

SENATE BILL No. 148

By Senator LaTurner

2-6

Proposed Amendments to SB 148
by Senator LaTurner
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Office of Revisor of Statutes

1 AN ACT concerning raffles; amending K.S.A. 74-8802 and K.S.A. 2012
2 Supp. 21-6403 and 74-8702 and repealing the existing sections.

3
4 Be it enacted by the Legislature of the State of Kansas:

5 New Section 1. (a) Raffle means a gambling scheme in which: (1) donate
6 Participants pay or agree to pay something of value for an opportunity to donate
7 win something of value; (2) winning opportunities are represented by tickets
8 tickets differentiated by sequential enumeration; (3) winners are picked by
9 a random drawing of tickets or by a race utilizing inanimate objects floated
10 along a river, stream, canal or other body of water; and (4) the raffle is
11 conducted for the benefit of a not-for-profit qualified organization
12 described in 501(e)(3) of the internal revenue code or agencies or
13 instrumentalities of the United States government, the state of Kansas and
14 political subdivisions such organization having been in existence for 18
15 months or more.

16 (b) Any qualifying not-for-profit organization may conduct a raffle
17 that has gross proceeds not greater than \$5,000. Each chance in such raffle
18 shall have an equal likelihood of being a winning chance. The gross
19 proceeds shall be used solely for charitable or community betterment
20 purposes, awarding of prizes and expenses. Any qualifying not-for-profit
21 organization may conduct one or more raffles in a calendar month if the
22 total gross proceeds from such raffles do not exceed \$5,000 during such
23 month.

24 (c) Any qualifying not-for-profit organization may conduct a raffle in
25 which the gross proceeds exceed \$5,000 during any calendar month, if the
26 organization registers annually with the administrator of charitable
27 gaming, department of revenue. Such organization shall file an annual
28 report of its raffle activities.

29 (d) The department of revenue, upon recommendation of the
30 administrator of charitable gaming, may adopt rules and regulations to
31 implement this section.

32 (e) Any person or organization that conducts or participates in a raffle
33 in violation of this section shall be considered as operating a public
34 nuisance.

35 Sec. 2. K.S.A. 2012 Supp. 21-6403 is hereby amended to read as
36 follows: 21-6403. As used in K.S.A. 2012 Supp. 21-6403 through 21-

and 79-4717
donate
donate
or some similar method of
determining a winner
nonprofit corporation
its
nonprofit corporation
, if the fair market value of the
raffle item is
nonprofit corporation
fair market value of the raffle item does
nonprofit corporation
fair market value of the raffle
item does not

1 6409, and amendments thereto:

2 (a) "Bet" means a bargain in which the parties agree that, dependent
3 upon chance, one stands to win or lose something of value specified in the
4 agreement. A bet does not include:

5 (1) Bona fide business transactions which are valid under the law of
6 contracts including, but not limited to, contracts for the purchase or sale at
7 a future date of securities or other commodities, and agreements to
8 compensation for loss caused by the happening of the chance including,
9 but not limited to, contracts of indemnity or guaranty and life or health and
10 accident insurance;

11 (2) offers of purses, prizes or premiums to the actual contestants in
12 any bona fide contest for the determination of skill, speed, strength or
13 endurance or to the bona fide owners of animals or vehicles entered in
14 such a contest;

15 (3) a lottery as defined in this section;
16 (4) any bingo game by or for participants managed, operated or
17 conducted in accordance with the laws of the state of Kansas by an
18 organization licensed by the state of Kansas to manage, operate or conduct
19 games of bingo;

20 (5) a lottery operated by the state pursuant to the Kansas lottery act;

21 (6) any system of parimutuel wagering managed, operated and
22 conducted in accordance with the Kansas parimutuel racing act; or

23 (7) tribal gaming; or

24 (8) *araffle as defined in this section*;

25 (b) "lottery" means an enterprise wherein for a consideration the
26 participants are given an opportunity to win a prize, the award of which is
27 determined by chance. A lottery does not include:

28 (1) A lottery operated by the state pursuant to the Kansas lottery act;
29 or

30 (2) tribal gaming;

31 (c) "consideration" means anything which is a commercial or
32 financial advantage to the promoter or a disadvantage to any participant.
33 Mere registration without purchase of goods or services; personal
34 attendance at places or events, without payment of an admission price or
35 fee; listening to or watching radio and television programs; answering the
36 telephone or making a telephone call and acts of like nature are not
37 consideration. "Consideration" shall not include sums of money paid by or
38 for:

39 (1) Participants in any bingo game managed, operated or conducted
40 in accordance with the laws of the state of Kansas by any bona fide
41 nonprofit religious, charitable, fraternal, educational or veteran
42 organization licensed to manage, operate or conduct bingo games under
43 the laws of the state of Kansas and it shall be conclusively presumed that

1 such sums paid by or for such participants were intended by such
2 participants to be for the benefit of the sponsoring organizations for the use
3 of such sponsoring organizations in furthering the purposes of such
4 sponsoring organizations, as set forth in the appropriate paragraphs of
5 subsection (c) or (d) of section 501 of the internal revenue code of 1986
6 and as set forth in K.S.A. 79-4701, and amendments thereto;

7 (2) participants in any lottery operated by the state pursuant to the
8 Kansas lottery act;

9 (3) participants in any system of parimutuel wagering managed,
10 operated and conducted in accordance with the Kansas parimutuel racing
11 act; or

12 (4) a person to participate in tribal gaming;

13 (d) (1) "gambling device" means any:

14 (A) So-called "slot machine" or any other machine, mechanical
15 device, electronic device or other contrivance an essential part of which is
16 a drum or reel with insignia thereon, and:

17 (i) Which when operated may deliver, as the result of chance, any
18 money or property; or

19 (ii) by the operation of which a person may become entitled to
20 receive, as the result of chance, any money or property;

21 (B) other machine, mechanical device, electronic device or other
22 contrivance including, but not limited to, roulette wheels and similar
23 devices, which are equipped with or designed to accommodate the addition
24 of a mechanism that enables accumulated credits to be removed, is
25 equipped with or designed to accommodate a mechanism to record the
26 number of credits removed or is otherwise designed, manufactured or
27 altered primarily for use in connection with gambling; and:

28 (i) Which when operated may deliver, as the result of chance, any
29 money or property; or

30 (ii) by the operation of which a person may become entitled to
31 receive, as the result of chance, any money or property;

32 (C) subassembly or essential part intended to be used in connection
33 with any such machine, mechanical device, electronic device or other
34 contrivance, but which is not attached to any such machine, mechanical
35 device, electronic device or other contrivance as a constituent part; or
36 (D) any token, chip, paper, receipt or other document which
37 evidences, purports to evidence or is designed to evidence participation in
38 a lottery or the making of a bet.

39 The fact that the prize is not automatically paid by the device does not
40 affect its character as a gambling device.

41 (2) "Gambling device" shall not include:

42 (A) Any machine, mechanical device, electronic device or other
43 contrivance used or for use by a licensee of the Kansas racing commission

1 as authorized by law and rules and regulations adopted by the commission
2 or by the Kansas lottery or Kansas lottery retailers as authorized by law
3 and rules and regulations adopted by the Kansas lottery commission;

4 (B) any machine, mechanical device, electronic device or other
5 contrivance, such as a coin-operated bowling alley, shuffleboard, marble
6 machine, a so-called pinball machine, or mechanical gun, which is not
7 designed and manufactured primarily for use in connection with gambling,
8 and:

9 (i) Which when operated does not deliver, as a result of chance, any
10 money; or

11 (ii) by the operation of which a person may not become entitled to
12 receive, as the result of the application of an element of chance, any
13 money;

14 (C) any so-called claw, crane or digger machine and similar devices
15 which are designed and manufactured primarily for use at carnivals or
16 county or state fairs; or

17 (D) any machine, mechanical device, electronic device or other
18 contrivance used in tribal gaming;

19 (e) "gambling place" means any place, room, building, vehicle, tent
20 or location which is used for any of the following: Making and setting
21 bets; receiving, holding, recording or forwarding bets or offers to bet;
22 conducting lotteries; or playing gambling devices. Evidence that the place
23 has a general reputation as a gambling place or that, at or about the time in
24 question, it was frequently visited by persons known to be commercial
25 gamblers or known as frequenters of gambling places is admissible on the
26 issue of whether it is a gambling place;

27 (f) "raffle" means a gambling scheme in which: (1) Participants ~~pay~~
28 or agree to ~~pay~~ something of value for an opportunity to win something of
29 value; (2) winning opportunities are represented by tickets differentiated
30 by sequential enumeration; (3) winners are picked by a random drawing
31 of tickets or by a race utilizing inanimate objects floated along a river,
32 stream, canal or other body of water; and (4) the raffle is conducted for
33 the benefit of a ~~not-for-profit organization described in 504(e)(3) of the~~
34 ~~internal revenue code. Raffles must comply with provisions of ~~Ann-~~Section~~
35

36 (g) "tribal gaming" means the same as in K.S.A. 74-9802, and
37 amendments thereto; and

38 (h) "tribal gaming commission" means the same as in K.S.A. 74-
39 9802, and amendments thereto.

40 Sec. 3. K.S.A. 2012 Supp. 74-8702 is hereby amended to read as
41 follows: 74-8702. As used in the Kansas lottery act, unless the context
42 otherwise requires:

43 (a) "Ancillary lottery gaming facility operations" means additional

donate

donate

or some other similar method of
determining a winner

nonprofit corporation or agencies of the
United States government, the state of
Kansas and its political subdivisions

and amendments thereto

1 non-lottery facility game products and services not owned and operated by
2 the state which may be included in the overall development associated
3 with the lottery gaming facility. Such operations may include, but are not
4 limited to, restaurants, hotels, motels, museums or entertainment facilities.

5 (b) "Commission" means the Kansas lottery commission.

6 (c) "Electronic gaming machine" means any electronic,
7 electromechanical, video or computerized device, contrivance or machine
8 authorized by the Kansas lottery which, upon insertion of cash, tokens,
9 electronic cards or any consideration, is available to play, operate or
10 simulate the play of a game authorized by the Kansas lottery pursuant to
11 the Kansas expanded lottery act, including, but not limited to, bingo,
12 poker, blackjack, keno and slot machines, and which may deliver or entitle
13 the player operating the machine to receive cash, tokens, merchandise or
14 credits that may be redeemed for cash. Electronic gaming machines may
15 use bill validators and may be single-position reel-type, single or multi-
16 game video and single-position multi-game video electronic game,
17 including, but not limited to, poker, blackjack and slot machines.
18 Electronic gaming machines shall be directly linked to a central computer
19 at a location determined by the executive director for purposes of security,
20 monitoring and auditing.

21 (d) "Executive director" means the executive director of the Kansas
22 lottery.

23 (e) "Gaming equipment" means any electric, electronic, computerized
24 or electromechanical machine, mechanism, supply or device or any other
25 equipment, which is: (1) Unique to the Kansas lottery and used pursuant to
26 the Kansas lottery act; and (2) integral to the operation of an electronic
27 gaming machine or lottery facility game; and (3) affects the results of an
28 electronic gaming machine or lottery facility game by determining win or
29 loss.

30 (f) "Gaming zone" means: (1) The northeast Kansas gaming zone,
31 which consists of Wyandotte county; (2) the southeast Kansas gaming
32 zone, which consists of Crawford and Cherokee counties; (3) the south
33 central Kansas gaming zone, which consists of Sedgwick and Sumner
34 counties; and (4) the southwest Kansas gaming zone, which consists of
35 Ford county.

36 (g) "Gray machine" means any mechanical, electro-mechanical or
37 electronic device, capable of being used for gambling, that is: (1) Not
38 authorized by the Kansas lottery, (2) not linked to a lottery central
39 computer system, (3) available to the public for play or (4) capable of
40 simulating a game played on an electronic gaming machine or any similar
41 gambling game authorized pursuant to the Kansas expanded lottery act.

42 (h) "Kansas lottery" means the state agency created by this act to
43 operate a lottery or lotteries pursuant to this act.

1 (i) "Lottery" or "state lottery" means the lottery or lotteries operated
2 pursuant to this act. *The terms "lottery" or "state lottery" do not include*
3 *"affle" as defined in K.S.A. 74-8802, and amendments thereto.*

4 (j) "Lottery facility games" means any electronic gaming machines
5 and any other games which, as of January 1, 2007, are authorized to be
6 conducted or operated at a tribal gaming facility, as defined in K.S.A. 74-
7 9802, and amendments thereto, located within the boundaries of this state.

8 (k) "Lottery gaming enterprise" means an entertainment enterprise
9 which includes a lottery gaming facility authorized pursuant to the Kansas
10 expanded lottery act and ancillary lottery gaming facility operations that
11 have a coordinated business or marketing strategy. A lottery gaming
12 enterprise shall be designed to attract to its lottery gaming facility
13 consumers who reside outside the immediate area of such enterprise.

14 (l) "Lottery gaming facility" means that portion of a building used for
15 the purposes of operating, managing and maintaining lottery facility
16 games.

17 (m) "Lottery gaming facility expenses" means normal business
18 expenses, as defined in the lottery gaming facility management contract,
19 associated with the ownership and operation of a lottery gaming facility.

20 (n) "Lottery gaming facility management contract" means a contract,
21 subcontract or collateral agreement between the state and a lottery gaming
22 facility manager for the management of a lottery gaming facility, the
23 business of which is owned and operated by the Kansas lottery, negotiated
24 and signed by the executive director on behalf of the state.

25 (o) "Lottery gaming facility manager" means a corporation, limited
26 liability company, resident Kansas American Indian tribe or other business
27 entity authorized to construct and manage, or manage alone, pursuant to a
28 lottery gaming facility management contract with the Kansas lottery, and
29 on behalf of the state, a lottery gaming enterprise and lottery gaming
30 facility.

31 (p) "Lottery gaming facility revenues" means the total revenues from
32 lottery facility games at a lottery gaming facility after all related prizes are
33 paid.

34 (q) (1) "Lottery machine" means any machine or device that allows a
35 player to insert cash or other form of consideration and may deliver as the
36 result of an element of chance, regardless of the skill required by the
37 player, a prize or evidence of a prize, including, but not limited to:

38 (A) Any machine or device in which the prize or evidence of a prize
39 is determined by both chance and the player's or players' skill, including,
40 but not limited to, any machine or device on which a lottery game or
41 lottery games, such as poker or blackjack, are played;

42 (B) any machine or device in which the prize or evidence of a prize is
43 determined only by chance, including, but not limited to, any slot machine

1 or bingo machine; or
2 (C) any lottery ticket vending machine, such as a keno ticket vending
3 machine, pull-tab vending machine or an instant-bingo vending machine.
4 (2) "Lottery machine" shall not mean:
5 (A) Any food vending machine defined by K.S.A. 36-501, and
6 amendments thereto;
7 (B) any nonprescription drug machine authorized under K.S.A. 65-
8 650, and amendments thereto;
9 (C) any machine which dispenses only bottled or canned soft drinks,
10 chewing gum, nuts or candies;
11 (D) any machine excluded from the definition of gambling devices
12 under subsection (d) of K.S.A. 21-4302, prior to its repeal, or K.S.A. 2012
13 Supp. 21-6403, and amendments thereto; or
14 (E) any electronic gaming machine or lottery facility game operated
15 in accordance with the provisions of the Kansas expanded lottery act.
16 (f) "Lottery retailer" means any person with whom the Kansas lottery
17 has contracted to sell lottery tickets or shares, or both, to the public.
18 (s) (1) "Major procurement" means any gaming product or service,
19 including, but not limited to, facilities, advertising and promotional
20 services, annuity contracts, prize payment agreements, consulting services,
21 equipment, tickets and other products and services unique to the Kansas
22 lottery, but not including materials, supplies, equipment and services
23 common to the ordinary operations of state agencies.
24 (2) "Major procurement" shall not mean any product, service or other
25 matter covered by or addressed in the Kansas expanded lottery act or a
26 lottery gaming facility management contract or racetrack gaming facility
27 management contract executed pursuant to the Kansas expanded lottery
28 act.
29 (t) "Net electronic gaming machine income" means all cash or other
30 consideration utilized to play an electronic gaming machine operated at a
31 racetrack gaming facility, less all cash or other consideration paid out to
32 winning players as prizes.
33 (u) "Organization licensee" has the meaning provided by K.S.A. 74-
34 8802, and amendments thereto.
35 (v) "Parimutuel licensee" means a facility owner licensee or facility
36 manager licensee under the Kansas parimutuel racing act.
37 (w) "Parimutuel licensee location" means a racetrack facility, as
38 defined in K.S.A. 74-8802, and amendments thereto, owned or managed
39 by the parimutuel licensee. A parimutuel licensee location may include any
40 existing structure at such racetrack facility or any structure that may be
41 constructed on real estate where such racetrack facility is located.
42 (x) "Person" means any natural person, association, limited liability
43 company, corporation or partnership.

1 (y) "Prize" means any prize paid directly by the Kansas lottery
2 pursuant to the Kansas lottery act or the Kansas expanded lottery act or
3 any rules and regulations adopted pursuant to either act.
4 (z) "Progressive electronic game" means a game played on an
5 electronic gaming machine for which the payoff increases uniformly as the
6 game is played and for which the jackpot, determined by application of a
7 formula to the income of independent, local or interlinked electronic
8 gaming machines, may be won.
9 (aa) "Racetrack gaming facility" means that portion of a parimutuel
10 license location where electronic gaming machines are operated,
11 managed and maintained.
12 (bb) "Racetrack gaming facility management contract" means an
13 agreement between the Kansas lottery and a racetrack gaming facility
14 manager, negotiated and signed by the executive director on behalf of the
15 state, for placement of electronic gaming machines owned and operated by
16 the state at a racetrack gaming facility.
17 (cc) "Racetrack gaming facility manager" means a parimutuel
18 licensee specifically certified by the Kansas lottery to become a certified
19 racetrack gaming facility manager and offer electronic gaming machines
20 for play at the racetrack gaming facility.
21 (dd) "Returned ticket" means any ticket which was transferred to a
22 lottery retailer, which was not sold by the lottery retailer and which was
23 returned to the Kansas lottery for refund by issuance of a credit or
24 otherwise.
25 (ee) "Share" means any intangible manifestation authorized by the
26 Kansas lottery to prove participation in a lottery game, except as provided
27 by the Kansas expanded lottery act.
28 (ff) "Ticket" means any tangible evidence issued by the Kansas
29 lottery to prove participation in a lottery game other than a lottery facility
30 game.
31 (gg) "Token" means a representative of value, of metal or other
32 material, which is not legal tender, redeemable for cash only by the issuing
33 lottery gaming facility manager or racetrack gaming facility manager and
34 which is issued and sold by a lottery gaming facility manager or racetrack
35 gaming facility manager for the sole purpose of playing an electronic
36 gaming machine or lottery facility game.
37 (hh) "Vendor" means any person who has entered into a major
38 procurement contract with the Kansas lottery.
39 (ii) "Video lottery machine" means any electronic video game
40 machine that, upon insertion of cash, is available to play or simulate the
41 play of a video game authorized by the commission, including, but not
42 limited to, bingo, poker, blackjack and keno, and which uses a video
43 display and microprocessors and in which, by chance, the player may

- 1 receive free games or credits that can be redeemed for cash.
- 2 ~~Sec. 4. K.S.A. 74-8802 is hereby amended to read as follows: 74-~~
- 3 ~~8802. As used in the Kansas parimutuel racing act unless the context~~
- 4 ~~otherwise requires:~~
- 5 ~~(a) "Breakage" means the odd cents by which the amount payable on~~
- 6 ~~each dollar wagered exceeds:~~
- 7 ~~(1) A multiple of \$.10, for parimutuel pools from races conducted in~~
- 8 ~~this state; and~~
- 9 ~~(2) a multiple of such other number of cents as provided by law of the~~
- 10 ~~host jurisdiction for interstate combined wagering pools.~~
- 11 ~~(b) "Commission" means the Kansas racing and gaming commission~~
- 12 ~~created by this act.~~
- 13 ~~(c) "Concessionaire licensee" means a person, partnership,~~
- 14 ~~corporation or association licensed by the commission to utilize a space or~~
- 15 ~~privilege within a racetrack facility to sell goods or services.~~
- 16 ~~(d) "Contract" means an agreement, written or oral, between two or~~
- 17 ~~more persons, partnerships, corporations or associations, or any~~
- 18 ~~combination thereof, which creates an obligation between the parties.~~
- 19 ~~(e) "Crossover employment" means a situation in which an~~
- 20 ~~occupational licensee is concurrently employed at the same racing facility~~
- 21 ~~by an organization licensee and a facility owner licensee or facility~~
- 22 ~~manager licensee.~~
- 23 ~~(f) "Dual racetrack facility" means a racetrack facility for the racing~~
- 24 ~~of both horses and greyhounds or two immediately adjacent racetrack~~
- 25 ~~facilities owned by the same licensee, one for racing horses and one for~~
- 26 ~~racing greyhounds.~~
- 27 ~~(g) "Executive director" means the executive director of the~~
- 28 ~~commission.~~
- 29 ~~(h) "Facility manager licensee" means a person, partnership,~~
- 30 ~~corporation or association licensed by the commission and having a~~
- 31 ~~contract with an organization licensee to manage a racetrack facility.~~
- 32 ~~(i) "Facility owner licensee" means a person, partnership, corporation~~
- 33 ~~or association, or the state of Kansas or any political subdivision thereof,~~
- 34 ~~licensed by the commission to construct or own a racetrack facility but~~
- 35 ~~does not mean an organization licensee which owns the racetrack facility~~
- 36 ~~in which it conducts horse or greyhound racing.~~
- 37 ~~(j) "Fair association" means an association organized pursuant to~~
- 38 ~~K.S.A. 2-125 et seq. and amendments thereto, or a nonprofit association~~
- 39 ~~determined by the commission to be otherwise organized to conduct fair-~~
- 40 ~~activities pursuant to findings of fact entered by the commission in a~~
- 41 ~~license order.~~
- 42 ~~(k) "Financial interest" means an interest that could result directly or~~
- 43 ~~indirectly in receiving a pecuniary gain or sustaining a pecuniary loss as a~~

1 result of ownership or interest in a business entity or activity or as a result
2 of a salary, gratuity or other compensation or remuneration from any
3 person.

4 (1) "~~Greyhound~~" means any greyhound breed of dog property
5 registered with the national greyhound association of Abilene, Kansas.

6 (m) "~~Horsemen's association~~" means any association or corporation:

7 (1) All officers, directors, members and shareholders of which are
8 licensed owners of horses or licensed trainers of horses, or both;

9 (2) which is applying for or has been issued a facility owner license
10 authorizing ownership of Eureka Downs, Anthony Downs or a racetrack
11 facility on or adjacent to premises used by a fair association to conduct fair
12 activities; and

13 (3) none of the officers, directors, members or shareholders of which
14 holds another facility owner license or is an officer, director, member or
15 shareholder of another facility owner licensee.

16 (n) "~~Horsemen's nonprofit organization~~" means any nonprofit
17 organization:

18 (1) All officers, directors, members or shareholders of which are
19 licensed owners of horses or licensed trainers of horses, or both; and

20 (2) which is applying for or has been issued an organization license
21 authorizing the conduct of horse races at Eureka Downs, Anthony Downs
22 or a racetrack facility on or adjacent to premises used by a fair association
23 to conduct fair activities.

24 (o) "~~Host facility~~" means the racetrack at which the race is run or, if
25 the race is run in a jurisdiction which is not participating in the interstate
26 combined wagering pool, the racetrack or other facility which is
27 designated as the host facility.

28 (p) "~~Host jurisdiction~~" means the jurisdiction where the host facility
29 is located.

30 (q) "~~Interstate combined wagering pool~~" means a parimutuel pool
31 established in one jurisdiction which is combined with comparable
32 parimutuel pools from one or more racing jurisdictions for the purpose of
33 establishing the amount of money returned on a successful wager in the
34 participating jurisdictions.

35 (r) "~~Interrack wagering~~" means wagering on a simulcast race at a
36 licensed racetrack facility or at a facility which is licensed in its racing
37 jurisdiction to conduct live races.

38 (s) "~~Intrastate combined wagering pool~~" means a parimutuel pool
39 which is combined with comparable parimutuel pools from one or more
40 racetrack facilities for the purpose of establishing the amount of money
41 returned on a successful wager at the participating racetrack facilities.

42 (t) "~~Kansas helped greyhound~~" means a greyhound whelped and
43 raised in Kansas for the first six months of its life.

1 ~~(4) "Minus pool" means a parimutuel pool in which, after deducting~~
2 ~~the takeout, not enough money remains in the pool to pay the legally~~
3 ~~prescribed minimum return to those placing winning wagers, and in which~~
4 ~~the organization licensee would be required to pay the remaining amount~~
5 ~~due.~~

6 ~~(v) "Nonprofit organization" means:~~

7 ~~(1) A corporation which is incorporated in Kansas as a not-for-profit~~
8 ~~corporation pursuant to the Kansas general corporation code and the net~~
9 ~~earnings of which do not inure to the benefit of any shareholder, individual~~
10 ~~member or person; or~~

11 ~~(2) a fair association.~~

12 ~~(w) "Occupation licensee" means a person licensed by the~~
13 ~~commission to perform an occupation or provide services which the~~
14 ~~commission has identified as requiring a license pursuant to this act.~~

15 ~~(x) "Off track wagering" means wagering on a simulcast race at a~~
16 ~~facility which is not licensed in its jurisdiction to conduct live races.~~

17 ~~(y) "Organization licensee" means a nonprofit organization licensed~~
18 ~~by the commission to conduct races pursuant to this act and if the licensee~~
19 ~~so provides, to construct or own a racetrack facility.~~

20 ~~(z) "Parimutuel pool" means the total money wagered by individuals~~
21 ~~on one or more horses or greyhounds in a particular horse or greyhound~~
22 ~~race to win, place or show, or combinations thereof, as established by the~~
23 ~~commission, and except in the case of an interstate or intrastate combined~~
24 ~~wagering pool, held by the organization licensee pursuant to the~~
25 ~~parimutuel system of wagering. There is a separate parimutuel pool for~~
26 ~~win, for place, for show and for each of the other forms of betting~~
27 ~~provided for by the rules and regulations of the commission.~~

28 ~~(aa) "Parimutuel wagering" means a form of wagering on the~~
29 ~~outcome of horse and greyhound races in which those who wager purchase~~
30 ~~tickets of various denominations on one or more horses or greyhounds and~~
31 ~~all wagers for each race are pooled and the winning ticket holders are paid~~
32 ~~prizes from such pool in amounts proportional to the total receipts in the~~
33 ~~pool.~~

34 ~~(bb) "Race meeting" means one or more periods of racing days~~
35 ~~during a calendar year designated by the commission for which an~~
36 ~~organization licensee has been approved by the commission to hold live or~~
37 ~~simulcast horse or greyhound races at which parimutuel wagering is~~
38 ~~conducted, including such additional time as designated by the~~
39 ~~commission for the conduct of official business before and after the races.~~

40 ~~(cc) "Racetrack facility" means a racetrack within Kansas used for the~~
41 ~~racing of horses or greyhounds, or both, including the track surface,~~
42 ~~grandstands, clubhouse, all animal housing and handling areas, other areas~~
43 ~~in which a person may enter only upon payment of an admission fee or~~

1 upon presentation of authorized credentials and such additional areas as
 2 designated by the commission.
 3 ~~(dd) "Racing jurisdiction" or "jurisdiction" means a governmental~~
 4 ~~authority which is responsible for the regulation of live or simulcast racing~~
 5 ~~in its jurisdiction.~~
 6 ~~(ee) "Racing or wagering equipment or services licensee" means any~~
 7 ~~person, partnership, corporation or association licensed by the commission~~
 8 ~~to provide integral racing or wagering equipment or services, as designated~~
 9 ~~by the commission, to an organization licensee.~~
 10 ~~(ff) "Recognized greyhound owners' group" means the duly~~
 11 ~~recognized group elected in accordance with rules and regulations of the~~
 12 ~~commission by a majority of the Kansas licensed greyhound owners at the~~
 13 ~~racetrack facility voting in the election. The commission may designate an~~
 14 ~~organization such as the national greyhound association of Athlens,~~
 15 ~~Kansas, to conduct the election.~~
 16 ~~(gg) "Raffle" means a gambling scheme in which: (1) Participants~~
 17 ~~pay or agree to pay something of value for an opportunity to win~~
 18 ~~something of value; (2) winning opportunities are represented by tickets~~
 19 ~~differentiated by sequential enumeration; (3) winners are picked by a~~
 20 ~~random drawing of tickets or by a race utilizing inanimate objects floated~~
 21 ~~along a river, stream, canal or other body of water; and (4) the raffle is~~
 22 ~~conducted for the benefit of a not-for-profit organization described in~~
 23 ~~501(c)(3) of the internal revenue code.~~
 24 ~~(gh) (hh) "Recognized horsemen's group" means the duly recognized~~
 25 ~~group, representing the breeds of horses running at a racetrack facility,~~
 26 ~~elected in accordance with rules and regulations of the commission by a~~
 27 ~~majority of the licensed owners and trainers at the racetrack facility voting~~
 28 ~~in the election. If the licensee does not have a recognized horsemen's~~
 29 ~~group, the commission shall designate as the recognized horsemen's group~~
 30 ~~one that serves another organization licensee, but not one that serves a fair~~
 31 ~~association organization licensee.~~
 32 ~~(hh) (ii) "Simulcast" means a live audio-visual broadcast of an actual~~
 33 ~~horse or greyhound race at the time it is run.~~
 34 ~~(ii) (jj) "Takeout" means the total amount of money withheld from~~
 35 ~~each parimutuel pool for the payment of purses, taxes and the share to be~~
 36 ~~kept by the organization licensee. Takeout does not include the breakage.~~
 37 ~~The balance of each pool less the breakage is distributed to the holders of~~
 38 ~~winning parimutuel tickets.~~
 39 ~~Sec. 5. K.S.A. 74-8802 and K.S.A. 2012 Supp. 21-6403 and 74-8702~~
 40 ~~are hereby repealed.~~
 41 ~~Sec. 6. This act shall take effect and be in force from and after its~~
 42 ~~publication in the Kansas register.~~

K.S.A. 2012 Supp. 79-4717 is hereby amended to read as follows: 79-4717. Sec. 4. (a) The secretary of revenue shall designate an administrator of charitable gaming. Any person designated the administrator of charitable gaming shall have at least five years' experience in the area of charitable gaming regulation. The administrator of charitable gaming shall be in the unclassified service and shall receive an annual salary fixed by the secretary of revenue and approved by the governor.

(b) Under the supervision of the secretary, the administrator of charitable gaming shall administer and enforce the provisions of the bingo act and the provisions of section 1, and amendments thereto, and any rules and regulations adopted pursuant thereto. The administrator's exclusive duties shall be the administration and enforcement of the bingo act and any rules and regulations adopted pursuant thereto. The administrator shall be solely accountable to and report to the secretary of revenue.

and 79-4717