

Approved: 4-26-96
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:05 a.m. on March 15, 1996 in Room 254-E of the Capitol.

Members present were: Senator Oleen, Chair
Senator Tillotson, Vice Chair
Senator Jones, Ranking Minority Member
Senator Hensley
Senator Gooch
Senator Jordan
Senator Papay
Senator Praeger
Senator Ramirez
Senator Vidricksen
Senator Walker

Committee staff present: Mary Galligan, Legislative Research
Mary Torrence, Revisor
Nancy Wolff, Committee Secretary

Conferees appearing before the committee:
None

Others attending meeting: See attached list

The committee returned to the Subcommittee report on **HB2544** relating to cigarettes and tobacco products; regulation and taxation; enforcement of prohibitions relating to minors. Mary Torrence continued the report as reflected by the attached balloon of the bill (Attachment 1). Also attached are two proposals for amendments to the bill (Attachment 2). As the discussion progressed, Senator Oleen requested that the subcommittee return to the committee on Monday, March 18, to continue working on the bill.

Senator Oleen then presented the subcommittee report on **SCR1621** (Attachment 3). This subcommittee report would require a statewide election to "permit, regulate, license and tax casino games". The election would allow casino games only in counties in which the qualified electors by a majority voted of those voting on the proposition, vote to approve it. The issue would need to come before the legislature again in the year 2002 for consideration of the repealer date. No individual under the age of 21 would be permitted access to a casino. The resolution would also allow a county, by act of the governing body of such county, to place the issue on the ballot at a future date, even though the county did not vote favorably at the initial election.

Senator Gooch requested clarification on whether an individual under the age of 21 would be permitted to attend races at a parimutuel track. Senator Walker stated that the casino and track would need to be separated as the underage individual could not enter the casino, but could attend races at the track.

Senator Ramirez requested a point of personal privilege to read a newspaper column to the committee. He stated that Jerry Heaster's column in the Kansas City Star entitled "Dogma can hinder democracy" (Attachment 4) referred to the current situation in the senate. Senator Jordan stated that he appreciated hearing the article, and that the "Star" has run articles on the other side of the issue as well. Senator Oleen stated that the committee has invested a considerable amount of time on this issue and although some members have different views, the committee has been open for people to express those differences.

Senator Oleen then called on Steve Montgomery, representing the Greyhound Kennel Owners (Attachment 5) presented information on a proposed bill that would allow Kansas racetracks to conduct games through the Kansas Lottery. The Legislative changes necessary to permit such games are: 1) The games to be played on days and at times applicable to racetrack operations; 2) Adjustments to the payout's to winners to be consistent with racetrack payout's; and 3) Adjustments for the breed groups and race tracks to divide a portion of the net machine revenues in a manner to provide a financial stimulus to the industry.

Senator Vidricksen requested an explanation as to why the changes were made by the subcommittee on **SCR1621**. Senator Oleen stated that the changes were made to simplify the contents should it be placed on the ballot. Senator Hensley stated that the report before the committee was an attempt to address the concerns

expressed by conferees during the hearings and through discussion within the full committee.

Senator Hensley made a motion that the subcommittee report be made a part of **SCR1621** and reported favorable for passage as amended. Senator Ramirez seconded the motion.

Senator Walker made a substitute motion that the subcommittee report be adopted and reported favorable for passage but should the bill be killed on the floor of the Senate, the committee introduce the bill requested by the breed groups. Senator Ramirez seconded the motion. Following discussion, the motion and the second were withdrawn.

The original motion that **SCR1621** be amended and reported favorable for passage was repeated and the motion carried.

Senator Hensley made a motion that the committee conceptually introduce the legislation as requested by the Greyhound Kennel Owners and Senator Jones seconded the motion. Senator Walker opposed the motion because he felt the second piece of legislation would give the Senate an out not to proceed on **SCR1621**. Senator Jones withdrew his second. Senator Tillotson seconded the motion. The motion carried.

The next meeting for the committee was scheduled for 3/18/96.

The meeting was adjourned at 12:05 p.m.

HOUSE BILL No. 2544

By Committee on Federal and State Affairs

2-21

AN ACT concerning cigarettes and tobacco products; relating to regulation and taxation thereof; prohibiting certain acts and providing penalties for violations; amending K.S.A. 79-3301, 79-3302, 79-3303, 79-3304, 79-3309, 79-3316, 79-3321, 79-3322, 79-3323, 79-3326, 79-3373, 79-3377 and 79-3387 and K.S.A. [1994] Supp. 38-1502 and repealing the existing sections; also repealing K.S.A. 79-3305, 79-3310b, 79-3318, 79-3370, 79-3372, 79-3376, 79-3380 through 79-3386 and 79-3390.

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

Section 1. K.S.A. 79-3301 is hereby amended to read as follows: 79-3301. The following words, terms and phrases as used in this act, are hereby defined as follows:

(a) "Carrier" means one who transports cigarettes from a manufacturer to a wholesale dealer or from one wholesale dealer to another.

(b) "Carton" means the container used by the manufacturer of cigarettes in which no more than 10 packages of cigarettes are placed prior to shipment from such manufacturer.

(c) "Cigarettes;" "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient if the wrapper is in greater part made of any material except tobacco;

(b) "Person" means any individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise and any combination of individuals;

(d) "Consumer" means that the person purchasing or receiving cigarettes or tobacco products for final use;

(e) "Dealer" means every person, firm, corporation, or association of persons who shall sell any person who engages in the sale or manufacture of cigarettes in the state of Kansas, and who is required to be licensed under the provisions of this act;

"Wholesale dealer" means those persons who sell cigarettes to

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1 *ed gummed paper or heat process.*

2 (u) "Tax indicia" means visible evidence of tax payment in the form
3 of stamps or meter imprints.

4 (v) "Tobacco products" means cigars, cheroots, stogies, periques;
5 granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco;
6 snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other
7 chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings
8 of tobacco, and other kinds and forms of tobacco, prepared in such man-
9 ner as to be suitable for chewing or smoking in a pipe or otherwise, or
10 both for chewing and smoking. Tobacco products does not include ciga-
11 rettes.

12 (w) "Vending machine" means any coin operated machine, contri-
13 vance or device, by means of which merchandise may be sold.

14 (x) "Vending machine distributor" means any person who sells
15 cigarette vending machines to a vending machine operator oper-
16 ating vending machines in the state of Kansas.

17 (y) "Vending machine operator" means any person who places
18 a vending machine, owned, leased or operated by such person, at
19 locations where cigarettes are sold from the machine. The owner
20 or lessee of the premises upon which a vending machine is placed
21 shall not be considered the operator of the machine, nor shall the
22 owner or lessee, or any employee or agent of the owner or lessee
23 be considered an authorized agent of the vending machine oper-
24 ator, if the owner or lessee does not own or lease the machine and
25 the owner's or lessee's sole remuneration from the machine is a
26 flat rental fee or commission based upon the number or value of
27 cigarettes sold from the machine, or a combination of both.

28 (*) (z) "Wholesale dealer" means those persons who sell any person
29 who sells cigarettes to other wholesale dealers, retail dealers, vending
30 machine operators and manufacturer's salespersons for the purpose of
31 resale in the state of Kansas.

32 (y) (aa) "Wholesale sales price" means the original net invoice price
33 for which manufacturer sells a tobacco product to a distributor, as shown
34 by the manufacturer's original invoice.

35 Sec. 2. K.S.A. 79-3302 is hereby amended to read as follows: 79-
36 3302. (a) K.S.A. 79-3301 through 79-3304, 79-3306, 79-3309, 79-3310,
37 79-3311, 79-3312, 79-3312a, 79-3313, 79-3316, 79-3321, 79-3322, 79-
38 3323, 79-3324a, 79-3326, 79-3328, 79-3329, 79-3371, 79-3373, 79-3374,
39 79-3375, 79-3377, 79-3378, 79-3379, 79-3387, 79-3388 and sections ~~14~~
40 ~~and 15, 15 and 16~~ and amendments thereto, shall be known and may
41 be cited as the Kansas cigarette and tobacco products act.

[9, 15, 16 and 17

42 It is the purpose and intent of this act to levy a tax on cigarettes
43 sold, distributed, conveyed or given away in this state, and to collect such

to another machine. A vending machine operator, within 10 days, shall notify the director of the brand name and serial number of vending machines that become inoperative or that the operator disposes of, sells, acquires or brings into service in this state as additional machines.

(d) The key to the lower or storage compartment of a vending machine shall remain only in the possession of the vending machine operator or the operator's authorized agent. All services connected with the operation of a vending machine shall be performed by the vending machine operator or the operator's authorized agent. All vending machines shall be subject to inspection by the director or the director's authorized agents. No permit shall be issued for a vending machine unless it is constructed so that at least one package of each vertical column of cigarettes located therein is visible showing tax indicia.

(e) All vending machines operated on military installations shall have a permit affixed to the machines and the cigarettes shall show tax indicia of the Kansas tax.

(f) On or before the 10th day of each month, each vending machine distributor shall report to the director, on forms provided by the director, all sales of cigarette vending machines by the distributor to persons in the state of Kansas during the preceding month; the name and address of the purchaser; and the brand name, serial number and sale price of the machines.

(g) Concurrently with a change in ownership of a dealer establishment the license applicable thereto to the establishment is void and shall be surrendered to the director and shall not be transferred. On removal of a dealer establishment from one location to another, the owner thereof of the establishment shall notify the director and surrender his or her the owner's license. The director shall issue a new license for the unexpired term of the surrendered license on payment of a fee of two dollars (~~\$2~~) \$2, to be deposited in the general revenue state treasury and credited to the state general fund. Should a dealer's license become If a dealer's license is lost, stolen, or destroyed, the director may issue a new license on proof of loss, theft, or destruction, at a cost of two dollars (~~\$2~~) \$2, to be deposited in the general revenue state treasury and credited to the state general fund.

Sec. 4. K.S.A. 79-3304 is hereby amended to read as follows: 79-3304. (a) Commencing with the biennium beginning January 1, 1986, the The license or permit fee for each biennium or portion thereof shall be as follows: (a) ~~Retail dealer's license.~~

(1) For retail dealer's license, [~~\$12~~] for each dealer establishment.

(b) ~~Retail dealer on railroad.~~ (2) For retailer's license on railroad or

[\$ 25

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1 retail dealer or wholesaler is located, or

2 (2) exempt from state licensing under applicable state or federal laws
3 or court decisions including any such person operating as a retail dealer
4 upon land allotted to or held in trust for an Indian tribe recognized by
5 the United States bureau of Indian affairs.

6 (i) To have in possession any evidence of tax indicia provided for
7 herein not purchased from the director.

8 (j) To fail or refuse to permit the director or any officer or agent
9 authorized by law to inspect a carrier transporting cigarettes.

10 (k) To vend small cigars, or any products so wrapped as to be con-
11 fused with cigarettes, from a machine vending cigarettes, nor shall a vend-
12 ing machine be so built to vend cigars or products that may be confused
13 with cigarettes, be attached to a cigarette vending machine.

14 (l) To sell, furnish or distribute cigarettes or tobacco products to any
15 person under 18 years of age.

16 (m) For any person Who is under 18 years of age to purchase or
17 possess, or attempt to purchase or possess, attempt to purchase ciga-
18 rettes or tobacco products.

19 (n) Who is under 18 years of age to possess or attempt to pos-
20 sess cigarettes or tobacco products.

21 (n) (o) To sell cigarettes to a retailer or at retail that do not bear
22 Kansas tax indicia or upon which the Kansas cigarette tax has not been
23 paid.

24 (o) (p) To sell cigarettes without having a license for such sale as
25 provided herein.

26 (p) (q) To sell cigarette vending machines without having a license
27 as provided herein for sale of vending machines ~~[cigarettes or tobacco~~
28 ~~products from a vending machine]~~

29 (q) (r) Who is a retail dealer to fail to post and maintain in a con-
30 spicuous place in the dealer's establishment the following notice: "By law,
31 cigarettes and tobacco products may be sold only to persons 18 years of
32 age and older."

33 (r) (s) To distribute samples within 500 feet of any school when such
34 facility is being used primarily by persons under 18 years of age unless
35 the sampling is: (1) In an area to which persons under 18 years of age
36 are denied access; (2) in or at a retail location where cigarettes and to-
37 bacco products are the primary commodity offered for sale at retail; or
38 (3) at or adjacent to an outdoor production, repair or construction site or
39 facility.

40 (t) To sell cigarettes or tobacco products by means of a vending
41 machine in any establishment, or portion of an establishment,
which is open to minors, except that this subsection shall not apply
to:

1-A
[a vending machine without having a
vending machine distributor's license.

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The installation and use by the proprietor of the establishment, or by the proprietor's agents or employees, of vending machines behind a counter, or in some place in such establishment, or portion thereof, to which minors are prohibited by law from having access;

(2) the installation and use of a vending machine in a commercial building or industrial plant, or portions thereof, where the public is not customarily admitted and where machines are intended for the sole use of adult employees employed in the building or plant; or

(3) a vending machine which has a lock-out device which is inoperable in the continuous standby mode and which requires manual activation by the person supervising the operation of the machine each time cigarettes or tobacco products are purchased from the machine.

Sec. 8. K.S.A. 79-3322 is hereby amended to read as follows: 79-3322. (a) Any person who violates any of the provisions of this act, except as otherwise provided in this act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or by both. In addition thereto any person found liable for any license or permit fee or tax imposed under the provisions of this act shall be personally liable for such license or permit fee or tax plus a penalty in an amount equal to 100% thereof.

~~[(b) Any person who violates this act by selling, furnishing or distributing sample cigarettes or sample smokeless tobacco cigarettes or tobacco products to any person under 18 years of age shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$500 nor more than \$2,500 or imprisonment for not more than one year, or by both.]~~

(b)(1) It is a class B person misdemeanor punishable by a minimum fine of \$200 for any person, directly or indirectly, to: (A) Sell, give or furnish any cigarettes or tobacco products to any person under 18 years of age; or (B) buy any cigarettes or tobacco products for any person under 18 years of age.

~~It shall be a defense to a prosecution under this subsection if: (1) The defendant is a licensed retail dealer or a person authorized by law to distribute samples; (2) the defendant sold, furnished or distributed the cigarettes or tobacco products to the person under 18 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes or tobacco products; and (3) to purchase or receive the cigarettes or tobacco products, the person under 18 years of age exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes or tobacco products.~~

(2)

(A)

(B)

(C)

See insert on next page

See alternatives A and B

(c) A person who violates subsection (n) of K.S.A. 79-3221 and amendments thereto shall not be subject to punishment by fine or imprisonment.

(3) It shall be a defense to a prosecution under this subsection if:
(A) The defendant is authorized by law to sell, furnish or distribute cigarettes or tobacco products by mail; and (B) the defendant sold, furnished or distributed the cigarettes or tobacco products to the person by mail only after the person had provided to the defendant an affidavit declaring that such person was 18 or more years of age.

(d) Any agent, employees or others who aid, abet or otherwise participate in any way in the violation of this act or in any of the offenses hereunder punishable shall be guilty and punished as principals to the same extent as any person violating the ~~this act.~~

Sec. 9. K.S.A. 79-3323 is hereby amended to read as follows: 79-3323. (a) ~~The following are declared to be common nuisances and contraband:~~

(1) All packages of cigarettes, in quantities of twenty ~~(20)~~ 20 packages or more, not bearing indicia of tax payment as required in this act ~~and all devices for vending cigarettes in which unstamped packages are found;~~ ~~and and all devices for vending cigarettes in which unstamped packages are found;~~

(2) ~~all cigarettes or tobacco products in the possession of a minor; and~~

(3) ~~all property and paraphernalia, other than vehicles, used in the retail sale of such unstamped packages; other than vehicles, are hereby declared to be common nuisances and contraband unstamped packages of cigarettes; and~~

(3) ~~all vending machines used to dispense cigarettes or tobacco products.~~

~~Cigarettes in vending machines and exposed to view not showing indicia of tax payment required by this act to be visible from the outside of the vending machine shall be presumed to be unstamped.~~

~~Cigarettes in vending machines and exposed to view not showing indicia of tax payment required by this act to be visible from the outside of the vending machine shall be presumed to be unstamped.~~

(b) Any cigarettes or property constituting a common nuisance and contraband as herein provided ~~by this section~~ may be seized by the director or his or her ~~the director's~~ authorized agent or any duly constituted peace officer with or without process or warrant and shall be subject to forfeiture as provided in this act. The party making the seizure shall deliver to the vending machine operator ~~owner of the property~~ and to the person or persons found in possession of the same ~~property~~ a receipt stating from whom the property was seized, the place of seizure, and a description and ~~the brand of the goods or the property~~ seized. A duplicate of ~~said the~~ receipt shall be filed in the office of the director and shall be open for public inspection.

Sec. 10. K.S.A. 79-3326 is hereby amended to read as follows: 79-3326. The director of taxation shall administer and enforce the provisions of this act. The secretary of revenue shall adopt rules and regulations for the administration of this act. For the purpose of enforcing this act the director may call to his or her ~~the director's~~ aid any law enforcement

New Sec. 9. (a) The sale of cigarettes or tobacco products to any person under 18 years of age in violation of this act shall be deemed an unconscionable act or practice within the meaning of K.S.A. 50-627 and amendments thereto.

(b) Notwithstanding the provisions of K.S.A. 50-636 and amendments thereto, civil penalties and contempt penalties sued for and recovered by the attorney general for an unconscionable act or practice described in subsection (a) shall be credited to the cigarette and tobacco products regulation fund.

Renumber sections accordingly

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1 written order of the secretary of revenue or the secretary's designee to
2 the licensee who committed the violation. Such order shall state the vi-
3 olation, the fine to be imposed and the right of the licensee to appeal the
4 order. Such order shall be subject to appeal and review in the manner
5 provided by the Kansas administrative procedure act.

6 (c) Any fine collected pursuant to this section shall be paid to the
7 state state treasurer, who shall deposit the entire amount in the state
8 treasury and credit it to the cigarette and tobacco products regulation
9 fund.

10 (d) There is hereby created, in the state treasury, the cigarette and
11 tobacco products regulation fund. Moneys in the fund shall be expended
12 only for the enforcement of this act and rules and regulations adopted
13 pursuant to this act. Such expenditures shall be made in accordance with
14 appropriation acts upon warrants of the director of accounts and reports
15 issued pursuant to vouchers approved by the secretary of revenue or a
16 person designated by the secretary.

17 New Sec. 15. The provisions of K.S.A. 79-3610, 79-3611, 79-3612,
18 79-3613, 79-3614, 79-3615 and 79-3617, and amendments thereto, relat-
19 ing to the assessment, collection, appeal and administration of the retail-
20 ers' sales tax, insofar as practical, shall have full force and effect with
21 respect to taxes imposed by this act.

22 New Sec. 16. No person shall engage or direct a minor to vi-
23 olate any provision of this act for purposes of determining compli-
24 ance with provisions of this act [unless such person is an] officer
25 having authority to enforce the provisions of this act [and has pro-
26 cured the written consent of a parent or guardian of the minor to
27 so engage or direct the minor].

28 Sec. 17. K.S.A. [1997] Supp. 38-1502 is hereby amended to read
29 as follows: 38-1502. As used in this code, unless the context oth-
30 erwise indicates:

31 (a) "Child in need of care" means a person less than 18 years
32 of age who:

33 (1) Is without adequate parental care, control or subsistence
34 and the condition is not due solely to the lack of financial means
35 of the child's parents or other custodian;

36 (2) is without the care or control necessary for the child's phys-
37 ical, mental or emotional health;

38 (3) has been physically, mentally or emotionally abused or ne-
39 glected or sexually abused;

40 has been placed for care or adoption in violation of law;

41 has been abandoned or does not have a known living par-
42 ent;

43 (6) is not attending school as required by K.S.A. 72-977 or 72-

or the Kansas consumer protection act unless such
person has procured the written consent of a
parent or guardian of the minor to so engage or
direct the minor and such person is:

(a) An

;
(b) an authorized representative of the
attorney general, a county attorney or a
district attorney; or

(c) an authorized representative of a
business acting pursuant to a self-compliance
program designed to increase compliance with the
provisions of this act

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1 1111, and amendments thereto;

2 (7) except in the case of a violation of K.S.A. 41-727 or, subsec-
 3 tion (j) of K.S.A. 74-8810 or subsection ~~(n) of K.S.A. 79-3322~~, and — [(m) or (n) of K.S.A. 79-3321
 4 amendments thereto, or, except as provided in subsection (a)(12); of
 5 K.S.A. ~~[1994 Supp]~~ 21-4204a and amendments thereto, does an act
 6 which, when committed by a person under 18 years of age, is pro-
 7 hibited by state law, city ordinance or county resolution but which
 8 is not prohibited when done by an adult;

9 (8) while less than 10 years of age, commits any act which if
 10 done by an adult would constitute the commission of a felony or
 11 misdemeanor as defined by K.S.A. 21-3105 and amendments
 12 thereto;

13 (9) is willfully and voluntarily absent from the child's home
 14 without the consent of the child's parent or other custodian;

15 (10) is willfully and voluntarily absent at least a second time
 16 from a court ordered or designated placement, or a placement
 17 pursuant to court order, if the absence is without the consent of
 18 the person with whom the child is placed or, if the child is placed
 19 in a facility, without the consent of the person in charge of such
 20 facility or such person's designee;

21 (11) has been residing in the same residence with a sibling or
 22 another person under 18 years of age, who has been physically,
 23 mentally or emotionally abused or neglected, or sexually abused;
 24 or

25 (12) while less than 10 years of age commits the offense de-
 26 fined in K.S.A. ~~[1994 Supp]~~ 21-4204a and amendments thereto.

27 (b) "Physical, mental or emotional abuse or neglect" means the
 28 infliction of physical, mental or emotional injury or the causing of
 29 a deterioration of a child and may include, but shall not be limited
 30 to, failing to maintain reasonable care and treatment, negligent
 31 treatment or maltreatment or exploiting a child to the extent that
 32 the child's health or emotional well-being is endangered. A parent
 33 legitimately practicing religious beliefs who does not provide spec-
 34 ified medical treatment for a child because of religious beliefs shall
 35 not for that reason be considered a negligent parent; however, this
 36 exception shall not preclude a court from entering an order pur-
 37 suant to subsection (a)(2) of K.S.A. 38-1513 and amendments
 38 thereto.

39 (c) "Sexual abuse" means any act committed with a child which
 40 is described in article 35, chapter 21 of the Kansas Statutes An-
 notated and those acts described in K.S.A. 21-3602 or 21-3603, and
 amendments thereto, regardless of the age of the child.

41 (d) "Parent," when used in relation to a child or children, in-

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agency having custody of where and with whom the child will live.

(o) "Secretary" means the secretary of social and rehabilitation services.

(p) "Relative" means a person related by blood, marriage or adoption but, when referring to a relative of a child's parent, does not include the child's other parent.

(q) "Court-appointed special advocate" means a responsible adult other than an attorney guardian *ad litem* who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 38-1505a and amendments thereto, in a proceeding pursuant to this code.

(r) "Multidisciplinary team" means a group of persons, appointed by the court or by the state department of social and rehabilitation services under K.S.A. 38-1523a and amendments thereto, which has knowledge of the circumstances of a child in need of care.

(s) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is (A) total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(t) "Kinship care" means the placement of a child in the home of the child's relative or in the home of another adult with whom the child or the child's parent already has a close emotional attachment.

Sec. 16 18. K.S.A. 79-3301, 79-3302, 79-3303, 79-3304, 79-3305, 79-3309, 79-3310b, 79-3316, 79-3318, 79-3321, 79-3322, 79-3323, 79-3326, 79-3370, 79-3372, 79-3373, 79-3376, 79-3377, 79-3380 through 79-3387 and 79-3390 and K.S.A. [1994] Supp. 38-1502 are hereby repealed.

Sec. 17 19. This act shall take effect and be in force from and after its publication in the statute book.

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PROPOSED ALTERNATIVE AMENDMENTS TO HOUSE BILL NO. 2544

ALTERNATIVE A

Amend page 13, lines 41 through 43, to read as follows:

"(c) Violation of subsection (m) or (n) of K.S.A. 79-3321 and amendments thereto is a misdemeanor punishable by a fine of \$25. A court of competent jurisdiction may hear a prosecution of such violation."

ALTERNATIVE B

Amend page 13, lines 41 through 43 to read as follows:

"(c) A person who violates subsection (m) or (n) of K.S.A. 79-3321 and amendments thereto is a juvenile offender under the Kansas juvenile offenders code. Upon adjudication thereof, the court shall require the offender to pay a fine of \$25.";

Add to the bill the following:

"Sec. 18. K.S.A. 1995 Supp. 38-1602 is hereby amended to read as follows: 38-1602. As used in this code, unless the context otherwise requires:

(a) "Juvenile" means a person 10 or more years of age but less than 18 years of age.

(b) "Juvenile offender" means a person who does an act while a juvenile which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105 and amendments thereto or who violates the provisions of K.S.A. 21-4204a or, K.S.A. 41-727 or, subsection (j) of K.S.A. 74-8810 or subsection (m) or (n) of K.S.A. 79-3321, and amendments thereto, but does not include:

(1) A person 14 or more years of age who commits a traffic offense, as defined in subsection (d) of K.S.A. 8-2117 and amendments thereto;

(2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated;

(3) a person 16 years of age or over who is charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated in a separate/prior juvenile

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proceeding as having committed an act which would constitute a felony if committed by an adult and the adjudications occurred prior to the date of the commission of the new act charged;

(4) a person who has been prosecuted as an adult by reason of subsection (b)(3) and whose prosecution results in conviction of a crime;

(5) a person whose prosecution as an adult is authorized pursuant to K.S.A. 38-1636 and amendments thereto;

(6) a person who has been convicted of aggravated juvenile delinquency as defined by K.S.A. 21-3611 and amendments thereto;
or

(7) a person 16 years of age or over who has been adjudicated to be a juvenile offender under the Kansas juvenile offender's code and who is charged with committing a felony or more than one offense of which one or more is a felony while confined in any training or rehabilitation facility under the jurisdiction and control of the department of social and rehabilitation services or while running away or escaping from any such institution or facility.

(c) "Parent," when used in relation to a juvenile or a juvenile offender, includes a guardian, conservator and every person who is by law liable to maintain, care for or support the juvenile.

(d) "Law enforcement officer" means any person who by virtue of that person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(e) "Youth residential facility" means any home, foster home or structure which provides twenty-four-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated.

(f) "Juvenile detention facility" means any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which must not be a jail.

(g) "State youth center" means a facility operated by the secretary for juvenile offenders.

(h) "Warrant" means a written order by a judge of the court directed to any law enforcement officer commanding the officer to take into custody the juvenile named or described therein.

(i) "Secretary" means the secretary of social and rehabilitation services.

(j) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building as an adult jail or lockup, unless the facility meets all applicable licensure requirements under law and there is (A) total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(k) "Court-appointed special advocate" means a responsible adult, other than an attorney appointed pursuant to K.S.A. 38-1606 and amendments thereto, who is appointed by the court to represent the best interests of a child, as provided in ~~section 16-of-1994-Senate-Bill-No.-657~~ K.S.A. 1995 Supp. 38-1606a and amendments thereto, in a proceeding pursuant to this code.

Sec. 19. K.S.A. 1995 Supp. 38-1663 is hereby amended to read as follows: 38-1663. (a) When a respondent has been adjudged to be a juvenile offender, the judge, except as provided by subsection (i), may select from the following alternatives:

(1) Place the juvenile offender on probation for a fixed period, subject to the terms and conditions the court deems appropriate, including a requirement of making restitution as required by subsection (d).

2-2

(2) Place the juvenile offender in the custody of a parent or other suitable person, subject to the terms and conditions the court orders, including a requirement of making restitution as required by subsection (d).

(3) Place the juvenile offender in the custody of a youth residential facility, subject to the terms and conditions the court orders.

(4) Place the juvenile offender in the custody of the secretary.

(5) Impose any appropriate combination of subsections (a)(1) and (2), subsection (a)(3) or subsection (a)(4) and make other orders directed to the juvenile offender as the court deems appropriate.

(6) Commit the juvenile offender, if 13 years of age or older, to a state youth center if the juvenile offender:

(A) Has had a previous adjudication as a juvenile offender under this code or as a delinquent or miscreant under the Kansas juvenile code; or

(B) has been adjudicated a juvenile offender as a result of having committed an act which, if done by a person 18 years of age or over, would constitute a class A, B or C felony as defined by the Kansas criminal code or, if done on or after July 1, 1993, would constitute an off-grid crime or a nondrug crime ranked in severity level 1 through 5 or a drug crime ranked in severity level 1 through 3.

(7) Place the juvenile offender under a house arrest program administered by the court pursuant to K.S.A. 21-4603b and amendments thereto.

(b) (1) In addition to any other order authorized by this section, the court, except as provided by subsection (i), may order the juvenile offender and the parents of the juvenile offender to:

(A) Attend counseling sessions as the court directs; or

(B) participate in mediation as the court directs.

Participants in such mediation may include, but shall not be

limited to, the victim, the juvenile offender and the juvenile offender's parents. Mediation shall not be mandatory for the victim.

(2) Upon entering an order requiring a juvenile offender's parent to attend counseling sessions or mediation, the court shall give the parent notice of the order. The notice shall inform the parent of the parent's right to request a hearing within 10 days after entry of the order and the parent's right to employ an attorney to represent the parent at the hearing or, if the parent is financially unable to employ an attorney, the parent's right to request the court to appoint an attorney to represent the parent. If the parent does not request a hearing within 10 days after entry of the order, the order shall take effect at that time. If the parent requests a hearing, the court shall set the matter for hearing and, if requested, shall appoint an attorney to represent the parent. The expense and fees of the appointed attorney may be allowed and assessed as provided by K.S.A. 38-1606 and amendments thereto.

(3) The costs of any counseling or mediation may be assessed as expenses in the case. No mental health center shall charge a fee for court-ordered counseling greater than that the center would have charged the person receiving the counseling if the person had requested counseling on the person's own initiative. No mediator shall charge a fee for court-ordered mediation greater than that the mediator would have charged the person participating in the mediation if the person had requested mediation on the person's own initiative.

(c) (1) If a respondent has been adjudged to be a juvenile offender, the court, in addition to any other order authorized by this section, except as provided by subsection (i), may suspend the juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension ordered by the court shall be for a definite time period to be determined by the court. Upon suspension of a license pursuant to this subsection, the court

shall require the juvenile offender to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the juvenile offender may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the juvenile offender's privilege to operate a motor vehicle is in effect. As used in this subsection, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto. Any respondent who is adjudged to be a juvenile offender who does not have a driver's license may have such juvenile offender's driving privileges revoked. No Kansas driver's license shall be issued to a juvenile offender whose driving privileges have been revoked pursuant to this section for a definite time period to be determined by the court.

(2) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any respondent adjudged to be a juvenile offender, as provided in subsection (c)(1), the court in which such juvenile offender was adjudged to be a juvenile offender may enter an order which places conditions on such juvenile offender's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such juvenile offender shall be required to carry any time such juvenile offender is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed and shall specify that such duration shall be for a definite time period to be determined by the court. Upon entering an order restricting a juvenile offender's license hereunder, the court shall require such juvenile offender to surrender such juvenile offender's driver's license to the court who shall cause it to be transmitted to the division of vehicles, together with a copy of

the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such juvenile offender's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the juvenile offender for whom the license was issued any time such juvenile offender is operating a motor vehicle on the highways of this state. If the juvenile offender convicted is a nonresident, the court shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such juvenile offender's state of residence. Such court shall furnish to any juvenile offender whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this subsection. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such juvenile offender may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such juvenile offender's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any juvenile offender shall violate any of the conditions imposed under this subsection, such juvenile offender's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period as determined by the court in which such juvenile offender is convicted of violating such conditions.

(d) Whenever a juvenile offender is placed pursuant to subsection (a)(1) or (2), the court, unless it finds compelling circumstances which would render a plan of restitution

unworkable, shall order the juvenile offender to make restitution to persons who sustained loss by reason of the offense. The restitution shall be made either by payment of an amount fixed by the court or by working for the persons in order to compensate for the loss. If the court finds compelling circumstances which would render a plan of restitution unworkable, the court may order the juvenile offender to perform charitable or social service for organizations performing services for the community.

Nothing in this subsection shall be construed to limit a court's authority to order a juvenile offender to make restitution or perform charitable or social service under circumstances other than those specified by this subsection or when placement is made pursuant to subsection (a)(3) or (4).

(e) In addition to or in lieu of any other order authorized by this section, the court, except as provided by subsection (i), may order a juvenile offender to pay a fine not exceeding \$250 for each offense. In determining whether to impose a fine and the amount to be imposed, the court shall consider the following:

(1) Imposition of a fine is most appropriate in cases where the juvenile offender has derived pecuniary gain from the offense.

(2) The amount of the fine should be directly related to the seriousness of the juvenile offender's offense and the juvenile offender's ability to pay.

(3) Payment of a fine may be required in a lump sum or installments.

(4) Imposition of a restitution order is preferable to imposition of a fine.

(5) The juvenile offender's duty of payment should be limited in duration and in no event should the time necessary for payment exceed the maximum term which would be authorized if the offense had been committed by an adult.

(f) In addition to or in lieu of any other order authorized by this section, if a juvenile is adjudged to be a juvenile offender by reason of a violation of the uniform controlled

substances act (K.S.A. 65-4101 et seq. and amendments thereto) or K.S.A. 41-719, 41-727, 41-804, 41-2719, 41-2720, 65-4152, 65-4153, 65-4154 or 65-4155, and amendments thereto, the court shall order the juvenile offender to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation, except that such evaluation may be waived by the court if the court finds that the juvenile offender has successfully completed an alcohol and drug evaluation, approved by the community-based alcohol and drug safety action program, subsequent to the offender's arrest on this offense. If the court finds that the juvenile offender and those legally liable for the offender's support are indigent, the fee may be waived. In no event shall the fee be assessed against the secretary or the department of social and rehabilitation services.

(g) The board of county commissioners of a county may provide by resolution that the parents or guardians of any juvenile offender placed under a house arrest program pursuant to subsection (a)(7) shall be required to pay to the county the cost of such house arrest program. The board of county commissioners shall further prepare a sliding financial scale based on the ability of the parents to pay for such a program.

(h) In addition to any other order authorized by this section, if child support has been requested and the parent or parents have a duty to support the respondent the court, except as provided by subsection (i), may, and when custody is placed with the secretary shall, order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the respondent. If the parent is not presently ordered to pay support for the respondent and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 38-16,117

and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4,105 et seq. and amendments thereto for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 38-16,119 and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

(i) When a respondent has been adjudged to be a juvenile offender solely for a violation of subsection (m) or (n) of K.S.A. 79-3321 and amendments thereto, the judge shall fine the juvenile offender \$25 and shall order no other disposition.

(j) Any order issued by the judge pursuant to this section shall be in effect immediately upon entry into the judge's minutes.";

Renumber remaining sections and amend repealer and title

MINUTES OF THE GAMING SUBCOMMITTEE FOR THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:30 a.m. on March 13, 1996 in Room 254-E of the Capitol.

Members present were: Senator Oleen, Chair
Senator Jones, Ranking Minority Member
Senator Jordan
Senator Ramirez
Senator Walker

Committee staff present: Mary Galligan, Legislative Research
Nancy Wolff, Committee Secretary

Mary Galligan distributed a draft of the proposed changes to SCR1621 that have been the product of the previous meetings of the subcommittee. Mary stated that as the changes are currently drafted, Section 2 would require a vote by the entire state as well as a second vote by the county to permit the operation of casino games in that county. Senator Walker requested clarification on the usage of the work "and" and "or" under §3 on whether two elections would be required to permit the operation of casinos. Senator Jordan made a motion to delete Section C and include the opt out section. Senator Jones seconded the motion and the motion carried.

Senator Walker made a motion that the age for admittance to a casino be 21. Senator Jones seconded the motion. The motion carried.

The senators discussed whether the intent of the bill was to disallow individuals under the age of 21 from entering the casino or if it would also disallow them from entering the track area. The consensus was that it was not their intent to keep those under the age of 21 from attending the races, but rather to keep them from entering the casino and placing a bet under the age of 21.

The committee then discussed when an election would be held to put the constitutional amendment on the ballot. Senator Ramirez made a motion that the language of the proposed bill would be changed in the final sentence to strike everything following 1996. The final sentence would now read "The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 1996". Senator Walker seconded the motion. The motion carried.

Senator Walker made a motion to allow for a county to approve casinos even if they don't approve SB1621 by conducting a county-wide election. Senator Jones seconded the motion. The motion carried.

Senator Ramirez made a motion that the County commission must vote to allow such an election. Senator Jones seconded the motion. The motion carried.

Senator Oleen announced that the committee would meet on adjournment to finalize any additional changes to the proposed language for SCR1621.

There being no other business, the meeting was adjourned at 12:00 noon.

Senate Fed. State
3-15-96
Attachment 3

SCR 1621

by Committee on Federal and State Affairs

2-15

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section authorizing the legislature to ~~permit, regulate, license and tax casino games~~ provide for a state-owned and operated lottery to contract with bona fide non-profit organizations to operate or conduct electronic games of chance at certain locations in the state.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is amended by adding a new section to read as follows:

“§3(d). Regulation, licensing and taxation of ~~electronic games of chance~~ ~~casino games~~.

(a) Notwithstanding the provisions of section 3 of article 15 of the constitution of the state of Kansas, the legislature may ~~permit, regulate, and license casino games as defined by law and impose a tax at a rate to be established by law on all money wagered~~ provide for a state-owned and operated lottery that contracts with bona fide nonprofit organizations to operate or conduct electronic ~~on casino~~ games of chance at locations within each congressional district, as established in 1992.

(b) ~~There shall not be more than two locations within each congressional district where electronic games of chance shall be operated or conducted pursuant to this section except that, if more than two nonprofit organizations are licensed to operate or conduct horse or dog racing and parimutuel wagering thereon within the district on or before July 1, 1996, all such organizations may contract with the state to operate or conduct electronic games of chance pursuant to this section. Subject to the provisions of subsection (d), each bona fide nonprofit organization holding a license to operate or conduct horse or dog racing and parimutuel wagering thereon that otherwise qualifies as provided by law shall be issued a license to operate and conduct electronic games of chance pursuant to this section at the location, licensed on or before July 1, 1996, where such organization operates or conducts horse or dog racing and parimutuel wagering thereon.~~

(c) ~~The legislature shall require by law that not less than 10% of the total of all cash and the value of all cash vouchers and tokens placed in electronic game of chance machines, less the total of all cash paid to players from electronic game of chance machines and for redemption of credits or tokens, shall be used for purse and breed enhancements for the licensed horse and dog racing industry in Kansas.~~

~~(d) Electronic ~~Casino~~ games of chance shall be operated or conducted pursuant to this~~

section only in counties in which: (1) The qualified electors of the county, by a majority vote of those voting on this proposition, vote to approve this proposition or (2) the qualified electors of the county, by a majority vote of those voting thereon at an election held within the county, vote to approve a proposition to permit the operation or conduct of ~~electronic casino~~ games of chance within the county; and (2) ~~the county commission approves, by adoption of a resolution, the operation or conduct of casino games within that county.~~

~~(c)~~ (c) No ~~electronic casino~~ game of chance shall be operated or conducted pursuant to this section after June 30, 2002, unless authorized to be operated or conducted after such date by a concurrent resolution approved by a majority of all the members elected (or appointed) and qualified of each house and adopted in the 2002 regular session of the legislature.

~~(d) No person under the age of 21 shall be allowed on the premises of a casino."~~

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

Explanatory statement. This proposed amendment would authorize the legislature to provide for ~~a state-owned and operated lottery that would contract with nonprofit organizations to operate electronic games of chance~~ ~~licensure, regulation and taxation of casino games~~ in counties where a majority of the voters have approved this proposition or a later proposition authorizing the operation of ~~electronic casino~~ games of chance in their county ~~and the county commission has approved the operation of those games.~~ The operation of the games would be confined to a limited number of locations within each congressional district and would be permitted at ~~parimutuel racetracks currently licensed in the state if approved by the voters of the county.~~

"A vote for the proposed amendment would permit the ~~legislature to authorize~~ operation of ~~electronic casino~~ games of chance at certain locations in the state.

"A vote against the proposed amendment would continue the current prohibition against the operation of ~~privately owned and operated casino~~ ~~electronic games of chance.~~"

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 1996 ~~unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at such special election.~~

Dogma can hinder democracy

Kansas legislators fighting the proposed liberalized gaming franchise that would save The Woodlands are favoring personal principle over public obligation.

While it's desirable for politicians to cleave to a moral code, their role as lawmaker imposes a



**JERRY
Heaster**

mandate to balance personal principles with the interests of the public they've been elected to represent.

The way things are shaping up in Topeka, it's looking more and

more like the Legislature won't be clearing the question of race-track slot machines for a vote of the people. The biggest barrier apparently is the Senate, where there don't seem to be nearly enough yea votes for the two-thirds majority needed to put the issue on the ballot.

The hard-core Senate opposition appears unyielding. One Senate leader says he won't go along with anything related to gambling. Another says he's moved past the point of being open to allowing the people a voice in the matter because it's such bad policy that nothing should be done.

This isn't the way representative democracy is supposed to work, because there are two sides to any issue. When it comes to an issue with as much economic weight as the scope of gambling in Kansas, an election to determine the grass-roots will is imperative.

Opponents of gambling shouldn't be allowed to hold legislative sway simply because a few legislators cede them the moral high ground.

The representatives of the people were elected to represent gamblers as well as those who find gambling anathema. The need to balance both sides of the issue seems particularly acute in light of a Kansas State University survey of 700 respondents showing that four out of five favored deciding the issue at the polls.

One reason for the opposition to a popular vote is probably the likelihood of passage, because Kansans are traditionally more open-minded than their elected representatives. The opposition is also hypocritical, because the state already runs a lottery and allows betting on dog and horse races. If Kansas is in for a penny, what's the objection to being in for a pound?

What's especially unfortunate about dodging an election is the claim that the gaming industry would buy the election with a massive advertising campaign. Do opponents of a statewide referendum consider Kansans so many slack-jawed ignoramuses incapable of making intelligent decisions about what's best for them?

This view assumes only politicians are wise enough to decide such matters. But is it wise to blithely put at risk the jobs of hundreds of blameless employees at the Kansas City, Kan., racetrack complex? Is it wise to concede millions of dollars worth of economic growth and revenue-enhancement opportunities to Missouri?

While opponents like to demonize the gaming industry and the gaming class, the arguments against what has always been a widely accepted pastime ring hollow. The implicit message is that those who eschew gambling are morally superior to those who use wagering to put some spice in their life. Self-righteousness, however, is no substitute for a sense of fair play when deciding public policy.

Gaming as a legitimate business enterprise is a fact of life throughout America. It should be treated by governments with the same consideration as any other business in the community as long as it enjoys broad public acceptance.

Jerry Heaster's column appears Wednesday, Friday, Saturday and Sunday. To share a comment, call 816/889-7827 and enter 2301. Send e-mail, including a telephone number, to jheaster@kcstar.com.

*Kansas City Star
3/15/96*

*Senate Federal: State
3/15/96
Attachment 4*

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*LICENSED TO PRACTICE IN
KANSAS AND MISSOURI

TO: Senate Federal and State Affairs Committee
FROM: Steve Montgomery, Kansas Greyhound Kennel Owners' Association
RE: Requested Legislation

The requested bill draft would allow Kansas racetracks to have the Kansas Lottery conduct the same types of games already authorized within Kansas:

1. Pull-tab/instant bingo; and
2. On-line KENO-style games.

Legislative changes to the existing Kansas Lottery Act would be necessary to permit:

1. The games to be played on days and at times applicable to racetrack operations;
2. Adjustments to the payouts to winners to be consistent with racetrack payouts; and
3. Adjustments for the breed groups and race tracks to divide a portion of the net machine revenues in a manner to provide a financial stimulus to the industry.

Senate Federal; State
3/15/96
Attachment 5