

RQ-842



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Opinion Committee

The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
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SJS
FILE # MC-35213-95
35213

Dear General Morales:

Pursuant to the authority provided in Subchapter C, Chapter 402, Government Code, I request your opinion on several questions related to the proposed amendment to Section 321.235 of the Texas Racing Commission rules, published in the July 25, 1995 edition of the *Texas Register*. If adopted this rule would allow simulcasting at Class 3 and Class 4 racetracks.

This letter is to respectfully request your opinion as to whether the proposed rule change violates Article 179e, V.T.C.S., Texas Racing Act, based on (but not limited to) the following questions:

1. Does Section 11.04. (a) and Section 11.011 (f) of the Act allow simulcasting at a given racetrack on days other than on the live race dates granted to that track by the Commission?
2. Section 1.03 (25) of the Act defines "racetrack" as "a facility that is licensed under this Act for the conduct of parimutuel wagering on greyhound or horse racing." Would the rule change, allowing under certain circumstances simulcast of "races originating at any racetrack in Texas or another jurisdiction," allow simulcasting of horse races at dog tracks (and /or vice-versa) in violation of Section 11.011 (g), which expressly prohibits such cross-simulcasting?
3. Section 12 seems to clearly indicate that race meetings permitted in conjunction with county stock shows, fairs, and exhibits are to be held in direct connection with those events. Would the proposed rule change violate Section 12 by permitting simulcasting sessions on dates year-round which have no direct connection with the fairs or exhibits under whose auspices they are conducted?
4. Section 12.02 allows "a nonprofit corporation organized under the Texas Non-Profit Corporation Act for the purpose of encouraging agriculture through the operation of public



fairs and livestock exhibitions" to hold a race meeting not to exceed 16 racing days. Would the rule change allow such a corporation to conduct year-round simulcasting? If so, would this be in violation of the corporation's nonprofit status or the purpose for which the corporation is organized, that of encouraging agriculture?

Do not hesitate to contact my office if you have any questions on this request for an opinion. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David Sibley". The signature is written in a cursive, flowing style with a large initial "D".

David Sibley

cc: The Honorable Bob Bullock
The Honorable Pete Laney
The Honorable John Leedom