

Approved: \_\_\_\_\_

Date

## MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Clyde Graeber at 1:30 p.m. on February 23, 1994 in Room 526-S of the Capitol.

All members were present except: Representative Rand Rock, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Lynne Holt, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes  
June Evans, Committee Secretary

Conferees appearing before the committee: Kyle G. Smith, Assistant Attorney General, Kansas  
Bureau of Investigation

Others attending: See attached list

The Chairperson stated there would be hearings on HB 2978, 2984 and 2836 today then opened the hearing on HB 2978.

Kyle Smith, Assistant Attorney General, Kansas Bureau of Investigation, testified in support of HB 2978 stating there are no problems at present as the KBI has a very good relationship with the Kansas Racing Commission but there would be an advantage to having a black and white reference to licensees who are failing to cooperate and codifying these shared duties for future administrations.

Two amendments were recommended that merely clarify procedures: (1) Page 1 on line 38 remove "be an investigative agency of criminal violations of this act," and replace with "conduct or assist the security division of the Kansas Racing Commission or other law enforcement agencies in investigations of criminal violations of this act," and on Page 2, line 1 after "the" before "Kansas" add "executive director or director of security of the racing commission and the". (See Attachment #1)

Representative Cornfield moved and Representative Benlon seconded to accept the amendment. The motion carried.

Representative Robinette moved and Representative Cornfield seconded to move HB 2978 out as amended. The motion carried.

The Chairperson opened the hearing on HB 2984.

Kyle Smith, Assistant Attorney General, Kansas Bureau of Investigation, testified in support of HB 2984 stating this bill was requested because of an incident occurring last fall where an electronic device or buzzer was found in a vehicle at the Woodlands Racetrack. Devices are used to shock a horse by a jockey and have no legitimate use, certainly not at a racetrack. The individual was not prosecuted because the statute was not clear. Possession of the device at the racetrack is illegal. (See Attachment #2)

Representative Lahti moved and Representative Lynch seconded that HB 2984 be moved out favorably. The motion carried.

The Chairperson opened the hearing on HB 2836.

William Henry, Kansas Thoroughbred Association, stated by recommending favorable for passage of HB 2836 it is the intent of the committee's action to allow the Racing Commission to review and make determinations in the cases where negotiations have failed to be successfully completed on simulcasting

questions.

Representative Robinette moved and Representative Standifer seconded to move HB 2836 out favorably.

Representative Lane moved and Representative Cox seconded a Substitute Motion to amend on Page 4, Line 17 to remove "voting in the election" and replacing with "voting in accordance of Robert's Rules". The motion failed.

The Chairperson stated we are now back on the original bill.

Representative Robinette moved and Representative Standifer seconded to move HB 2836 out of committee favorably and the motion carried.

Testimony was furnished by Karen Tolle, Executive Secretary, The Kansas Quarter Horse Racing Association on HB 2836 and 2577. (See Attachment #3)

Representative Benlon moved and Representative Gilbert seconded to approve the minutes of February 7, 8, 14, 15 and 16. The motion carried.

The Chairperson appointed a sub-committee on HCR 5036 and HCR 5037: Representative Krehbiel, Chairperson, and Representatives Kline, Plummer, Wilk and Ruff members.

The meeting adjourned at 2:30 PM.

The next meeting will be February 24, 1994.

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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: FEDERAL & STATE AFFAIRS  
JUDICIARY  
JOINT COMMITTEE, PENSIONS, INVESTMENTS  
& BENEFITS

**MEMORANDUM**

TO: House Federal and State Affairs Committee

FROM: Rep. Tom Robinett, Chmn. HB 2875 Subcommittee

DATE: March 31, 1994

The House Federal and State Affairs Subcommittee on HB 2875 held public hearings on the subject bill on February 22 and 23, 1994. No additional meetings or action on HB 2875 were scheduled.

Date: 2/23

## FEDERAL and STATE AFFAIRS COMMITTEE

[illegible]



ROBERT B. DAVENPORT  
DIRECTOR

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ROBERT T. STEPHAN  
ATTORNEY GENERAL

TESTIMONY  
KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL  
KANSAS BUREAU OF INVESTIGATION  
BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
IN SUPPORT OF HOUSE BILL 2978  
February 23, 1994

Mr. Chairman and Members of the Committee:

It is not often that I get to appear on the same bill that was passed last session. As you may remember, last year this bill was amended by the Senate by adding a separate, unrelated matter that the Racing Commission needed, and a controversial bill dealing with breakage rights between thoroughbred and quarter horse associations. In the mad confusion of the time deadlines, the amendment for the Racing Commission was passed out, but the bill itself, even having passed both houses, was dropped.

As the committee may also remember, this proposed amendment to K.S.A. 74-8807 merely codifies an existing Memorandum of Understanding between the Kansas Bureau of Investigation and Kansas Racing Commission as to sharing the duties for investigating regulatory and criminal activity.

As we testified last year, and as evidenced by the Memorandum of Understanding, we are having excellent relations with the Kansas Racing Commission. Relations which certainly have not been hurt by their appointment of Dave Johnson, former Director of the KBI, as the Director of Security.

The problem this bill and the Memorandum of Understanding were originally intended to address is when a KBI Gaming Agent working the

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tracks comes across a regulatory violation. The licensees sometimes dispute whether KBI Agents have authority to investigate violations of the rules and regulations of the commission since they are not crimes and their authority over regulations is not set out in the statute. If that were true, it would be a terrible inefficiency to require KBI Agents to cease their investigation, and go obtain the assistance of one of the commission security personnel to deal with that aspect of the investigation, which was a regulatory violation.

As mentioned above, the Memorandum of Understanding currently in place between these agencies has essentially these exact provisions, but by placing it in the statute, we obtain the advantage of being able to cite a black and white reference to licensees who are failing to cooperate and codifying these shared duties for future administrations.

Dave Johnson, Director of Security for the Racing Commission has suggested two amendments, which are contained in a balloon attached to my testimony. These merely clarify procedures and we consider them friendly amendments.

Due to the fact the committee passed this bill last year, I think I've testified overly long already, but would be happy to answer any questions. Thank you for your consideration.

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## HOUSE BILL No. 2978

By Committee on Federal and State Affairs

2-8

AN ACT amending the Kansas parimutuel racing act; relating to investigations of certain violations; amending K.S.A. 74-8807 and repealing the existing section.

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

Section 1. K.S.A. 74-8807 is hereby amended to read as follows: 74-8807. (a) Employees of the Kansas racing commission designated by the executive director, with the approval of the commission, are hereby vested with the power and authority of law enforcement officers in the execution of the duties imposed upon the commission by the provisions of this act.

(b) Employees designated pursuant to subsection (a) shall have the authority to:

(1) Make arrests, conduct searches and seizures and carry firearms while investigating violations of this act and during routine conduct of their duties as determined by the executive director;

(2) make arrests, conduct searches and seizures and generally enforce all criminal laws of the state as violations of such laws are encountered by such employees during the routine performance of their duties; and

(3) issue notices to appear pursuant to K.S.A. 22-2408 and amendments thereto.

(c) No employee of the commission shall be certified to carry firearms under the provisions of this section without having first successfully completed the firearms training course or courses prescribed for law enforcement officers under subsection (a) of K.S.A. 74-5604a and amendments thereto. ~~(d) The commission may adopt rules and regulations prescribing other training required for such employees.~~

~~(d) It shall be the duty of the Kansas bureau of investigation to be an investigative agency of criminal violations of this act, and violations of the rules and regulations adopted hereunder. Such duty may be performed independently of or in conjunction with employees of the commission designated pursuant to this section. Employees of the commission shall report immediately any criminal violations of this act or other suspected criminal activity at a racetrack facility to the Kansas bureau of investigation. Employees of the Kansas bureau of investigation shall report any violations or suspected violations of the rules and regulations adopted pursuant to this act to the executive director or to employees of the commission designated pursuant to this section.~~

Sec. 2. K.S.A. 74-8807 is hereby repealed.

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

conduct or assist the security division of the Kansas racing commission or other law enforcement agencies in investigations of criminal violations of this act,

executive director or director of security of the racing commission and the



ROBERT B. DAVENPORT  
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## TESTIMONY

KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL  
KANSAS BUREAU OF INVESTIGATION  
BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
IN SUPPORT OF HOUSE BILL 2984  
February 23, 1994

Mr. Chairman and Members of the Committee:

I appreciate this opportunity to appear today in support of HB 2984. This bill was requested because of an incident occurring last fall where an electronic device or buzzer was found in a vehicle at the Woodlands Racetrack. Such devices are used to shock a horse by a jockey and have no legitimate use, certainly not at a track. However, the individual was not caught actually using the device and the Wyandotte County District Attorney's Office declined to prosecute because the statute was not clear. We feel it is important that these devices be prohibited from even being possessed at racetracks.

HB 2984 amends the prohibited acts statute of the racing act to include a possession or conspiracy to possess these illegal devices and we would urge your support. I would be happy to stand for any questions.

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Filed  
2/23/94

# The Kansas Quarter Horse Racing Association

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January 23, 1994

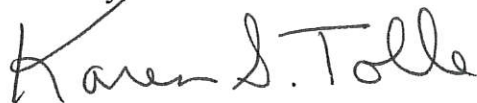
Chairman, Clyde Graeber  
Members House Federal and State Affairs Committee  
State Capitol Building  
Topeka, Kansas 66612

Dear Chairman Graeber:

Please be advised that on February 10, 1994, I participated in a scheduled meeting of the Kansas Racing Commission and staff via telephone conference call. This meeting was called by Janet Chubb, Executive Director of the Kansas Racing Commission, to discuss the Kansas Racing Commission legislative package including HB 2836 and HB 2577. As per the Kansas Racing Commission minutes of the February 10, 1994 meeting other persons attending the meeting via the telephone conference call were as follows: Bob Oakson, representing the Kansas Thoroughbred Association; Karen Tolle, representing the Kansas Quarter Horse Racing Association; Patti Weelborg representing the Kansas Horsemen's Association; Dale Pohl, Dick Teichgraber, Dick Clausen and Lewis Hull representing Eureka Downs Horsemen's Association and the Greenwood County Fair Association; and Denny Burgess, representing Sunflower Racing, Inc.

With regard to the February 10, 1994, meeting and subsequent hearing held on HB 2836 Monday, February 14, 1994. The Kansas Quarter Horse Racing Association supports the amendments in HB 2836 to K.S.A. 74-8802 (bb), K.S.A. 74-8802 (cc) and K.S.A. 74-8802 (k) as presented by the Janet Chubb, Executive Director of the Kansas Racing Commission.

Sincerely,



Karen S. Tolle  
Executive Secretary

cc: Janet Chubb, KRC Director  
Jerry Guy, KQHRA President

Jerry Guy  
PRESIDENT, KQHRA

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