

House Concurrent Resolution No. 5022

By Committee on Federal and State Affairs

3-16

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

12

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

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

21 ~~“§ 3c. State-owned and operated lottery~~ *Lotteries. (a) Notwith-*
22 *standing the provisions of section 3 of article 15 of the constitution*
23 *of the state of Kansas, the legislature may provide for a state-owned*
24 *and operated lottery, except that such state-owned lottery shall not*
25 *be operated after June 30, 1990, unless authorized to be operated*
26 *after such date by a concurrent resolution approved by a majority*
27 *of all of the members elected (or appointed) and qualified of each*
28 *house and adopted in the 1990 regular session of the legislature.*
29 *The state shall whenever possible provide the public information*
30 *on the odds of winning a prize or prizes in a lottery game. and*
31 *privately-owned casinos and privately-owned destination casinos.*

32 *(b) Whenever possible, the state shall provide to the public in-*
33 *formation on the odds of winning a prize or prizes in a lottery game.*

34 *(c) The legislature may ~~permit, regulate, license and tax~~ au-*
35 *thorize, regulate, license and tax, by law, privately-owned ca-*
36 *sinos and privately-owned destination casinos. The legislature shall*
37 *permit may authorize no more than four privately-owned desti-*
38 *nation casinos. The state shall not have an ownership interest in any*
39 *privately-owned casino or privately-owned casino or destination*
40 *casino. The state shall not have an ownership interest in player-*
41 *operated electronic gaming machines or other gambling devices lo-*
42 *cated at a privately-owned casino or privately-owned destination*
43 *casino.*

1 ~~—(d) The legislature shall not permit the location of any privately-~~
2 ~~owned casino or privately-owned destination casino within 50 miles~~
3 ~~of any tribal casino operating pursuant to a state-tribal compact.~~

4 (e) (1) Except as provided by paragraph (2), a ~~privately-owned~~
5 destination casino may be permitted only in counties in which a
6 majority of the qualified electors of the county voting on this pro-
7 posed amendment vote in favor thereof and a majority of the qual-
8 ified electors of at least $\frac{2}{3}$ of the counties which are contiguous to
9 such county voting on this proposed amendment vote in favor
10 thereof.

11 (2) If a majority of the qualified electors of the county voting
12 on this proposed amendment did not vote in favor thereof, a ~~pri-~~
13 ~~vately-owned~~ destination casino may be permitted in such county
14 only if at a subsequent election a majority of the qualified electors
15 of the county voting on the proposition to permit the location and
16 operation of a destination casino in the county vote in favor thereof
17 and a majority of the qualified electors of at least $\frac{2}{3}$ of the counties
18 which are contiguous to such county voting on the proposition to
19 permit the location and operation of a ~~privately-owned~~ destination
20 casino in a contiguous county vote in favor thereof.

21 (f) The legislature shall provide for a casino gaming oversight
22 authority. Members of the casino gaming oversight authority shall
23 be appointed for terms of four years. Members may be removed
24 from office for cause as may be provided by law.

25 (g) The casino gaming oversight authority shall not approve the
26 operation of any ~~privately-owned casino or privately-owned~~ **casino**
27 **or** destination casino without first conducting or providing for nec-
28 essary feasibility studies, economic impact studies and marketing
29 reports.

30 ~~(h) As used in this section:~~

31 ~~—(1) “Casino” means a building or portion of a building used for~~
32 ~~the purpose of operating, managing and maintaining electronic~~
33 ~~gaming machines, other gambling devices, activities and games and~~
34 ~~any ancillary facility of such building.~~

35 ~~—(2) “Destination casino” means a casino and any ancillary fa-~~
36 ~~cility which are designed to attract persons who reside outside the~~
37 ~~immediate area in which such casino is located and in which there~~
38 ~~has been invested at least \$250,000,000.~~

39 ~~—(3) “Ancillary facility” means non-casino game products and~~
40 ~~services not owned and operated by the state which may be included~~
41 ~~in the overall development associated with a casino or destination~~
42 ~~casino, including, but not limited to, restaurants, hotels, motels, mu-~~
43 ~~seums or entertainment facilities.”~~

1 **(h) As used in this section, “destination casino” means a**
2 **casino, as defined by law, in which there has been invested**
3 **at least \$250,000,000.**

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

6 *“Explanatory statement.* This amendment would authorize the leg-
7 islature to provide for privately-owned casinos and for not more
8 than four privately-owned and operated destination casinos. This
9 amendment would provide for a casino gaming oversight
10 authority.

11 *“A vote for this amendment would permit the legislature to provide*
12 *for operation of privately-owned casinos and privately-owned*
13 *destination casinos.*

14 *“A vote against this amendment would continue the current pro-*
15 *hibition against such casinos.”*

16 Sec. 3. This resolution, if approved by two-thirds of the members
17 elected (or appointed) and qualified to the House of Representatives, and
18 two-thirds of the members elected (or appointed) and qualified to the
19 Senate shall be entered on the journals, together with the yeas and nays.
20 The secretary of state shall cause this resolution to be published as pro-
21 vided by law and shall cause the proposed amendment to be submitted
22 to the electors of the state at the general election in the year 2008 unless
23 a special election is called at a sooner date by concurrent resolution of
24 the legislature, in which case it shall be submitted to the electors of the
25 state at the special election.