

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2004

SENATE BILL No. 533

By Committee on Ways and Means

2-18

12 AN ACT concerning the Kansas racing and gaming commission *and the*
13 *state gaming agency*; relating to appointment of assistant attorneys
14 general; amending K.S.A. 74-8809 *and 74-8904 [74-9804]* and re-
15 pealing the existing *section sections*.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. K.S.A. 74-8809 is hereby amended to read as follows: 74-
19 8809. (a) The attorney general shall appoint, with the approval of the
20 commission, not more than ~~two~~ *three two* assistant attorneys general who
21 shall be assigned to assist the commission in all matters, including the
22 enforcement of ~~this act, the tribal gaming oversight~~ *the Kansas pari-*
23 *mutuel racing act*. Such attorneys shall be in the unclassified service
24 under the Kansas civil service act and shall receive annual salaries fixed
25 by the attorney general, with the approval of the commission, ~~subject to~~
26 ~~the limitations of appropriations therefor.~~ Such salaries and any subsis-
27 tence, mileage and other travel expenses of such attorneys general shall
28 be paid from the state racing fund created by K.S.A. 74-8826 and amend-
29 ments thereto, as an operating expense of the commission, subject to
30 reimbursement from the tribal gaming fund created by K.S.A. 74-9808
31 and amendments thereto for that portion of any such salary and subsis-
32 tence, mileage and other travel expenses attributable to work performed
33 relating to tribal gaming matters.

34 ~~—(b) On or before the 15th day of each month, commencing with the~~
35 ~~month following the first month that salaries or subsistence, mileage or~~
36 ~~other travel expenses are expended for work performed relating to tribal~~
37 ~~gaming matters, the director of accounts and reports shall transfer moneys~~
38 ~~in the tribal gaming fund to the state racing fund in an amount certified~~
39 ~~monthly by the executive director and determined as equal to the salary~~
40 ~~and subsistence, mileage and other travel expenses of the commission~~
41 ~~incurred during the preceding month and attributable to work performed~~
42 ~~on tribal gaming matters by assistant attorneys general assigned to the~~
43 ~~commission.~~

1 **Sec. 2. K.S.A. 74-9804 is hereby amended to read as follows:**
2 **74-9804. (a) (1) The governor shall appoint, subject to confirmation**
3 **by the senate as provided by K.S.A. 75-4315b, and amendments**
4 **thereto, an executive director of the state gaming agency, to serve**
5 **at the pleasure of the governor. Before appointing any person as**
6 **executive director, the governor shall cause the Kansas bureau of**
7 **investigation to conduct a criminal history record check and back-**
8 **ground investigation of the person.**

9 **(2) The executive director shall: (A) Be in the unclassified serv-**
10 **ice under the Kansas civil service act; (B) devote full time to the**
11 **executive director's assigned duties; (C) be a citizen of the United**
12 **States and an actual resident of Kansas during employment as ex-**
13 **ecutive director; (D) not have been convicted of a felony under the**
14 **laws of any state or of the United States prior to or during employ-**
15 **ment; and (E) have familiarity with gaming industries sufficient to**
16 **fulfill the duties of the office of executive director.**

17 **(3) The executive director shall: (A) Determine, subject to the**
18 **approval of the Kansas racing and gaming commission, the number**
19 **and qualifications of employees necessary to implement and enforce**
20 **the provisions of tribal-state gaming compacts and the provisions**
21 **of the tribal gaming oversight act; (B) employ persons for those**
22 **positions; and (C) perform such other duties as required by tribal-**
23 **state gaming compacts.**

24 **(b) (1) The executive director may appoint a director of en-**
25 **forcement and compliance to serve at the pleasure of the executive**
26 **director. Before appointing any person as director of enforcement**
27 **and compliance, the executive director shall cause the Kansas bu-**
28 **reau of investigation to conduct a criminal history record check and**
29 **background investigation of the person.**

30 **(2) The director of enforcement and compliance shall: (A) Be in**
31 **the unclassified service under the Kansas civil service act; (B) de-**
32 **vote full time to the director's assigned duties; (C) receive such com-**
33 **penensation as determined by the executive director, subject to the**
34 **limitations of appropriations therefor; (D) be a citizen of the United**
35 **States and an actual resident of Kansas during employment as di-**
36 **rector of enforcement and compliance; (E) not have been convicted**
37 **of a felony under the laws of any state or of the United States prior**
38 **to and during employment as director of compliance; and (F) have**
39 **been a professional law enforcement officer with a minimum of five**
40 **years' experience in the field of law enforcement and at least a bach-**
41 **elor's degree in law enforcement administration, law, criminology**
42 **or a related science or, in lieu thereof, a minimum of 10 years' ex-**
43 **perience in the field of law enforcement.**

1 **(3) The director of enforcement and compliance shall: (A) Be**
2 **vested with law enforcement authority;**

3 **(B) conduct investigations relating to compliance with the pro-**
4 **visions of tribal-state gaming compacts and the provisions of the**
5 **tribal gaming oversight act;**

6 **(C) recommend proper compliance measures to tribal gaming**
7 **commissions;**

8 **(D) train and supervise such personnel as employed by the ex-**
9 **ecutive director to assist with such duties; and**

10 **(E) perform such other duties as directed by the executive**
11 **director.**

12 **(c) (1) The executive director may appoint enforcement agents.**
13 **Before appointing any person as a enforcement agent, the executive**
14 **director shall cause the Kansas bureau of investigation to conduct**
15 **a criminal history record check and background investigation of**
16 **the person.**

17 **(2) Each enforcement agent shall: (A) Be vested with law en-**
18 **forcement authority;**

19 **(B) be in the classified service under the Kansas civil service**
20 **act;**

21 **(C) not have been convicted of a felony under the laws of any**
22 **state or of the United States prior to or during employment as en-**
23 **forcement agent; and**

24 **(D) be a professional law enforcement officer with a minimum**
25 **of two years' experience in the field of law enforcement or, in lieu**
26 **thereof, a bachelor's degree from an accredited university or**
27 **college.**

28 **(3) Enforcement agents shall: (A) Conduct investigations relat-**
29 **ing to compliance with the provisions of tribal-state gaming com-**
30 **pacts or the provisions of the tribal gaming oversight act; and (B)**
31 **perform such other duties as directed by the executive director or**
32 **the director of enforcement and compliance.**

33 **(d) The attorney general shall appoint, with the approval of the ex-**
34 **ecutive director, an assistant attorney general who shall be assigned to**
35 **assist the executive director in all matters, including the enforcement of**
36 **the tribal gaming oversight act. Such attorney shall be in the unclassified**
37 **service under the Kansas civil service act and shall receive an annual**
38 **salary fixed by the attorney general, with the approval of the executive**
39 **director, subject to the limitations of appropriations therefor. Such salary**
40 **and any subsistence, mileage and other travel expenses of such attorney**
41 **general shall be paid from the tribal gaming fund created by K.S.A. 74-**
42 **9808 and amendments thereto.**

43 Sec. ~~2~~ **3.** K.S.A. 74-8809 is ~~and 74-8904~~ **[74-9804 are]** hereby

- 1 repealed.
- 2 Sec. ~~3~~ **4**. This act shall take effect and be in force from and after its
- 3 publication in the statute book.