

Senate Concurrent Resolution No. 1622

By Senator Oleen

3-22

9 A PROPOSITION to amend section 3c of article 15 of the constitution
10 of the state of Kansas, relating to lotteries.

11

12 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
13 *members elected (or appointed) and qualified to the Senate and two-*
14 *thirds of the members elected (or appointed) and qualified to the House*
15 *of Representatives concurring therein:*

16 Section 1. The following proposition to amend the constitution of the
17 state of Kansas shall be submitted to the qualified electors of the state
18 for their approval or rejection: Section 3c of article 15 of the constitution
19 of the state of Kansas is hereby amended to read as follows:

20 “§ 3c. ~~State-owned and operated lottery~~ Lotteries. (a) Not-
21 withstanding the provisions of section 3 of article 15 of the consti-
22 tution of the state of Kansas, the legislature may provide for a state-
23 owned and operated lottery, ~~except that such state-owned lottery~~
24 ~~shall not be operated after June 30, 1990, unless authorized to be~~
25 ~~operated after such date by a concurrent resolution approved by a~~
26 ~~majority of all of the members elected (or appointed) and qualified~~
27 ~~of each house and adopted in the 1990 regular session of the leg-~~
28 ~~islature. The state shall and privately-owned electronic gaming ca-~~
29 ~~sino locations.~~

30 (b) Whenever possible ~~provide the public~~, *the state shall provide*
31 *to the public* information on the odds of winning a prize or prizes
32 in a lottery game.

33 (c) *The legislature may permit, regulate, license and tax no more*
34 *than five privately-owned and operated electronic gaming casino*
35 *locations. The state shall not have an ownership interest in an elec-*
36 *tronic gaming casino location.*

37 *No more than 400 electronic gaming machines shall be located at*
38 *an electronic gaming casino location. Such machines shall be di-*
39 *rectly linked to a central communications system and shall be on-*
40 *line and in constant communication with a central computer at a*
41 *location determined by the casino gaming oversight commission.*

42 *An electronic gaming casino location shall not be located within*
43 *50 miles of any tribal casino operating pursuant to a state-tribal*

- 1 compact.
- 2 (d) The legislature may permit, regulate, license and tax the
3 operation of a privately-owned and operated destination casino in
4 Wyandotte county. A destination casino may be authorized pursu-
5 ant to a state-tribal compact or pursuant to an authorization of the
6 casino gaming oversight commission. The state shall not have an
7 ownership interest in a destination casino.
- 8 (e) A casino authorized by this provision shall be permitted only
9 in counties in which: (1) A majority of the qualified electors of the
10 county voting thereon approve this proposed amendment; or (2) the
11 qualified electors of the county approve a proposition, by a majority
12 vote of those voting thereon at an election held within the county,
13 to permit such casino within the boundaries of the county.
- 14 (f) The legislature shall provide for a casino gaming oversight
15 commission. There shall be five members on such commission. Mem-
16 bers shall be subject to confirmation by the senate. One member
17 shall be appointed from each congressional district with the re-
18 maining member or members appointed at large. Once appointed,
19 subsequent congressional redistricting shall not disqualify a member
20 from serving for the remainder of the term. No more than three
21 members shall belong to the same political party. The legislature
22 may provide other qualifications for appointment to the
23 commission.
- 24 (g) After consultation among the appointing authorities, the
25 members of the casino gaming oversight commission shall be ap-
26 pointed as follows:
- 27 (1) One member shall be appointed by the speaker of the house
28 of representatives from nominees submitted by the majority leader
29 and the minority leader of the house of representatives.
- 30 (2) One member shall be appointed by the president of the sen-
31 ate from nominees submitted by the majority leader and minority
32 leader of the senate.
- 33 (3) One member shall be appointed by the governor.
- 34 (4) One member shall be appointed by the attorney general.
- 35 (5) One member shall be appointed by the chief justice of the
36 supreme court.
- 37 (h) The chairperson of the commission shall be designated by
38 the governor, subject to the approval of the other appointing
39 authorities.
- 40 (i) Members of the casino gaming oversight commission may be
41 removed from office for cause as may be provided by law.
- 42 (j) Members of the casino gaming oversight commission shall be
43 appointed for terms of four years. Any vacancy occurring in the

1 membership of the commission shall be filled in the same manner
2 as the original appointment for the remainder of the unexpired term.

3 (k) The legislature shall provide for the oversight and regulation
4 of casinos. The legislature shall provide for the selection, by the
5 casino gaming oversight commission, of the locations of any state-
6 owned and operated casino. The legislature shall provide for the
7 selection, by such commission, of the owner and operator of the
8 privately-owned or operated destination casino.

9 (l) After the payment of the salaries and expenses of the casino
10 gaming oversight commission and the costs of regulation of casinos
11 and casino operations and the enforcement of laws relating thereto,
12 the moneys derived from electronic casino gaming machines oper-
13 ated pursuant to this provision:

14 (1) Twenty-five percent shall be paid to the licensee operating
15 the electronic casino location;

16 (2) two percent shall be credited to the problem gambling fund;

17 (3) twenty-five percent shall be awarded, by the department of
18 commerce, to programs and services supporting and enhancing
19 tourism in the state. Such grants shall be awarded on a competitive
20 basis as provided by law and not less than 1/2 of such money shall
21 be distributed equally among the congressional districts of the state;

22 (4) sixteen percent shall be awarded by the state board of re-
23 gents to vocational educational schools and technical colleges for
24 facilities, equipment and program enhancements;

25 (5) ten percent shall be credited to a fund created by law and
26 administered by the executive director of the Kansas commission on
27 veterans affairs. Such moneys shall be used to support and enhance
28 veterans programs and services, including health care services, vet-
29 erans hospitals, veterans cemeteries and other veterans programs
30 and services as determined by law;

31 (6) four percent shall be credited to the Kansas horse breeding
32 development fund;

33 (7) four percent shall be credited to the Kansas greyhound
34 breeding development fund;

35 (8) four percent shall be paid to the county in which the casino
36 is located. If the casino is located within the corporate limits of a
37 city, 2% shall be paid to such city and 2% to the county; and

38 (9) the balance shall be credited to a fund created by law and
39 administered by the secretary on aging. Such moneys shall be used
40 to support and enhance programs and services provided under the
41 senior care act or other programs and services for the elderly.

42 (m) The casino gaming oversight commission shall not approve
43 the operation of any casino without first conducting or providing

1 *for necessary feasibility studies, economic impact studies and mar-*
2 *keting reports.*

3 *(n) On or before January 14 of each year, the casino gaming*
4 *oversight commission shall provide an annual report of its activities*
5 *and any casinos operating in the state to the casino gaming oversight*
6 *commission and the appointing authorities of the commission.”*

7 Sec. 2. The following statement shall be printed on the ballot with
8 the amendment as a whole:

9 *“Explanatory statement.*(a) The proposed amendment would au-
10 *thorize the legislature to provide for not to exceed five privately-*
11 *owned and operated electronic casino locations.*

12 (b) The proposed amendment would authorize the legislature
13 to provide for one privately-owned and operated destination ca-
14 sino in Wyandotte county. The proposed amendment provides
15 for the distribution of the money wagered at such casinos.

16 (c) The proposed amendment provides for an electronic casino
17 gaming oversight commission.

18 *“A vote for the proposed amendment would permit the legislature*
19 *to provide for operation of privately-owned and operated elec-*
20 *tronic gaming casinos and a privately-owned and privately-op-*
21 *erated destination casino.*

22 *“A vote against the proposed amendment would continue the cur-*
23 *rent prohibition against such casinos.”*

24 Sec. 3. This resolution, if approved by two-thirds of the members
25 elected (or appointed) and qualified to the Senate, and two-thirds of the
26 members elected (or appointed) and qualified to the House of Repre-
27 sentatives shall be entered on the journals, together with the yeas and
28 nays. The secretary of state shall cause this resolution to be published as
29 provided by law and shall cause the proposed amendment to be submitted
30 to the electors of the state at the general election in the year 2004 unless
31 a special election is called at a sooner date by concurrent resolution of
32 the legislature, in which case it shall be submitted to the electors of the
33 state at the special election.