMAN STEEN: Thank you, Mary.

25 I don't know if it's feasible to put up the

1 funds expended to date on this meeting. Maybe we should
2 have it at least available for next meeting or the next
3 escrow meeting.

4 Devon or Robert, do we want to try to do that
5 now or save it for next meeting?

6 MS. BIJANSKY: I'm forwarding it to Robert right
7 now so I think he can go ahead and put it up. It's awfully
8 small but I think we can answer any specific questions that
9 you have looking at it right now, I think.

10 COMMISSIONER PATE: What's the total amount
11 we've allocated, Devon, including these amounts here
12 approved today?

13 MS. BIJANSKY: The total amount allocated looks
14 like it's about \$6.6 million.

15 COMMISSIONER PATE: So we're right at the \$7
16 million for 2020.

17 MS. BIJANSKY: We're getting close, yeah.

18 COMMISSIONER PATE: Okay. And we've had no
19 applications really yet for 2021. Correct?

20 MS. BIJANSKY: Some of the proposals that have
21 been approved are for events taking place in the fall or
22 even winter.

23 COMMISSIONER PATE: Okay. The next year. Okay.

24 MS. BIJANSKY: The totals are down in the green
25 bar on the bottom. The \$6.648 million is approved or

1 pending approval. The middle column, I believe, is
2 approved but not yet disbursed, and then the right column
3 is disbursed.

4 I'm sorry, I had that backwards. The middle
5 column is disbursed. The right column is approved but not
6 yet disbursed.

7 COMMISSIONER PATE: Okay. I get it now.

8 COMMISSIONER MACH: Mr. Chairman, I'd like to
9 make a motion to allocate the \$120,000 to the Texas Paint
10 Horse Breeders Association, \$1.477 million to the Texas
11 Quarter Horse Association, as requested in the meeting
12 materials, and to reallocate the already approved funds to
13 the Texas Thoroughbred Association and Texas Arabian
14 Breeders Association, as requested in the materials.

15 COMMISSIONER PATE: I'd second that, Mr.
16 Chairman.

17 MS. BIJANSKY: One modification --

18 CHAIRMAN STEEN: Motion made by -- go ahead,
19 Devon.

20 MS. BIJANSKY: The materials indicated \$200,000
21 reallocated for the Thoroughbred Association; they're now
22 requesting \$100-.

23 COMMISSIONER PATE: I'll accept that amendment.

24 COMMISSIONER MACH: As will I.

25 CHAIRMAN STEEN: Motion made by Commissioner

1 Mach, seconded by Commissioner Pate.

2 Any further discussion?

3 (No response.)

4 CHAIRMAN STEEN: If not, we'll take this up for
5 a vote. All in favor please signify by saying aye.

6 (A chorus of ayes.)

7 CHAIRMAN STEEN: Any opposed?

8 (No response.)

9 CHAIRMAN STEEN: That motion carries.

10 Commissioner Pate and Devon, would it be helpful
11 just to have this running tabulation going forward in the
12 materials as just part of the packet?

13 MS. BIJANSKY: Sure. We can do that, yes.

14 COMMISSIONER PATE: I think so.

15 CHAIRMAN STEEN: Okay, great. Let's plan on
16 that.

17 The next item is VI.A. which is for the
18 racetracks to give the Commission updates regarding current
19 and upcoming race meets and simulcast operations,
20 discussion and possible action therein.

21 We don't have a particular order here. Do we
22 have the representatives from the tracks? Does anyone want
23 to volunteer to go first for an update?

24 MR. SLABOTSKY: Good morning. My name is Kent
25 Slabotsky. I'm at Lone Star Park, and I'd be happy to go

1 first.

2 CHAIRMAN STEEN: Go ahead, sir. Thank you.

3 MR. SLABOTSKY: Good morning, everyone. I'm the
4 vice president of operations here, and I'll just read a
5 statement that I put together.

6 First, I'll tell you about the Thoroughbred
7 meet. The backside opened on May 4th and the Thoroughbred
8 meet launched on May 22nd without spectators, four days
9 after being given permission. On June the 14th we began
10 allowing spectators at 25 percent capacity.

11 Through this time we did not open our public
12 suites. We did not open the Silks Restaurant. We have not
13 been charging for admission. We've been operating just at
14 Level 2 and the east side of Level 1. Concessions and
15 beverages, as well as programs and racing forms, have been
16 available. For the slightly larger Sunday crowd we opened
17 all of Level 1 and more concessions.

18 Through this time we've maintained a strict
19 mask-wearing policy, that is, if you don't wear a mask, you
20 must leave. Frequent sanitation of surfaces, handwashing
21 and sanitizing and distancing protocols have also been in
22 place. Compliance by the general public, our vendors and
23 contractors, as well as our team members, has generally
24 been excellent. There have been a few resisters but
25 nothing we couldn't handle.

1 As you know, we intended to run 44 days
2 beginning April 16th. As the situation evolved and then
3 when we got word that we could begin May 22nd, we quickly
4 put together a modified racing calendar. This was in
5 collaboration with the horsemen's groups and others.

6 The thought process behind the dates we chose
7 was mainly driven by two things: to try to run as many
8 days and races as we had intended from the beginning, and
9 to try to drive as much handle as possible, obviously. So
10 we arrived at a 42-day calendar. This included one Friday,
11 two Saturdays, nine Sundays, eleven Mondays, eleven
12 Tuesdays, and eight Wednesdays. This made up almost all
13 the races that we had intended to race.

14 With no live spectators -- the reason that we
15 got off of our traditional Thursday through Sunday is
16 pretty simple: with no live spectators and not much hope
17 for live handle, export handle became the target. So we
18 placed ourselves out there in the market where we had less
19 competition and hoped for larger export handle. It worked
20 out really well. It's still working out well. I'll get
21 into that a little more in a minute.

22 Then on July 5th, that's a Sunday, things took a
23 turn that we knew was possible but we hoped wouldn't
24 happen. A person who had contact with numerous people
25 involved in running the races tested positive for COVID-19.

1 We immediately canceled the races and began contact
2 tracing.

3 We then notified those identified in the contact
4 tracing that they must not come on property until they're
5 called. We arranged on July 8th to test 70-some people
6 that were identified through this contact tracing. Almost
7 all of those people showed up. There were some jockeys who
8 elected to travel and go other places who didn't.

9 Due to the time needed to get the results back,
10 we were given no choice but to cancel the races through
11 July 15th. So what we wound up doing is canceling eight
12 days, with the exception of the first race on July 5th.
13 Many people affected by our decision to cancel the eight
14 days were upset. That's understandable.

15 But let me make it very clear we submitted a
16 plan to the Governor's Task Force in which we pledged to
17 follow the Centers for Disease Control guidelines regarding
18 health and safety. We executed that plan and are still
19 executing that plan.

20 We resumed racing day before yesterday, Sunday
21 the 19th. In order to run as many races as possible, we
22 are asking to alter the racing calendar again by adding
23 August 5th and August 12th. This, if the Commission
24 approves those dates today, would mean the number of days
25 running total will be 36, plus one race on July 5th.

1 We will try our best to card ten or eleven races
2 on as many of the remaining days as we can. This will
3 probably result in some short fields but we feel it is the
4 best.

5 Through June the 30th, this is what we've
6 handled on track and through export over the first 20 race
7 days. The live handle was \$1.56 million, export handle
8 \$46.5 million -- that's a significant increase over any
9 year in the recent past. As a result, a substantially
10 larger amount of money has been added to the purse fund, as
11 of yesterday probably around \$300,000 in addition to what
12 we would normally contribute.

13 Through these race days we were also able to add
14 the races Sam Houston Race Park canceled on their closing
15 day due to their transformer failure. Those were run on
16 Sunday, June the 14th. So that wraps up the on track.

17 Our simulcast facility, the Bar and Book, was
18 closed from March 17th until May 22nd. At that time, with
19 mandatory temperature and CDC questionnaire checks upon
20 entry in place, we opened at 25 percent capacity for about
21 275 guests. We've modified how we serve food and beverages
22 in order to maintain health and safety.

23 Here's how the simulcast operation has performed
24 so far. At the end of February, that's the first two full
25 months of the year with no interruption, the import handle

1 was \$17.1 million and that was better than planned and
2 better than 2019 for the same period. In March, when we
3 stopped after 16 days, actual import handle was \$4.4
4 million.

5 As a result of the stoppage, the month of March
6 came in well behind planned. In April we were closed
7 completely, there was no handle. This put us further
8 behind. Then in May, the Triple Crown month, a huge month,
9 we didn't open until the 22nd of May, so handle was again
10 substantially behind what the plan was.

11 We opened back up in June, and in spite of being
12 at 25 and then changing to 50 percent we've rebounded
13 pretty well. I think that the gambling options out there,
14 sports books and things, there aren't so many places to
15 play, so that served us well. So year-to-date through June
16 we're at \$32.5 million in import handle. That's about 41
17 percent behind the plan.

18 On another note, July 1st we were forced to
19 close the Bar and Book due to a team member testing
20 positive for COVID-19. Contact tracing and testing was
21 done immediately. In order to continue our simulcast
22 operations, we opened Level 2 and east Level 1 of the
23 grandstand. This has all occurred relatively seamlessly.

24 The upcoming Quarter Horse meet was scheduled to
25 start on September 11th. Due to the rescheduling of the

1 Kentucky Derby on September 5th, we asked to change our
2 opening date to September 4th, which has been approved by
3 the Commission. We will close the meet on Saturday,
4 November 21st, having run 26 days.

5 As of today, with the likelihood of little live
6 attendance, we are studying the race days and post times
7 again. We will likely apply for changes to this calendar
8 prior to the beginning of the Quarter Horse meet.

9 That's my statement. I'll be happy to try to
10 answer any questions anyone has.

11 CHAIRMAN STEEN: Thank you, Mr. Slabotsky.
12 Commissioners, do you have any questions?

13 (No response.)

14 CHAIRMAN STEEN: We appreciate the thorough
15 update.

16 MR. SLABOTSKY: Thank you for your time.

17 CHAIRMAN STEEN: Is there someone who'd like to
18 go next? Is there Gillespie --

19 MS. COOPER: This is Angela Cooper -- I'm sorry.

20 CHAIRMAN STEEN: Go ahead, ma'am.

21 MS. COOPER: This is Angela Cooper from Retama
22 Park. I'm the general manager.

23 I would just like to say that we started our
24 Quarter Horse meet on July 3rd. We are racing Thursday,
25 Friday and Saturday. Actually, we opened our doors for

1 simulcasting on June 5th and we simulcast Wednesday through
2 Sunday.

3 We've had -- with the live race meet we are not
4 allowing patrons into the facility during live. We do have
5 a simulcast floor and patrons are allowed on that floor
6 only. We have a concession stand that's opened on that
7 floor and I believe our business is doing extremely well.

8 Based on Bexar County requirements, we're only
9 allowed 50 percent so we have -- our floor can only hold
10 500 people. The last two weekends we've had to close our
11 gates because we got to 500 around seven o'clock in the
12 evening, and then as people left, we let them in. We have
13 been wearing masks since June 17th, as a requirement from
14 Judge Nelson Wolff.

15 Based on our structure we have pretty lively
16 attendance. Our numbers look good, and I have to tell you
17 that the Quarter Horse -- my opinion, the Quarter Horse
18 people and what they've told me are very happy with our
19 meet.

20 Any questions that anyone would like to ask me?

21 CHAIRMAN STEEN: Commissioners, any questions?

22 (No response.)

23 CHAIRMAN STEEN: Thank you.

24 Is there anyone else who'd like to give an
25 update?

1 MR. BERUBE: Dwight Berube here, representing
2 Sam Houston Race Park.

3 We reopened for simulcasting on June the 3rd.
4 Since then we're just simulcasting, and we have nearly been
5 able to match last year's import simulcast numbers.
6 Fortunately, we have only had one employee during that
7 entire period who has contracted COVID-19 and it was an
8 employee who had very little contact with other employees.
9 So we've actually been doing quite well here.

10 I'll move on to Valley Race Park, which I also
11 represent. We're still evaluating the economic feasibility
12 of reopening Valley Race Park. We've experienced double-
13 digit percentage declines in attendance and handle over the
14 past five years there, and there's certainly no improvement
15 anticipated at this time.

16 We have continued to pay our monthly license fee
17 and paid our supplemental fee. To this point we haven't
18 been able to put together a business model that makes
19 economic sense, but we're still looking at it and no final
20 decisions have been made there yet.

21 I'm able to answer any questions on either
22 property.

23 CHAIRMAN STEEN: Thanks, Dwight.

24 Commissioners, do you have any questions?

25 (No response.)

1 CHAIRMAN STEEN: Is there anyone else that would
2 like to speak on behalf of the facilities, perhaps
3 Gillespie?

4 (No response.)

5 CHAIRMAN STEEN: Any other questions, comments,
6 anyone else like to speak on the item?

7 (No response.)

8 CHAIRMAN STEEN: If not, we'll move on to the
9 next item. And I appreciate -- sorry.

10 COMMISSIONER EDERER: I have one question.
11 There are these tote amendment contracts that needed some
12 type of -- do they need a Commission approval or is that
13 just for our information. Devon, what you got was sent to
14 us?

15 MS. BIJANSKY: They do need Commission approval
16 and that's agenda item -- what number are we on?

17 CHAIRMAN STEEN: It's VI.D.

18 MS. BIJANSKY: Yeah, we're getting to that.

19 COMMISSIONER EDERER: All right, okay.

20 CHAIRMAN STEEN: For now we'll move on to VI.B.
21 Discussion and possible action to designate an application
22 period for race dates.

23 Devon, will you go ahead and present this item
24 for us, please?

25 MS. BIJANSKY: Yes, sir.

1 Commissioners, every year the Commission
2 allocates race dates to the tracks. And under Section
3 303.41 of the agency rules, this requires that an
4 application period be open for at least 30 days first so
5 that the tracks can coordinate with interested parties and
6 submit their requests.

7 Staff recommends that an application period be
8 open for calendar year 2021 and January 1st through August
9 31st of 2022, and we recommend that the application period
10 for those race dates begin on July 27th and end on August
11 31st of this year.

12 CHAIRMAN STEEN: Thank you, Devon.

13 Robert, is anyone signed up to speak on this
14 item?

15 MR. ELROD: No.

16 CHAIRMAN STEEN: Commissioners, do you have any
17 questions?

18 (No response.)

19 CHAIRMAN STEEN: Would anybody else like to
20 speak on the item?

21 (No response.)

22 CHAIRMAN STEEN: If no further discussion, I'll
23 entertain a motion to designate an application period for
24 race dates.

25 COMMISSIONER MACH: So moved.

1 CHAIRMAN STEEN: Motion made by Commissioner
2 Mach.

3 COMMISSIONER EDERER: Second.

4 CHAIRMAN STEEN: Seconded by Commissioner
5 Ederer.

6 Any further discussion?

7 (No response.)

8 CHAIRMAN STEEN: If not, we'll take this one up
9 for a vote. All those in favor please signify by saying
10 aye.

11 (A chorus of ayes.)

12 CHAIRMAN STEEN: Any opposed?

13 (No response.)

14 CHAIRMAN STEEN: That motion carries.

15 Next item is agenda item VI.C. Discussion and
16 possible action to approve modifications to Lone Star
17 Park's 2020 Thoroughbred race dates.

18 Ricky, I believe you'll present this item.

19 MR. WALKER: Good morning, commissioners. Can
20 y'all hear me?

21 CHAIRMAN STEEN: Yes, we can hear you.

22 MR. WALKER: Good morning, commissioners. I'm
23 Ricky Walker, chief steward for the Texas Racing
24 Commission.

25 In your packet, on pages 85 through 94, you will

1 find a request from Lone Star Park to revise their
2 Thoroughbred race date calendar. At the September 10,
3 2019, Commission meeting, the Commission approved Lone Star
4 Park's request to conduct a 44-day Thoroughbred meet from
5 April 16th to July 19th of this year.

6 However, due to the COVID-19 pandemic, Lone Star
7 Park was not able to begin the meet until May 22nd and has
8 had to cancel six race days since then. To make up for
9 some of the lost days, Lone Star Park is requesting to
10 conduct racing until August 12th. The new schedule will
11 result in a total of 36 race days for the meet.

12 Lone Star Park has also requested to move its
13 Quarter Horse meet up one week from its original dates,
14 opening September 4th instead of September 11th, and ending
15 November 21st instead of November 28th. This will allow
16 them to have a live race day on revised Kentucky Derby Day
17 of September 5, 2020.

18 I can answer your questions if needed. Any
19 questions?

20 CHAIRMAN STEEN: Sorry. Commissioners, do you
21 have any questions?

22 (No response.)

23 CHAIRMAN STEEN: Robert, has anyone signed up
24 to speak?

25 MR. ELROD: No, sir.

1 CHAIRMAN STEEN: If there's no further
2 discussion, I'll entertain a motion to approve the
3 amendments for Lone Star Park's 2020 Thoroughbred race
4 dates as outlined in the materials.

5 COMMISSIONER McNABB: So moved.

6 COMMISSIONER EDERER: Second.

7 CHAIRMAN STEEN: Motion made by Commissioner
8 McNabb, seconded by Commissioner Ederer.

9 Any further discussion?

10 (No response.)

11 CHAIRMAN STEEN: We'll take this one up for a
12 vote. All those in favor please signify by saying aye.

13 (A chorus of ayes.)

14 CHAIRMAN STEEN: Any opposed?

15 (No response.)

16 CHAIRMAN STEEN: Motion carries.

17 The next item is agenda item VI.D. Discussion
18 and possible action to approve amendments to the
19 totalisator contract between Gillespie County Fair and
20 Festival Associations, Inc. and the United Tote Company.

21 Devon, will you please present this item?

22 MS. BIJANSKY: Yes, sir.

23 Gillespie County Fair and Festival Association
24 has submitted amendments to their tote contract with United
25 Tote Company and is requesting approval of those

1 amendments. I sent those amendments and the underlying
2 contracts separately last week.

3 Since the Racing Act makes tote contracts
4 confidential, if you have any questions about the
5 amendments to the contract itself, we would need to go into
6 executive session to discuss that, but staff sees no reason
7 the amendments can't be approved.

8 CHAIRMAN STEEN: Thank you, Devon.

9 Commissioners, do you have any questions?

10 (No response.)

11 CHAIRMAN STEEN: Robert, is anyone signed up to
12 speak on this item?

13 MR. ELROD: No, sir.

14 CHAIRMAN STEEN: If there are no questions or
15 further discussion, I'll entertain a motion to approve
16 amendments to the tote contract between Gillespie County
17 Fair and Festival Association, Inc., and United Tote
18 Company.

19 COMMISSIONER KLEINSCHMIDT: Kleinschmidt will
20 make a motion.

21 COMMISSIONER MACH: I'll make that motion.

22 CHAIRMAN STEEN: Motion made by Mach. Was that
23 a second by Kleinschmidt?

24 COMMISSIONER KLEINSCHMIDT: Yes.

25 CHAIRMAN STEEN: Any further discussion?

1 (No response.)

2 CHAIRMAN STEEN: If not, we'll take this up for
3 a vote. All those in favor please signify by saying aye.

4 (A chorus of ayes.)

5 CHAIRMAN STEEN: Any opposed?

6 (No response.)

7 CHAIRMAN STEEN: That motion carries.

8 There will be no executive session today. The
9 next meeting is currently scheduled for September 15th.

10 Devon, do we have an update on whether we'd need
11 to have an August meeting?

12 MS. BIJANSKY: I believe we're still waiting on
13 a due date for the legislative appropriations request.

14 Gerry, is that correct?

15 MR. DUBE: Yes, Devon. We don't have any word
16 yet from the Budget Board. They just held their annual
17 meeting yesterday, and so we don't have a date for the LAR
18 submission yet.

19 MS. BIJANSKY: Typically it's my understanding
20 that it would be in August and so an additional meeting
21 would be necessary, but it may be pushed back this year.
22 So we'll have to kind of wait and see and make a decision
23 if necessary when we get that information.

24 MR. DUBE: Correct. We have no idea yet.

25 CHAIRMAN STEEN: Okay. So staff will reach out

1 to the Commission if and when to schedule that meeting if
2 necessary.

3 MS. BIJANSKY: Yes, sir.

4 CHAIRMAN STEEN: Okay, great. The time is now
5 11:29. With all business concluded, we are now adjourned.

6 (Whereupon, at 11:29 a.m., the meeting was
7 adjourned.)

C E R T I F I C A T E

1
2
3 MEETING OF: Texas Racing Commission
4 LOCATION: via telephone and web link
5 DATE: July 21, 2020

6 I do hereby certify that the foregoing pages,
7 numbers 1 through 51, inclusive, are the true, accurate,
8 and complete transcript prepared from the verbal recording
9 made by electronic recording by Nancy H. King before the
10 Texas Racing Commission.

11 DATE: August 3, 2020
12
13
14
15
16

17 /s/ Nancy H. King
18 (Transcriber)
19

20 On the Record Reporting
21 7703 N. Lamar Blvd., #515
22 Austin, Texas 78752
23
24