	Approved			
			Date	
MINUTES OF THEHOU	JSE COMMITTEE ON _	FEDERAL & STATE	E AFFAIRS	•
The meeting was called to or	der byCHAIRMAN	MILLER Chairperson		at
1:30 a.m./p.m. on	February 2	, 19 <u>87</u> in roo	om <u>526S</u> of	the Capitol.
All members were present exc	cept:			

### Committee staff present:

Lynda Hutfles, Secretary Mary Galligan, Research Raney Gilliland, Research

#### Conferees appearing before the committee:

Rocky Chambers, Eureka Downs Ron Hein, Kansas Greyhound Owners for Economic Development Gordon Davis, Jr., Kansas Greyhound Owners for Economic Development Larry Erne, Kansas Independent Greyhound Owners

The meeting was called to order by Chairman Miller.

Representative Long made a motion, seconded by Representative Sughrue, to approve the minutes of the January 29 meeting. The motion carried.

The Chairman announced continued hearings on HB2044. Hearings will continue on Tuesday. There will also be discussion and possible action on bills previously heard. There will be no committee meeting on Wednesday, February 4. Mr. Clarence Kelly, Chief of Police of Kansas City, Missouri and former FBI Director, will testify on Wednesday, April 11 on pari-mutuel effects on the state.

# <u> HB2044 - Pari-Mutuel</u>

Rocky Chambers, representing the Greenwood County Fair Association-Eureka Downs, presented comments on the proposed bill. The association has endorsed the provisions of the legislation and believe it to be responsive and workable. See attachment A.

Ron Hein, Kansas Greyhound Owners for Economic Development, introduced Gordon Davis, Jr.

Gordon Davis, Jr. owns and races greyhounds and owns Kansas Kennel, Inc. He explained the difference between the National Greyhound Association (NGA) and the Kansas Greyhound Owners for Economic Development (KGEOD).

Mr. Davis suggested that "prohibited by the racing commission" be included on line 452 of the bill. In no state that he has raced his greyhounds in has it been a felony to have drugs on premise. He asked that owners be provided with a list of drugs that are prohibited. See attachment B.

In attachment C, Mr. Davis explains why "or" should be included in line 494.

Mr. Davis suggested that an official Certification and Inspection Agency to implement the certification and inspection of Kansas whelped greyhounds be established. See attachment  $\underline{D}$ .

Another suggestion by Mr. Davis included "stake" in line 346. See attachment E.

Mr. Davis told the committee that at no time during the meetings held to prepare this bill was the New Sec. 29 (b)(1) included. Originally, this 25% was to go to the Hall of Fame in Abilene. This language needs to be put back into the bill. The Hall of Fame promotes tourism and educates the people as to what greyhound racing really is.

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#### CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal & State Affairs

room 526S, Statehouse, at 1:30 a.m./p.m. on February 2, 19.87

There is a problem with retired greyhounds. We use the best for breeding purposes, try to find homes for some and some are killed. This is an area where this money could be used.

Another program that could be funded is the certification and inspection of Kansas Whelped greyhounds program.

With regard to the comments and suggestions by Jonathan Small, Mr. Davis told the committee he opposes both the dual tracks and the change in the eighteenths to percentages. He said he had no problem with the horse industry making any changes they want to make, but when the horse industry and developers attempt to lower the state tax on greyhounds, he does object.

He explained the differences between the way the handle on horse racing and dog racing in derived. In greyhound racing, the win, place, & show pool is less than 10%; over 90% of all money wagered is wagered in multiple wagering. This is not the case in horse racing; win, place and show comprises 50% of the total bet. Trifecta's -13% in horse racing --65% in greyhound racing. If the eighteenths are used, everybody gets their share. He urged the committee to keep the 5% in tact.

The greyhound industry is a flourishing sport and there are a number of developers who are interested in developing at a 5% take. If eighteenths is changed to percentages the greyhound owners will be subsidizing the horse owners.

Mr. Davis explained the closed versus open contracts in greyhound racing. Greyhound tracks issue contracts to kennel operators who provide them with animals.

When asked if his association would object to having every animal tested for drugs before and after a race, Mr. Davis said they would not object. In greyhound racing, dogs are weighed in two hours before the first race and are then under the control of the state.

Mr. Davis commented that there could be simulcast television betting at some point in time. The Chairman reminded Mr. Davis that off-track betting was prohibited in the constitution and asked if this comment meant they would be coming back to ask for legislation allowing for simulcast betting. Mr. Davis said they would not be coming back to ask for off-track betting.

Mr. Davis explained how a person goes about getting contracts.

When asked if he ran dogs he does not own, Mr. Davis said he does. The kennel operator pays all expenses. 35% of the winnings go to the owner; 65% to the kennel. This is an industry standard. Traditionally, the owner of the track issues the contract.

When asked about the \$150,000 contribution by the NGA in the article in the Eagle Beacon, Mr. Davis told the committee that he was asked by the President and Vice-President of his association to approach the NGA fifteen member committee to ask for the money. The plea was not for lobbying; it was to convince people to change the constitution to allow for pari-mutuel. A generic film was made which could be used in other states; it was aired on TV and then returned to the NGA. The NGA wanted to be in on all the meetings preparing the implementing legislation and approved a five member committee to be able to have input in the implementing legislation. We agreed that we would accept their recommendations. Kansans will decide for Kansans what is in that legislation. Mr. Davis said he was at every single industry meeting. There were 35 drafts of the bill.

There was discussion of the "stake" purses for Kansas whelped greyhounds and what percentage of this money went to the owner. Mr. Davis said he would give the committee a proposed amendment to spell out the intent of the industry.

#### CONTINUATION SHEET

MINUTES OF THE House	COMMITTEE ON	Federal & State	Affairs
room 526S, Statehouse, at 1:30	, a.m./p.m. on	February 2	19_87

Larry Erne, Kansas Independent Greyhound Owners, gave testimony in support of HB2044 and to assist in developing the best possible racing and parimutuel legislation. See attachment  ${\tt F}$ .

Mr. Erne told the committee that the developer is going to have to give the committee the real position on the economics of racing. The breeder organizations do not have the expertise in that field. He said they want the best po-sible legislation they can get. If lowering the tax is what is necessary, that is what they want.

Mr. Erne was also asked if he had objections to drug testing before and after the race. He had no objections.

When asked if he agreed with the system of contracts by the kennels and track operators, Mr. Erne deferred to his President who said they basically agreed that the closed contract system is the best approach. There is room for some type of program for Kansas bred greyhounds. Open racing takes the stability out of racing.

The Chairman ased Mr. Erne if he could provide him with a list of his members and Mr. Ernie agreed to have it in by Monday.

The hearings will be continued on Tuesday.

The meeting was adjourned.

Richard Nelson, Pizes: dent KIGO

# GUEST LIST

# FEDERAL & STATE AFFAIRS COMMITTEE

DATE Tel 2

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# Eureka Downs

Eureka, Kansas



PROPOSED NEW GRANDSTAND

"Racing Capital of Kansas"

Report To The
Kansas House of Representatives
Federal and State Affairs Committee

by
Wayne C. "Rocky" Chambers

President
Greenwood County Fair Association
Eureka Downs

Eureka, Kansas

Chairman Miller and Committee Members:

My name is Wayne C. "Rocky" Chambers, President of the Greenwood County Fair Association, owners and operators of Eureka Downs. I thank you for the opportunity to appear before this committee to present our comments on proposed House Bill No. 2044.

As a general statement, we endorse the provisions of the proposed legislation and commend both the Governor's Task Force and the Interim Committee responsible for reviewing the proposed legislation, on providing what we believe to be a responsive and workable document.

Our first comment is directed toward Section 14. Sub. Paragraph (b), page 21 of the proposed document.

"the Greenwood County Fair Association or the Anthony Fair Association with respect to race meetings conducted by such association at Eureka Downs or Anthony Downs, respectively, for which the number of race meetings and days, and the dates thereof, shall be specified by the commission."

We firmly believe this section should be retained as written. We believe retention of this so-called "Grandfather Clause" is necessary to provide an early Pari-Mutuel presence in Kansas. Eureka Downs is in the unique position to provide that important element at the earliest possible date.

We believe that our request for special consideration is justified in that the Greenwood County Fair Association and Eureka Downs have been primarily responsible for keeping the sport of horse racing alive and well in the State of Kansas. Our first recorded horse racing activity at the Greenwood County Fair grounds was a harness race event in 1872, 114 years ago. Eureka Downs as an entity was born in 1961, when our facilities and racing activities were sanctioned by the American Quarter Horse Association. Over these years we have gained the knowledge and experience and have constructed the facilities to expedite transition into a parimutuel environment with minimal delay. It is crucial during the start-up period that the Kansas Pari-Mutuel Program not be curtailed by placing undue restrictions on the one facility that can serve almost immediate notice that Kansas Is In The Pari-Mutuel Business.

We have done our homework - - - - To minimize the time required to introduce pari-mutuel at Eureka Downs:

# Executive Summary of Report

# THE FEASIBILITY OF A PARI MUTUEL RACE TRACK AT EUREKA DOWNS, GREENWOOD COUNTY, KANSAS PHASE I - VERIFICATION OF FEASIBILITY

#### INTRODUCTION

Business & Industrial Planning Associates, a consulting firm in applied economics with a specialty in race track feasibility analysis, has completed the first phase of an evaluation of the potential for conducting pari mutuel wagering at Eureka Downs in Eureka, Kansas. The objectives of this first phase work were to test the premise of feasibility, to derive preliminary planning guidelines for sizing and operating the track, and to determine the operating parameters necessary for financial success. The credentials of the writer, W. Lawrence Prehn, Executive Director and Founder of Business & Industrial Planning Associates, are attached for the reader's information.

# CONCLUSIONS

Three categories of pari mutuel racing were evaluated: thoroughbred and quarter horse racing, and greyhound dog racing. Standardbred (harness or trotting and pacing races) racing was not considered for several reasons, lack of strength in the national industry and lack of interest among Kansas horsemen, to name two. The conclusions of the first phase, summarized below, show that

1. with a rich heritage in quarter horse racing already, Eureka Downs is a natural location for pari mutuel horse racing;

- 2. the primary market area is sufficient to support a mixed thoroughbred and quarter horse racing meet, a greyhound dog racing meet, or a combination of these;
- 3. the indicated number of seats in the grandstand best suited to serve Eureka Downs would be 2,000; however, it is suggested that the initial capacity be about 1,200, heavily oriented toward clubhouse seating with room provided for eventual expansion; the seating for greyhound racing would be 1,400, indicating that the horse racing grandstand would provide well for both;
- 4. mixed horse racing will probably generate operating revenues of about \$4.5 million, offset by operating expenses of \$3.4 million for a net operating surplus of \$1.1 million, sufficient to service a debt of \$7.1 million assuming debt service of 9.9 years at 8.23 percent interest (average for industrial development bonds at present); and
- 5. it will be necessary to conduct a racing meet of 100 racing days in order to provide the protection for financial feasibility at Eureka Downs.

#### DISCUSSION

Potential market support areas have been defined as a primary area (within 50 miles of Eureka) and a secondary annulus out to 100 miles. Comparisons have been made of horse racing operations at Les Bois Park in Boise, Idaho (quite similar to Eureka in market support population), and Dubuque Greyhound Park, which started racing in 1985 in Dubuque, Iowa. The market support area for this latter track is about twice that of Eureka's.

Two configurations have been derived: first, mixed thoroughbred and quarter horse racing after the pattern followed in Les Bois Park (and at Blue Ribbon Downs in Sallislaw, Oklahoma), and second, greyhound racing as conducted at Dubuque Greyhound Park with 100 days of racing for each. With matinees (common to greyhound operations), the greyhound racing would number 150 performances, 50 percent more than horse racing. The 100-day racing season is assumed to operate on Fridays, Saturdays, and Sundays, plus holidays, and would generally extend from mid-March through October and include extra days for Memorial Day, the Fourth of July, and Labor Day. All per capita expenditure assumptions (for wagering, admissions, food and beverage, and the like) have been quite conservative.

Mixed horse racing, combining quarter horse and thoroughbred racing with some races for each every racing day after the fashion of Les Bois Park, Blue Ribbon Downs, and many other smaller tracks will generate gross operating revenues of \$4.5 million and operating

expenses of \$3.4 million, leaving a net operating surplus of \$1.1 million (capable of servicing a debt of \$7.1 million if the terms are 9.9 years at 8.23 percent interest, an average for industrial development bonds). Greyhound racing will generate operating revenues of \$3.8 million, expenses of \$2.7 million, and a net operating surplus of a little more than \$1.1 million, which will service a debt of \$7.4 million under the same terms. Combined racing, with half of each type of racing, would generate a net operating surplus of \$1.1 million, capable of servicing a debt of \$7.2 million.

From a purely financial point of view, greyhound racing will be somewhat better for establishment at Eureka Downs, not only because of the somewhat greater return, but also because of the lower investment in physical plant required for a greyhound track. However, in view of a number of considerations, Business & Industrial Planning Associates recommends beginning the operations at Eureka Downs with a mixed configuration combining thoroughbred and quarter horse racing. The planning should provide, however, for addition of greyhound racing at a later time with both horse and greyhound racing after such a configuration is proved desirable to best serve the interests of the racing public, the owners and trainers, and the Greenwood County Fair.

# POTENTIAL RACING CONFIGURATION AT EUREKA DOWNS GREENWOOD COUNTY FAIR ASSOCIATION

(thousands of 1987 dollars)
("typical good year")

	Basic Data		Combined Data		
	Horse	Greyhound	Horse	Greyhound	Composite
Planning Factors					
Area population, 0-50 mi	242	242	242	242	242
50-100 miles	1,728	1,728	1,728	1,728	1,728
Penetration-primary	0.50%	0.35%	0.50%	0.35%	0.43%
-secondary	0.05%	0.04%	0.05%	0.04%	0.04%
Potential average attend	2,073	1,451	2,073	1,451	1,762
Total racing days	100	100	50	50	100
Performances	100	150	50	75	125
Total attendance (K)	207	218	104	109	213
Average wager	100	72	100	72	86
Total handle	20,734	15,675	10,367	7,837	18,204
OPERATING REVENUE					
Total track takeout	3,276	2,497	1,638	1.240	• • • •
Parking fees	83	87	41	1,249	2,887
Admissions	311	327	156	44	85
Food & beverage	726	762	363	163	319
Programs & tip sheets	114	120		381	744
All other revenue	31	22	57	60	117
	<u> </u>	££.	<u>16</u>	11	<u>26</u>
Total Revenue	4,541	3,814	2,270	1,907	4,177
OPERATING EXPENSE					
Total purses	1,244	666	622	333	955
Personnel-management	180	180	90	90	180
-operating	560	560	280	280	560
Admissions tax	31	33	16	16	32
Public relations	400	400	200	200	400
Pari mutual department	336	359	168	180	348
Operations & maintenanc	e 136	114	68	57	125
Utilities	80	80	40	40	80
Insurance	100	100	50	50	
Miscellaneous	159	133	<u>79</u>	67	100 <u>146</u>
Total Expense	3,460	2,698	1,730	1,349	3,079
NET OPER'G SURPLUS	1,080	1,116	540	558	1,098

Source: Business & Industrial Planning Associates - Austin.

# ESTIMATED STATE BENEFITS PARI MUTUEL RACING AT EUREKA DOWNS MIXED HORSE RACING

Dollar amounts in thousands (typical good year)

PLANNING FACTORS		
Potential average daily attendance <sup>1</sup>	2.0	074
Total racing days Total annual attendance (000's)	·	100
Average per capita wager <sup>1</sup>	2	207
Total annual pari mutuel handle	\$1	115
and with the part material mandic	\$23,8	851
Total takeout from pari mutuel pool <sup>2</sup>	222	
Estimated amount of breakage <sup>3</sup>	error \$23,8	
Estimated unclaimed tickets <sup>8</sup>		205
Total minimum purses <sup>4</sup>		\$45
Total non-admission per capita spending <sup>5</sup>	\$7,9	
CTATE OF WAYER		954
STATE OF KANSAS PARI MUTUEL REVENUE GEN	ERATION	
Pari mutuel tax <sup>6</sup>		ĺ
Breakage <sup>3</sup>	7 <i>15,<b>68</b>0</i> \$3,9	
Unclaimed tickets <sup>3</sup>		205
Admissions tax <sup>7</sup>		545
State sales tax on per capita spending <sup>5</sup>	\$	331
•		38
Grand Total	<b></b>	
1	\$4,2	294

Average daily attendance at Blue Ribbon Downs was 2,298 and per capita wager \$128.

Assuming 18% on straight and 22% on exotic wagering with 55% straight and 45% exotic wagers in the pool.

Breakage assumed at 0.859 percent and unclaimed tickets at 0.189 percent of total pari mutuel handle (based on California)

Minimum purse calculated at 6/18ths of total takeout.

Spending for parking, food and beverage, programs, and miscellaneous items (all subject to state sales tax) assumed at

State pari mutuel tax assumed at 3/18ths of total takeout.

7 Admissions tax calculated at 10 percent of \$1.50 average admission price.

- NOTE 1: Estimated market penetration rates and average per capita wagering have been based on experience at Blue Ribbon Downs in Sallisaw, Oklahoma (reduced to some extent for Eureka Downs), where it was observed that average per capita wagering on quarter horses was higher in mixed programs than on programs where all racing was quarter
- NOTE 2: State of Kansas benefits are primary only and do not include secondary benefits in sales tax revenues accruing from off-track spending, new employment and wages, and the like.
- Source: The proposed Kansas Pari Mutuel Racing Act as presented by the Special Committee on Federal and State Affairs, compiled and analyzed by Business & Industrial Planning Associates - Austin.

#### W. LAWRENCE PREHN

# Qualifications in Race Track Feasibility Studies

Larry Prehn has been conducting or directing studies in applied economics for over thirty-two years, having started in technical market studies at Stanford Research Institute, then with Southwest Research Institute in Houston and San Antonio, later with Economics Research Associates, and now with his own consulting firm. His studies have dealt with such diverse fields as real estate and land development; management support; recreation and tourism; race track economics; technical market evaluation; public facility feasibility planning; and community and urban economics. All of these studies have involved some form of economic (financial) feasibility analysis, demographic profile evaluation, projections and forecasts, and working closely with client planning teams. Study organization consists of data gathering [documentation], evaluation within the framework of client objectives [analysis], and presentation in form suitable to the client's specific needs [report preparation and production].

Race track feasibility studies have dealt with evaluation of market support factors, prediction of attendance and pari mutuel handle, estimation of per capita spending patterns based on real track experience, derivation of pro forma statements of expected financial performance together with cash flow analysis and estimation of rates of return on invested capital, and evaluation of economic benefits which the community, county, and state might expect from the establishment of racing. Physical planning as well as operating guidelines for proposed tracks have been provided, together with estimates of costs involved. These studies have been concerned, in detail, with all types of racing: thoroughbred, standardbred, and quarter horse racing, and greyhound dog racing. Specific track studies have included proposed tracks in Memphis; Des Moines; Adams County (near Denver, two separate studies); Tacoma; Love County, Oklahoma (north of Dallas-Fort Worth); Bluegrass Meadows, Kentucky (two studies, one for Bowling Green and one for Franklin); The Shorelands in Hayward (to combine, eventually, Francisco Bay Area racing); Eureka Downs in Kansas; and four greyhound tracks in Texas [pending pari mutual law]. A recent related study involved analysis of the pari mutuel laws in all states conducting thoroughbred racing in order to derive a capital assistance program equitable for application in California. The Shorelands study has been ongoing and has included participation in the implementation of results, going through various permit procedures, presentations before the California Horse Racing Board, and much more. Statewide studies, to examine the economic impact of pari mutuel wagering on the state, have been conducted for Tennessee and Iowa. Iowa has recently legalized pari mutuel wagering, and such is under consideration in Tennessee.

From 1975, when Larry Prehn founded his own firm, to date, he has served as a principal consultant many national firms and to several major corporations on a sustaining basis. He was Director, Department of Social and Management Sciences at Southwest Research Institute for eleven years (in Houston and San Antonio); served in 1962 and 1963 as manager of commercial and industrial development for Clear Lake City, next to NASA's Johnson Space Center in Houston; and was responsible for program development and project work for eight years with Stanford Research Institute in Menlo Park and Phoenix. He holds a bachelor's degree in chemical engineering from Rice University (1943), and a master's in engineering from Cornell University (1946). He was an ordnance engineer with the United States Navy and served three years each in engineering research at ESSO Laboratorics in Baton Rouge and Atlantic Laboratories in Dallas.

Davis

0451 (5) use, administer or conspire to use or administer any drug,
0452 substance or devise prohibited by the racing commission other than
an ordinary whip for horses or a mechanical have for greyhounds,
for the purpose of stimulating or depressing any horse or dog or
affecting its speed at any time during a race conducted by an
organization licensee. Possession of any such drug, substance or
devise by anyone within the confines of a racetrack facility shall
be prima facie evidence of the intent to use such drug, substance
or devise;

attachment B

New Sec. 11. There shall be no detectable level of any
depressant or stimulant er-ether-drug-er-medication in the blood or
urine of any horse or greyhound when tested either just prior to
or immediately following participation in an race conducted by
an organization licensee. Animals in violation of this section
shall be disqualified from the race in which the animal is entered
or has participated on the day that such test was conducted.

actachment C

0159 (2) An amount equal to 50% of the breakage shall be paid as purses directly to the breeders of Kansas-whelped greyhounds pursuant to rules and regulations of the commission.

The commission may contract with and designate an official
Certification and Inspection Agency to implement the certification
and inspection of Kansas whelped greyhounds. Such agency shall
operate under the supervision of the commission and be subject
to the rules and regulations of the commission. The official
Certification and Inspection Agency shall receive no compensation
except fees received for certification necessary to pay its
expenses for such certification and inspection.

0344 (3) an amount equal to 50% of all moneys credited to the fund
0345 during a fiscal year shall be used by the racetrack facilities where
0346 derived to supplement stake purses in races for Kansas-whelped grey0347 hounds as approved by the commission.

allachment &

Testimony before the House
Federal & State Affairs Committee

by the

Kansas Independent Greyhound Owners

H.B. 2044

February 2, 1987

Chairman Miller

Members of the Committee

I am Larry Erne, registered lobbyist for the Kansas Independent Grey-hound Owners. We are a newly organized group devoted to the improvement of the Greyhound Industry in Kansas, and to assist in developing the best possible racing and parimutuel legislation. I appear today in support of H.B. 2044.

As pointed out last Friday, the Kansas Independent Greyhound Owners support the testimony of Jonathan Small. Today, I would like to point out a few problem areas that we feel need to have further consideration.

Section 10, Page 13, Line 455, after the period: We feel this sentence as written could interfer with normal care of the Greyhounds and could generate unnecessary health problems.

Section 11, Page 14, Line 493: We again feel the language as written can interfer with normal health proctices at the track. We have discussed both of these problems with Dr. Kaufman of KSU, and we understand he is making recommendations to the committee that, if adopted, would alleviate our concerns.

Section 29, Page 35, Line 336, Sub-section (1): The Kansas Independent Greyhound Owners feel this section is duplication of the Section following, and the monies of Section (1) could be spent in other ways that would better

attachment F

benefit Greyhounds. We would like to suggest that 12½% of the monies go to the Greyhound Hall of Fame and 12½% be utilized by developing a placement program for retiring Greyhounds.

Mr. Chairman, we are working with some of the members of your committee to work out concerns they have, and at this time would offer my services, and the expertise of my organization to assist your committee in any way.

Thank you for your time and consideration.

Larry Erne, Lobbyist

Kansas Independent Greyhound Owners