

Approved 3-16-90
Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:05 a.m./~~p.m.~~ on March 12, 1990 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mary Torrence, Revisor of Statutes Office
Mary Galligan, Legislative Research
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

John Gaffney, Anthony Fair Association
Dan Bird, Anthony Fair Association
Jonathan Small, Greenwood and Rooks Counties
Janet Chubbs, Kansas Racing Commission
Dan Hamer, Kansas Racing Commission

Hearing on: SB 428 - Simplified procedures for license to conduct race meetings by county fair associations; RE Proposal No. 28

Staff briefed the committee that this bill is amendatory; it requires that the Racing Commission adopt rules and regulations providing less costly procedures for county fair associations to be licensed to conduct races.

John Gaffney, Attorney for Anthony Fair Association, gave testimony in support of the bill and offered suggested areas for reduced regulation of county fair race meets. (Attachment 1)

Dan Bird, President, Anthony Fair Association, discussed projected plans for the tracks, i.e. bringing dog track up to parimutuel specs, increased purses, improvement on horse track to allow for year round activities. He said they don't hurt any track, but help with training. Some horses that run at AK-SAR-BEN winter in Anthony.

Jonathan Small, attorney for Greenwood and Rooks Counties, said the Racing Commission wrote good guidelines that applied to all equally. Expenses have become so great with regards to the licensing provisions that Rooks County has not been able to comply fully, even though the Racing Commission has worked with them. There needs to be some flexibility for the smaller tracks. SB 428 gives that flexibility. He suggested an amendment so that SB 428 would apply to Eureka as well, by leaving out wording that restricts racing to a 14-day limit. The Racing Commission will still keep close contact but can do it in a less expensive way; they are not asking for lesser control.

Janet Chubbs, Racing Commission, said the Commission has discussed the matter at its last meeting and is in favor of the bill, which is a result of interim suggestions. However, the matter of number of races dates was not discussed. They favor more simple and less costly procedures, though not less restrictive or more lenient security.

Dan Hamer, Director, Kansas Racing Commission, said there had been concern about the availability of training for judges and stewards. There is a training session in April. He will provide the committee with the Commission's position on Jonathan Small's

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs,
room 254-E, Statehouse, at 11:05 a.m.~~pm~~ on March 12, 1990

amendment. Presently Eureka is considered as a racetrack with the same rules and regulations as Woodlands.

The Chairman read from the interim minority report which said there needs to be legislative oversight and that public scrutiny of the Commission is important.

The minutes of the March 2 and March 5 meetings were approved.

A bill introduction was requested which related to the Kansas racing commission executive director and the director of security. (Attachment 2)

A motion was made by Senator Strick and seconded by Senator Morris that the bill be introduced. The motion carried.

The meeting was adjourned at noon.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

VISITORS

Date: 3-12-90

Name	Address	Organization	Wish to testify?	Bill No.	Proponent or Opponent
Sarah Gilger (Page) (Page)	307 N. Main	"page"	NO		
Andrea Mohn	R. R. #2 Box 28	"Page"	NO		
John M. Gaffney	Box 334 Anthony, KS	Anthony Fair Association	Yes	SB # 428	Proponent
Dan M. Bird	RR#2 Box 196 Anthony, KS.	"	Yes	"	"
Whitney Dameron	Topeka, KS	Wichita Greyhound Park	No	SB 428	—
Dan Hamer	Topeka	KRC	No	428	
J.P. Small	Topeka	Rooks Co. Eureka Downs	YES	428	Proponent
J. Chubb	Topeka	KRC	—	428	
Denny Burgess	Topeka	Sun Flower			
M. Hawwa	"	Capital Journal			
Ferguson	TK	Phen			

SENATE COMMITTEE ON FEDERAL
AND STATE AFFAIRS

SB 428 March 12, 1990

Presentation by John M. Gaffney, Attorney for the Anthony Fair Association.

I. The Anthony Fair Association.

- A. Organized in 1904.
- B. Non profit county fair, under K.S.A. 2-125, et seq.
- C. Has conducted July race meet every year since 1904.
- D. Currently only known track in United States to conduct race meet for horses and dogs.
- E. Operates on volunteer labor and contributed money.

II. County Fair Race Meet Licensing Problems.

- A. Application designed for extended race meet at facility to be constructed from scratch. (architects and CPAs)
- B. KBI investigation expenses. (up to \$3,000 per person)
- C. Security requirements expenses. (up to \$400 per day)
- D. Facilities expenses. (\$60,000 plus; \$14,000 for dogs)
- E. Stewards' expenses. (\$200 per day plus expenses)
- F. Video patrol expenses. (\$2,500 per day)

III. Solutions for County Fair Race Meets.

- A. Legislative mandate to KRC to address needs of county fair race meets.
- B. Reduced regulation of county fair race meets.
 - 1. simpler application.
 - 2. less investigation and security requirements.
 - 3. allow use of temporary or portable facilities.
 - 4. allow licensing of volunteer stewards and other volunteer workers, and video patrol.

Senate F&SA
3-12-90
Att. 1

PROPOSED SENATE BILL NO. _____

By Committee on Federal and State Affairs

AN ACT amending the Kansas parimutuel racing act; relating to certain personnel of the Kansas racing commission; amending K.S.A. 1989 Supp. 74-8805 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1989 Supp. 74-8805 is hereby amended to read as follows: 74-8805. (a) (1) The governor shall appoint, subject to confirmation by the senate as provided by K.S.A. 75-4315b and amendments thereto, an executive director of the commission, to serve at the pleasure of the governor.

(2) The executive director shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the executive director's assigned duties; (C) receive such compensation as determined by the commission, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment by the commission; and (E) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission.

(3) The executive director shall: (A) Recommend to the commission the number and qualifications of employees necessary to implement and enforce the provisions of this act; (B) employ persons for those positions approved by the commission, subject to the limitations of appropriations therefor; and (C) perform such other duties as directed by the commission.

(b) (1) The commission shall appoint an inspector of parimutuels to serve at the pleasure of the commission.

(2) The inspector of parimutuels shall: (A) Be in the unclassified service under the Kansas civil service act; (B)

devote full time to the inspector's assigned duties; (C) receive such compensation as determined by the commission, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment by the commission; and (E) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission.

(3) The inspector of parimutuels shall: (A) Inspect and audit the conduct of parimutuel wagering by organization licensees, including the equipment and facilities used and procedures followed; (B) train and supervise such personnel as employed by the executive director to assist with such duties; and (C) report to the executive director regarding all matters within the scope of the duties of the inspector of parimutuels; and (D) perform such other duties as directed by the commission.

(c) (1) The commission shall appoint a director of security to serve at the pleasure of the commission.

(2) The director of security shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the security director's assigned duties; (C) receive such compensation as determined by the commission, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment by the commission; and (E) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission; and (F) be a professional law enforcement officer with a minimum of five years' experience in the field of law enforcement and at least a bachelor's degree in law enforcement administration, law, criminology or a related science or, in lieu thereof, a minimum of 10 years' experience in the field of law enforcement.

(3) The director of security shall: (A) Conduct investigations relating to compliance with the provisions of this act and rules and regulations of the commission; (B) recommend proper security measures to organization licensees; (C) train and

supervise such personnel as employed by the executive director to assist with such duties; and (D) report to the executive director regarding all matters within the scope of the duties of the director of security; and (E) perform such other duties as directed by the commission.

(d) The commission may appoint an advisory committee of persons knowledgeable in the horse and greyhound breeding and racing industries to provide information and recommendations to the commission regarding the administration of this act. Members of such advisory committee shall serve without compensation or reimbursement of expenses.

(e) Except as otherwise provided by this act, all employees of the commission shall be in the classified service under the Kansas civil service act.

Sec. 2. K.S.A. 1989 Supp. 74-8805 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.