

HOUSE BILL No. 2002

By Legislative Post Audit Committee

12-11

1 AN ACT concerning the state lottery; relating to security audits;
2 background investigation requirements; amending K.S.A. 74-8707 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 74-8707 is hereby amended to read as follows: 74-
7 8707. (a) The accounts and transactions of the Kansas lottery and the
8 Kansas lottery commission shall be subject to an annual financial-
9 compliance audit, and such other audits as directed by the legislative post
10 audit committee, under the legislative post audit act. The annual audit shall
11 be conducted as soon after the close of the fiscal year as practicable. The
12 auditor to conduct this audit work shall be specified in accordance with
13 K.S.A. 46-1122, and amendments thereto. If the legislative post audit
14 committee specifies under such statute that a firm, as defined by K.S.A.
15 46-1112, and amendments thereto, is to perform all or part of such audit
16 work, such firm shall be selected and shall perform such audit work as
17 provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125
18 through 46-1127, and amendments thereto.

19 The post auditor shall compute annually the reasonably anticipated cost
20 of providing audits pursuant to this subsection, subject to review and
21 approval by the contract audit committee established by K.S.A. 46-1120,
22 and amendments thereto. Upon such approval, the Kansas lottery shall
23 reimburse the division of post audit for the amount approved by the
24 contract audit committee. The furnishing of audit services pursuant to this
25 subsection shall be a transaction between the post auditor and the Kansas
26 lottery and shall be settled in accordance with the provisions of K.S.A. 75-
27 5516, and amendments thereto.

28 (b) On or before December 31, 2004, and at least once every three
29 years thereafter, there shall be conducted a security audit of the Kansas
30 lottery. A security audit shall include a comprehensive study and
31 evaluation of all aspects of security in the operation of the Kansas lottery.
32 The auditor to conduct a security audit shall be specified in accordance
33 with K.S.A. 46-1122, and amendments thereto. If the legislative post audit
34 committee specifies under such statute that a person, as defined by K.S.A.
35 46-1112, and amendments thereto, other than the post auditor is to perform
36 all or part of such audit work, such person shall be selected and shall

1 perform such audit work as provided in the applicable provisions of
2 K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 through 46-
3 1127, and amendments thereto. The person selected to perform a security
4 audit shall be experienced in security procedures, including, but not
5 limited to, computer and systems security. A contract to conduct a security
6 audit required by this subsection, ~~shall be considered a major procurement~~
7 ~~contract as defined by K.S.A. 74-8702, and amendments thereto, and shall~~
8 not be awarded until a background investigation is conducted *by the*
9 *executive director* on the person or firm selected to perform the audit. Such
10 background investigation shall be subject to the requirements of subsection
11 ~~(e) of K.S.A. 74-8705, and amendments thereto~~ *include: (1) The vendor to*
12 *whom the contract is to be awarded; (2) all persons who own a controlling*
13 *interest in such vendor; and (3) all applicable staff having involvement*
14 *with the audit.*

15 For the purpose of conducting a security audit under this subsection, a
16 person or a firm selected to perform the security audit shall not be limited
17 to a legal entity permitted by law to engage in practice as a certified public
18 accountant.

19 The post auditor shall compute the reasonably anticipated cost of
20 providing audits pursuant to this subsection, subject to review and
21 approval by the contract audit committee established by K.S.A. 46-1120,
22 and amendments thereto. Upon such approval, the Kansas lottery shall
23 reimburse the division of post audit for the amount approved by the
24 contract audit committee. The furnishing of audit services pursuant to this
25 subsection shall be a transaction between the post auditor and the Kansas
26 lottery and shall be settled in accordance with the provisions of K.S.A. 75-
27 5516, and amendments thereto.

28 Sec. 2. K.S.A. 74-8707 is hereby repealed.

29 Sec. 3. This act shall take effect and be in force from and after its
30 publication in the statute book.

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