

Rules of
Department of Revenue
Division 50—Missouri Horse Racing Commission
Chapter 13—Class D License—Fairgrounds Racing

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Title 12—DEPARTMENT OF REVENUE

Division 50—Missouri Horse Racing Commission

Chapter 13—Class D License—Fairgrounds Racing

12 CSR 50-13.010 Class D License Defined

PURPOSE: This rule defines Class D license as allowing pari-mutuel wagering at the state fair and county fairs.

(1) A Class D license shall be a license granted by the commission for pari-mutuel wagering at the state fair or at any county fair during the operation of those fairs only. Racing conducted on days other than those of these fairs at fairgrounds locations shall be construed as requiring a Class B license.

(2) The pari-mutuel wagering in connection with a Class D license must be by or under the supervision of the Department of Agriculture or the county government of the appropriate county.

(A) A turnkey operation with any entity shall be considered under the supervision of the Department of Agriculture or a county for purposes of this rule.

(B) Any public corporation or other entity authorized by the legislature to conduct pari-mutuel wagering on behalf of counties will be considered the county for purposes of this rule.

Auth: sections 313.540 and 313.580.1., RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986, effective Oct. 27, 1986.

12 CSR 50-13.020 Application for Class D License

PURPOSE: This rule sets forth the requirements for a Class D license application.

(1) An application for a Class D license must include, on a form prepared by the commission:

(A) The name, address and telephone number of the applicant;

(B) The name, position, address, telephone number and authorized signature of an individual to whom the commission may make inquiry; and

(C) The information required by chapter 13.

(2) The application for Class D license must be accompanied by an applicant's affidavit conforming to the requirements of 12 CSR 50-13.030.

Auth: sections 313.540 and 313.580.1., RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986, effective Oct. 27, 1986.

12 CSR 50-13.030 Applicant's Affidavit

PURPOSE: This rule sets forth the contents of the applicant's affidavit which must accompany the application for Class D license.

(1) The application for Class D license must be accompanied by an affidavit of the chief administrative official of the State Department of Agriculture, county entity or contractor operating for one (1) of these entities setting forth—

(A) The application is made for a Class D license to conduct pari-mutuel wagering at a specific county fairgrounds or the state fairgrounds and that the wagering will be operated under the supervision of the Department of Agriculture or of the county as defined in 12 CSR 50-13.010; or by a contractor operating for one (1) of these entities;

(B) The affiant is the agent of the applicant and is duly authorized to make the representations in the application on behalf of the Department of Agriculture or the appropriate county entity or as operating contractor;

1. Documentary evidence of the authority of the agent must be attached to the affidavit and incorporated in it.

2. If the applicant is the director of the Department of Agriculture or an elected county official, his/her statement to that effect under oath shall constitute sufficient documentation;

(C) The applicant consents to inquiries by the Missouri Horse Racing Commission, its employees, staff and agents into the financial, character and other qualifications of the applicant;

(D) That the applicant accepts any risk of adverse public notice, embarrassment, criticism or circumstance, including financial loss, which may result from action with respect to the application and expressly waives any claim which otherwise could be made against the state of Missouri, the Missouri Horse Racing Commission, its employees, staff or agents;

(E) The affiant has—

1. Read the applicant's identification and disclosures and knows the contents; and

2. The contents are true of the affiant's own knowledge.

A. Matters may be stated in the affidavit on information and belief.

B. On any matters stated on information and belief, the affiant must affirmatively state s/he believes the information to be true;

(F) The applicant recognizes all representations in the application are binding on it and false or misleading information in the application, omission of required information or substantial deviation from representations in the application may result in denial, revocation or suspension of the license or imposition of a fine;

(G) The applicant will comply with the Article III, Section 39(b) of the Missouri Constitution, any statutes governing pari-mutuel wagering and the rules of the commission; and

(H) The affidavit must contain the following:

1. The organization on whose behalf the affiant is submitting the affidavit;
2. The affiant's signature;
3. The affiant's position;
4. The address and telephone number of the affiant; and
5. The date of signature.

Auth: sections 313.580.1. and 313.600.9., RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986, effective Oct. 27, 1986. Amended: filed May 15, 1987, effective Sept. 24, 1987.

12 CSR 50-13.040 Disclosure of Character Information

PURPOSE: This rule sets forth the character information required in an application for a Class D license.

(1) An applicant for a Class D license must make its best effort to disclose the information required by this rule of any individual or other entity employed by the applicant and who will have any duties or responsibilities for the conduct of pari-mutuel wagering at the state fair or any county fair—

(A) Whether any individual or corporation has been convicted in a criminal proceeding with any felony or misdemeanors. If any individual or entity has been so convicted, the applicant must disclose the date of the conviction, the court, the crime convicted of, whether by plea or finding of a judge or jury and the sentence imposed, if any;



(B) Whether any individual or corporation has been a party in a civil proceeding in which s/he/it has been alleged to have engaged in any unfair or anti-competitive business practice, a securities violation or false or misleading advertising. If any individual or entity has been a party to the civil proceeding, the applicant must provide the date of commencement of the proceeding, the court, the circumstances, the date of any resolution including settlements, the terms of any settlement, the result of any trial and the result of any appeal;

(C) Whether any individual or entity has had a horse racing, gambling or other business license or permit revoked or suspended or the renewal of the license denied or has been a party in any proceeding to do so. If any applicant or entity has been involved in a proceeding, the applicant must disclose the date of commencement, the circumstances, the date of decision and the result;

(D) Whether any individual or entity has been accused in an administrative or judicial proceeding of the violation of a statute or rule relating to unfair labor practices, discrimination, horse racing or gambling. If any individual or entity has been involved in any such proceeding, the applicant must disclose the date of commencement, the forum, the circumstances, the date of any decision and the result; and

(E) Whether any individual or entity has commenced an administrative or judicial action against a government regulator of horse racing or gambling. If so, the applicant must disclose the date of commencement, the forum, the circumstances, the date of any decision and the result.

(A) The address of the facility, its size and geographical location, including reference to county and municipal boundaries;

(B) A site map which reflects current and proposed highways and streets adjacent to the facility;

(C) The types of racing for which the facility is designed, whether thoroughbred, harness, quarterhorse or any combination thereof;

(D) The racetrack dimensions by circumference, width, banking, location of chutes, length of stretch, distance from judge's stand to first turn and type of surface. If the facility has more than one (1) racetrack, the applicant must provide a description for each racetrack for which authorization under the Class D license is sought;

(E) A description of horse stalls at the facility, giving the total number of stalls, the dimension of each stall, separation and location of the stalls;

(F) A description of the grandstands including all of the following:

1. The total seating capacity;
2. The total reserve seating capacity;
3. The indoor and outdoor seating capacity;
4. The configuration of the grandstand seating;
5. The location and configuration of the pari-mutuel facilities within the grandstand;
6. The configuration and location of the concession facilities within the grandstand;
7. The number and location of men's and women's restrooms within the grandstand; and

8. A description of the public pedestrian traffic patterns throughout the grandstand;

(G) A description of the detention barn including all of the following information:

1. The distance from the detention barn to the track;
2. The distance from the detention barn to the paddock;
3. The number of sampling stalls;
4. The placement of viewing ports on each stall;
5. The location of the postmortem floor;
6. The number of wash stalls with hot and cold water and drains;
7. The availability of video monitors; and
8. A description of the walking ring;

(H) A description of the paddock area including all of the following information:

1. The number of stalls in the paddock;
2. The height from the floor to the lowest point of the stall, ceiling and entrance; and
3. The paddock, public address and telephone services;

(I) A description of the jockey and/or driver's quarters together with all of the following information:

1. The changing areas;

2. A listing of equipment to be installed in the quarters; and

3. The location of the jockey's or driver's quarters in relation to the paddock;

(J) A description of the pari-mutuel tote including all of the following information:

1. The approximate location of bettor's windows;

2. Cash security areas; and

3. A description of the equipment including the provider if known;

(K) A description of parking including all of the following information:

1. A detailed description of access to parking from surrounding streets and highways;

2. The number of parking spaces available;

3. A description of any parking other than public parking and its location;

4. A description of the road surface on parking areas;

5. The distance between the parking area(s) and the grandstand; and

6. A road map of the area showing the relationship of parking to surrounding streets and highways. The requirements of this subsection may be included on the site map required by subsection (1)(B) of this rule;

(L) A description of the perimeter fence including all of the following information:

1. The height;
2. The type of construction and a description of the materials;
3. Whether the perimeter fence is topped by a barbed wire apron at least two feet (2') and directed outward at a forty-five degree (45°) angle;
4. Whether there is a clear zone at least four feet (4') wide around the outside of the entire perimeter fence; and

5. Proposed alternatives to a perimeter fence which does not meet the description in this subsection;

(M) A description of improvements and equipment at the racetrack for security purposes in addition to a perimeter fence, including the provider of equipment if known;

(N) A description of starting, timing, photo-finish and photo-patrol or video equipment, including the provider if known;

(O) A description of work areas for the commission members, officers, employees and agents;

(P) A description of access of the facility to public transportation, specifics of the type of transportation and schedules, road maps of area indicating pickup and dropoff points. The requirements of this subsection may be included on the site map required in subsection (1)(B) of this rule;

(P) A description of access of the facility to public transportation, specifics of the type of transportation and schedules, road maps of area indicating pickup and dropoff points. The requirements of this subsection may be included on the site map required in subsection (1)(B) of this rule;

Auth: sections 313.580.1. and 313.580.2., RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986, effective Oct. 27, 1986.

12 CSR 50-13.050 Disclosure of Improvements and Equipment

PURPOSE: This rule sets forth the requirements for disclosure of improvements and equipment for a Class D license.

(1) An application for a Class D license must disclose the following information for the conduct of pari-mutuel wagering at the state fair or a county fair:

(Q) A description of the overnight accommodations for the public including:

1. The number of hotel/motel rooms;
2. The number of campgrounds, if any; and
3. The distance from other population centers to the facility for all population centers from which the applicant expects to draw patrons; and

(R) A description of the public access to the community surrounding the proposed facility including air service, train service and highways.

Auth: sections 313.580.1. and 313.632, RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986, effective Oct. 27, 1986.

12 CSR 50-13.060 Disclosure of Development Process

PURPOSE: This rule sets forth the required disclosure of the development process for a Class D license.

(1) An applicant for a Class D license must disclose with regard to the development of its racing facility—

(A) The total cost of facility construction or any modifications of an existing facility, distinguishing between fixed costs and projections;

(B) Separate identification of the following costs, if applicable, distinguishing between fixed costs and projections:

1. Facility design;
2. Land acquisition;
3. Site preparation;
4. Improvements and equipment separately identifying the costs of the items required in 12 CSR 50-13.050(D)—(O) and other categories of improvements and equipment;
5. Interim financing;
6. Permanent financing; and
7. Organization, administrative, accounting and legal;

(C) Documentation of fixed costs;

(D) The schedule for construction, if any, of the facility or any modifications to an existing facility including estimated completion date;

(E) Schematic drawings;

(F) Copies of any contracts with and performance bonds for each of the following:

1. Architect or other design professional;
2. Project engineer;
3. Construction engineer;
4. Contractors and subcontractors; and
5. The equipment procurement personnel; and

(G) Evidence of acquisition or lease of the site by the applicant. If the site is not owned or currently leased by the applicant, the applicant must disclose the plans for the acquisition or lease or other use of the site.

Auth: sections 313.580.1. and 313.580.2., RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986, effective Oct. 27, 1986.

12 CSR 50-13.070 Disclosure of Financial Resources

PURPOSE: This rule sets forth the disclosure of financial resources required for the Class D licenses.

(1) An applicant for a Class D license must disclose the following with regard to financial resources:

(A) An audited financial statement of each of the three (3) previous fairs for which pari-mutuel wagering is proposed.

1. If the application is for a fair which has not been conducted in each of the three (3) previous years, audited financial statements must be provided for all previous fairs.

2. If the application is for a fair which has never been conducted, applicant must so state;

(B) Equity and debt sources of funds to develop and operate the horse racing facility for which the license is requested—

1. For each source of equity contribution the following information must be included:

- A. Identification of the source;
- B. The amount;
- C. The form;
- D. Method of payment;
- E. The nature and amount of present commitment; and
- F. Documentation;

2. For each source of debt contribution the following information must be provided:

- A. Identification of the source;
- B. The amount;
- C. Terms of the debt;
- D. Collateral, if any;
- E. Identity of guarantors, if any;
- F. Nature and amount of commitments;

and
G. Documentation; and

3. If the applicant anticipates obtaining further equity or debt contributions, the applicant must disclose the plans for obtaining the commitments; and

(C) Identification and description of sources of additional funds, if needed, due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

Auth: section 313.580, RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986, effective Oct. 27, 1986.

12 CSR 50-13.080 Disclosure of Financial Plan

PURPOSE: This rule sets forth the requirements for disclosure of financial plan for Class D licenses.

(1) The applicant for a Class D license must disclose its financial projections for the development period and for the conducting of the race meets.

(2) Separate schedules based on the number of racing days and the types of pari-mutuel wagering must be included.

(3) The disclosure must include:

(A) The applicant's requirements for breaking even, the optimum number of racing days and the types of betting the applicant seeks;

(B) The following assumptions and the support for them:

1. Average daily attendance;
2. Average daily per capita handle and average bet;
3. The retainage;
4. Admissions to track, including ticket prices and free admissions, if any;
5. Parking volume, fees and revenues;
6. Concessions, gift shop and program sales;
7. Cost of purses;
8. Pari-mutuel expense;
9. Breeder funds;
10. Payroll;
11. Operating supplies and service;
12. Utilities, if any;
13. Repairs and maintenance;
14. Insurance, if any;
15. Travel expense;
16. Membership expense;
17. Security expense;
18. Legal and audit expense; and
19. Debt service;

(C) The following profit and loss elements:
1. Total revenue, including projected revenues from:

- A. Retainage;
- B. Breakage;
- C. Admissions;
- D. Parking; and
- E. Concessions, gifts and program operations;

2. Total operating expenses including anticipated expenses for:



- A. Purses;
- B. Pari-mutuel;
- C. Breakage to state;
- D. Breeder fund;
- E. Special assessments;
- F. Cost of concession goods, gifts and programs;
- G. Advertising and promotion;
- H. Payroll;
- I. Operating supplies and service;
- J. Maintenance and repairs;
- K. Insurance, if any;
- L. Security; and
- M. Legal and audit; and
- 3. Nonoperating expenses including anticipated expenses for:
 - A. Debt service;
 - B. Facility depreciation, including the identification of method used; and
 - C. Equipment depreciation, including the identification of the method used;
 - (D) Projected cash flow including assessments of:
 - 1. Income, including:
 - A. Equity contributions;
 - B. Debt contributions;
 - C. Interest income; and
 - D. Operating revenue; and
 - 2. Disbursements, including:
 - A. Land;
 - B. Improvements;
 - C. Equipment;
 - D. Debt service;
 - E. Operating expense; and
 - F. Organizational expense; and
 - (E) Project balance sheets as of the end of the development period and for the requested race meets setting forth—
 - 1. Current fixed and other noncurrent assets;
 - 2. Current and long-term liabilities; and
 - 3. Capital accounts.

(4) The applicant must also disclose an accountant's report of the financial projections.

(5) The commission will utilize financial projections in deciding whether to issue Class D licenses. Neither acceptance of a license application nor issuance of a license shall bind the commission as to matters within its discretion, including, but not limited to, assignment of racing days and design of types of permissible pari-mutuel pools.

Auth: section 313.580, RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986, effective Oct. 27, 1986.

12 CSR 50-13.090 Disclosure of Governmental Actions

PURPOSE: This rule sets forth the disclosure requirements for governmental actions in Class D licenses.

(1) An applicant for a Class D license must disclose the following with regard to governmental agencies:

(A) The street and highway improvements necessary to insure adequate access to applicant's horse racing facility and the cost of improvements, status, likelihood of completion and estimated date;

(B) The sewer, water and other public utility improvements necessary to serve applicant's facility and the cost of improvements, status, likelihood of completion and estimated date;

(C) Whether an environmental assessment of the facility has been or will be prepared.

1. If so, the applicant must disclose its status and the governmental unit with jurisdiction.

2. The applicant must provide a copy of any assessment to the commission;

(D) Whether an environmental impact statement is required for applicant's facility.

1. If so, the applicant must disclose its status and the governmental unit with jurisdiction.

2. The applicant must provide the commission with a copy of any such statement; and

(E) Whether the applicant is in compliance with all statutes, charter provisions, ordinances and regulations pertaining to the development, ownership and operation of its horse racing facility. If the applicant is not in compliance, the following information must be disclosed:

1. The reasons why the applicant is not in compliance; and

2. The plans for compliance or exemption from any requirements.

Auth: section 313.580.1., RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986, effective Oct. 27, 1986.

12 CSR 50-13.100 Disclosure of Management

PURPOSE: This rule sets forth the requirements for disclosure of management for a Class D license.

(1) An applicant for a Class D license must disclose each of the following for the development, ownership and operation of the proposed pari-mutuel horse racing facility:

(A) A description of the applicant's management plan including:

- 1. A budget;
- 2. Identification of management personnel by function;
- 3. Job descriptions for each position;
- 4. Qualifications for each position; and
- 5. A copy of the organizational chart;

(B) Management personnel to the extent known including the following information for each person:

1. Legal name, including any alias(es) or previous names;

2. Current residence and business addresses and telephone numbers;

3. Qualifications and experience in the following areas:

- A. General business;
- B. Real estate development;
- C. Construction;
- D. Marketing promotion and advertising;

E. Financing and accounting;

F. Horse racing;

G. Pari-mutuel betting;

H. Security; and

I. Human and animal health and safety; and

4. A description of the terms and conditions of employment including a copy of any agreements;

(C) The following information, to the extent known, must be provided for each consultant or other contractor who has provided or will provide management-related services to the applicant:

1. Full name including any alias(es) or previous names;

2. Current residence and business addresses and telephone numbers;

3. The nature of the services provided or to be provided;

4. The qualifications and experience of the consultant or contractor; and

5. Description of the terms and conditions of any agreement including a copy of the agreement;

(D) Memberships of the applicant, management personnel and consultants in horse racing organizations;

(E) Description of the applicant's security plan including:

1. Number and development of security personnel used by the applicant during the race meeting, security staff levels and deployment at other times;

2. Specific security plans for perimeter, stabling facilities, pari-mutuel betting facilities, purses and cash room;



3. Specific plans to discover persons at the horse racing facility who have been convicted of any felony, had a horse racing license suspended, revoked or denied by the commission or by any horse racing authority of another jurisdiction or are a threat to the integrity of horse racing in Missouri;

4. Description of video-monitoring equipment and its use;

5. Whether the applicant will be a member of the Thoroughbred Racing Cup Protective Bureau, the United States Trotting Association or the American Quarterhorse Association or other security organizations; and

6. Coordination of security with law enforcement agencies in the area;

(F) Description of the applicant's plans for human and animal health and safety, including emergencies;

(G) Description of the applicant's marketing, promotion and advertising plans;

(H) Description of the applicant's plans for concessions, including whether the licensee will operate concessions, and if not, who will;

(I) A description of training of the applicant's personnel; and

(J) A description of plans for compliance with the following:

1. The laws pertaining to discrimination, equal employment and affirmative action;

2. Policies regarding recruitment use and advancement of minorities;

3. Policies with respect to minority contracting;

4. A copy of Equal Employment Opportunity Statement and Policy of the applicant dated and signed by the chief executive officer;

5. A copy of any Affirmative Action Policy Procedures dated and signed by the chief executive officer; and

6. Identification of the Affirmative Action officer including his/her name, title, address and telephone number.

*Auth: section 313.580, RSMo (1986).
Emergency rule filed June 5, 1986,
effective June 15, 1986, expired Oct. 13,
1986. Original rule filed June 12, 1986,
effective Oct. 27, 1986.*

12 CSR 50-13.110 Disclosure of Impact of Facility

PURPOSE: This rule sets forth the disclosures required of the impact of the facility for a Class D license.

(1) An applicant for a Class D license must disclose the impact of its horse racing facility including:

(A) Economic impact—

1. The employment created and specifics as to the number of jobs distinguishing between permanent and temporary, the type of work, compensation, employer and how created;

2. Purchase of goods and services and specifics as to the amounts and types of purchases;

3. Public and private investment; and

4. Tax revenues generated;

(B) Ecological impact;
(C) Impact on energy conservation and development of alternative energy sources; and

(D) Social impact.

*Auth: section 313.580.1., RSMo (1986).
Emergency rule filed June 5, 1986,
effective June 15, 1986, expired Oct. 13,
1986. Original rule filed June 12, 1986,
effective Oct. 27, 1986.*

12 CSR 50-13.120 Disclosure of Public Support and Opposition

PURPOSE: This rule discloses the public support or opposition for the Class D license.

(1) An applicant for a Class D license must disclose public support and opposition whether by governmental officials or agencies, private individuals or groups and must supply documentation for the support or opposition.

*Auth: section 313.580.1., RSMo (1986).
Emergency rule filed June 5, 1986,
effective June 15, 1986, expired Oct. 13,
1986. Original rule filed June 12, 1986,
effective Oct. 27, 1986.*

12 CSR 50-13.130 Disclosure of Assistance in Preparation of Application

PURPOSE: This rule requires disclosure of any assistance in the preparation of the Class D license application.

(1) An applicant for a Class D license must disclose the names, addresses and telephone numbers of all individuals who assisted the applicant in the preparation of its application under these rules.

*Auth: section 313.580, RSMo (1986).
Emergency rule filed June 5, 1986,
effective June 15, 1986, expired Oct. 13,
1986. Original rule filed June 12, 1986,
effective Oct. 27, 1986.*

12 CSR 50-13.140 Personnel Information and Authorization for Release

PURPOSE: This rule sets forth the information and authorized release for personnel who will be involved in the supervision or conduct of pari-mutuel wagering.

(1) The applicant must make its best effort to include the following for each individual who will have any responsibility or duties for the conduct of pari-mutuel wagering under the Class D license for which application is made:

(A) Information to be provided by each individual—

1. Full name including any alias(es) or previous names;

2. Business address;

3. Residence address;

4. Telephone numbers;

5. Last five (5) residences;

6. Date of birth;

7. Place of birth;

8. Social Security number, if the individual is willing to provide it. The commission application must make clear the Social Security number is provided voluntarily; and

9. Two (2) references; and

(B) An authorization for the release of personal information, on a form prepared by the commission, shall be signed by each individual and submitted with the application. The forms shall provide that the individual—

1. Authorizes a review by and full disclosure to the Missouri State Highway Patrol of all records concerning the individual, whether the records are public, nonpublic, private or confidential;

2. Recognizes the information reviewed or disclosed may be used by the Missouri Horse Racing Commission, its employees, staff and agents to determine the applicant's qualifications for a Class D license; and

3. Releases the Missouri Horse Racing Commission, its employees, staff and agents and the providers of any information requested by the commission, its employees, staff and agents from any liability under state or federal privacy laws.

*Auth: section 313.580, RSMo (1986).
Emergency rule filed June 5, 1986,
effective June 15, 1986, expired Oct. 13,
1986. Original rule filed June 12, 1986,
effective Oct. 27, 1986.*



12 CSR 50-13.150 Class D License Criteria

PURPOSE: This rule sets forth the criteria for the issuance of Class D licenses.

(1) The commission may issue a Class D license if it determines on the basis of all the facts before it that—

- (A) The applicant is financially able to operate a racetrack;
- (B) The applicant is administratively able to operate a racetrack;
- (C) The racetrack will be operated in accordance with all applicable laws and rules; and
- (D) The issuance of the license will not adversely affect the public health, safety and welfare.

(2) In making the required determinations, the commission must consider the following factors and indices:

- (A) The integrity of the applicant and any personnel employed to have duties and responsibilities for operating pari-mutuel wagering at the state fair or a county fair. This determination shall include consideration of:
 - 1. Any criminal record of any individual;
 - 2. The involvement in litigation over business practices by the applicant or any individuals or entities employed by the applicant;
 - 3. The involvement in proceedings in which unfair labor practices, discrimination or regulation of horse racing or gambling was an issue;
 - 4. Failure to satisfy any judgments, orders or decrees of any court; and
 - 5. Any other indices related to integrity which the commission deems crucial to its decision-making as long as the same indices are considered with regard to all applicants;
- (B) The types and variety of pari-mutuel horse racing which applicant will offer and the ability to attract quality horses;
- (C) The quality of the physical facility together with improvements and equipment including:
 - 1. The racetrack(s);
 - 2. Stabling;
 - 3. Grandstand;
 - 4. Detention barn;
 - 5. Paddock;
 - 6. Jockey's and driver's quarters;
 - 7. Pari-mutuel tote;
 - 8. Parking;
 - 9. Access by road and public transportation;
 - 10. Perimeter fence;
 - 11. Other security improvements and equipment;

- 12. Starting, timing, photo-finish and photo-patrol or video equipment;
- 13. Commission work areas; and
- 14. Any other indices related to quality of the facility which the commission deems crucial to its decision-making as long as the same indices are considered with regard to all applicants;
- (D) The imminence of completion of the facility or any improvements;
- (E) Financial ability to develop and operate a pari-mutuel horse racing facility successfully, including:
 - 1. Amounts and reliability of development costs;
 - 2. Certainty of site acquisition or lease, if required;
 - 3. Current financial conditions;
 - 4. Sources of equity and debt funds, amounts, terms and conditions and certainty of commitment;
 - 5. Provisions for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other financial adversity;
 - 6. Feasibility of financial plan; and
 - 7. Any other indices related to financial ability which the commission deems crucial to its decision-making as long as the same indices are considered with regard to all applicants;
- (F) The status of governmental actions required by the applicant's facility including:
 - 1. Necessary road improvements;
 - 2. Necessary public utility improvements;
 - 3. Acceptance of any required environmental assessment and preparation of any required environmental impact statement; and
 - 4. Any other indices related to the status of governmental actions which the commission deems crucial to its decision-making as long as the same indices are considered with regard to all applicants;
- (G) Management ability of the applicant including:
 - 1. Qualifications of managers, consultants and other contractors to develop and operate a pari-mutuel horse racing facility;
 - 2. Security plan;
 - 3. Plans for human and animal health and safety;
 - 4. Marketing, promotion and advertising plans;
 - 5. Concession plan;
 - 6. Plan for training personnel;
 - 7. Equal employment and affirmative action plan; and
 - 8. Any other indices related to management ability which the commission deems crucial to its decision-making as long as the same indices are considered with regard to all applicants;

- (H) Compliance with applicable statutes, regulations, charters and ordinances;
- (I) Efforts to promote orderly growth of horse racing in Missouri and educate the public with respect to horse racing and pari-mutuel betting;
- (J) The impact of the facility including:
 - 1. The economic impact—
 - A. The employment created;
 - B. The purchases of goods and services;
 - C. Public and private investment; and
 - D. Taxes generated;
 - 2. Ecological impact;
 - 3. Impact on energy conservation and development of alternative energy sources;
 - 4. Social impact;
 - 5. Cost of public improvements; and
 - 6. Any other indices related to impact which the commission deems crucial to its decision-making as long as the same indices are considered with regard to all applicants; and
- (K) The extent of any public support or opposition.

(3) The commission may also consider any other information which the applicant discloses and which is relevant or helpful to a proper determination by the commission.

Auth: sections 313.580.1. and 313.580.3., RSMo (1986). Emergency rule filed June 5, 1986, effective June 15, 1986, expired Oct. 13, 1986. Original rule filed June 12, 1986 effective Oct. 27, 1986.

12 CSR 50-13.160 Application and License Fee for Class D License

PURPOSE: This rule sets the application and license fees for Class D licenses.

- (1) The one(1)-time nonrefundable application fee for Class D license shall be five hundred dollars (\$500). The application fee for class D license shall not apply to those organizations who apply for both Class B and D licenses concurrently.
- (2) The license fee for Class D licenses shall be twenty-five dollars (\$25) per day for each day racing is conducted.

Auth: section 313.620, RSMo (1986). Emergency rule filed June 20, 1986, effective June 30, 1986, expired Oct. 13, 1986. Original rule filed Oct. 3, 1986, effective Jan. 12, 1987. Amended: Filed May 15, 1987, effective Sept. 24, 1987.

**12 CSR 50-13.170 Bond for Class D License**

PURPOSE: This rule exempts the Department of Agriculture from any bond requirement.

- (1) The Department of Agriculture shall be exempt from any bond requirement.
- (2) Except as noted in this rule, the total amount of the bond for Class D license is five thousand dollars (\$5000) per racing day.

*Auth: section 313.590, RSMo (1986).
Emergency rule filed June 20, 1986,
effective June 30, 1986, expired Oct. 13,
1986. Original rule filed Oct. 3, 1986,
effective Jan. 12, 1987. Emergency
rescission filed July 14, 1987, effective
July 24, 1987, expired Nov. 21, 1987.*