

As Amended by House Committee

Session of 2019

HOUSE BILL No. 2037

By Representatives Pittman and Gartner

1-16

1 AN ACT concerning veterans; relating to the veterans benefit lottery  
2 game; disposition of net profits; directing certain disbursements;  
3 establishing the veterans benefit lottery game fund; amending K.S.A.  
4 74-8711 and 74-8724 and repealing the existing sections.

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

7 New Section 1. There is hereby established in the state treasury the  
8 veterans benefit lottery game fund, which shall be administered by the  
9 Kansas commission on veterans affairs office. All expenditures from the  
10 veterans benefit lottery game fund shall be made in accordance with  
11 appropriation acts upon warrants of the director of accounts and reports  
12 issued pursuant to vouchers approved by the director of the Kansas  
13 commission on veterans affairs office or the director's designee. All  
14 expenditures from the veterans benefit lottery game fund shall be used as  
15 established in K.S.A. 74-8724, and amendments thereto.

16 **New Sec. 2. On and after the effective date of this section, section**  
17 **64 of chapter 109 of the 2018 Session Laws of Kansas shall be null and**  
18 **void and shall have no force and effect.**

19 ~~Sec. 2.~~ **3.** K.S.A. 74-8711 is hereby amended to read as follows: 74-  
20 8711. (a) There is hereby established in the state treasury the lottery  
21 operating fund.

22 (b) Except as provided by K.S.A. 74-8724, *and amendments thereto*,  
23 and the Kansas expanded lottery act, ~~and amendments thereto~~, the  
24 executive director shall remit all moneys collected from the sale of lottery  
25 tickets and shares and any other moneys received by or on behalf of the  
26 Kansas lottery to the state treasurer in accordance with the provisions of  
27 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
28 remittance, the state treasurer shall deposit the entire amount in the state  
29 treasury to the credit of the lottery operating fund. Moneys credited to the  
30 fund shall be expended or transferred only as provided by this act.  
31 Expenditures from such fund shall be made in accordance with  
32 appropriations acts upon warrants of the director of accounts and reports  
33 issued pursuant to vouchers approved by the executive director or by a  
34 person designated by the executive director.

35 (c) Moneys in the lottery operating fund shall be used for:

36 (1) The payment of expenses of the lottery, which shall include all

1 costs incurred in the operation and administration of the Kansas lottery; all  
2 costs resulting from contracts entered into for the purchase or lease of  
3 goods and services needed for operation of the lottery, including but not  
4 limited to supplies, materials, tickets, independent studies and surveys,  
5 data transmission, advertising, printing, promotion, incentives, public  
6 relations, communications and distribution of tickets and shares; and  
7 reimbursement of costs of facilities and services provided by other state  
8 agencies;

9 (2) the payment of compensation to lottery retailers;

10 (3) transfers of moneys to the lottery prize payment fund pursuant to  
11 K.S.A. 74-8712, and amendments thereto;

12 (4) transfers to the state general fund pursuant to K.S.A. 74-8713, and  
13 amendments thereto;

14 (5) transfers to the community crisis stabilization centers fund and  
15 clubhouse model program fund of the Kansas department for aging and  
16 disability services pursuant to subsection (e);

17 (6) transfers to the state gaming revenues fund pursuant to subsection  
18 (d) and as otherwise provided by law; ~~and~~

19 (7) transfers to the county reappraisal fund as prescribed by law; *and*

20 (8) *transfers to the veterans benefit lottery game fund pursuant to*  
21 *K.S.A. 74-8724, and amendments thereto.*

22 (d) The director of accounts and reports shall transfer moneys in the  
23 lottery operating fund to the state gaming revenues fund created by K.S.A.  
24 79-4801, and amendments thereto, on or before the 15<sup>th</sup> day of each month  
25 in an amount certified monthly by the executive director and determined as  
26 follows, whichever is greater:

27 (1) An amount equal to the moneys in the lottery operating fund in  
28 excess of those needed for the purposes described in subsections (c)(1)  
29 through (c)(5); or

30 (2) except for pull-tab lottery tickets and shares, an amount equal to  
31 not less than 30% of total monthly revenues from the sales of lottery  
32 tickets and shares less estimated returned tickets. In the case of pull-tab  
33 lottery tickets and shares, an amount equal to not less than 20% of the total  
34 monthly revenues from the sales of pull-tab lottery tickets and shares less  
35 estimated returned tickets.

36 (e) (1) Subject to the limitations set forth in paragraph (2),  
37 commencing in fiscal year 2019, on or before the 10<sup>th</sup> day of each month,  
38 the director of the lottery shall certify to the director of accounts and  
39 reports all net profits from the sale of lottery tickets and shares via lottery  
40 ticket vending machines. Of such certified amount, the director of  
41 accounts and reports shall transfer 75% from the lottery operating fund to  
42 the community crisis stabilization centers fund of the Kansas department  
43 for aging and disability services and 25% from the lottery operating fund

1 to the clubhouse model program fund of the Kansas department for aging  
2 and disability services.

3 (2) Moneys transferred pursuant to paragraph (1) shall not exceed in  
4 the aggregate \$4,000,000 in fiscal year 2019, and shall not exceed in the  
5 aggregate \$8,000,000 in fiscal year 2020 and each fiscal year thereafter.

6 ~~Sec. 3.~~ 4. K.S.A. 74-8724 is hereby amended to read as follows: 74-  
7 8724. (a) Notwithstanding any provision of law to the contrary, the Kansas  
8 lottery commission ~~shall~~ *may* establish an instant lottery scratch-off game  
9 designated as the veterans benefit game, which shall be conducted by the  
10 Kansas lottery. Tickets for the veterans benefit game established by this  
11 section ~~shall~~ *may* be offered for sale year-round.

12 (b) The Kansas lottery commission ~~shall~~ *may* adopt rules and  
13 regulations governing the establishment of the veterans benefit game  
14 pursuant to K.S.A. 74-8710, and amendments thereto, except that  
15 ~~subsection (b) of K.S.A. 74-8710(b)~~, and amendments thereto, shall not  
16 apply to the veterans benefit game established by this section.

17 ~~(c) Notwithstanding the provisions of Pursuant to K.S.A. 79-4801~~  
18 ~~et seq., and K.S.A. 74-8711, and amendments thereto, all net profits,~~  
19 ~~received from the sale of veterans benefit game lottery tickets, materials~~  
20 ~~and games, as prescribed by rules and regulations adopted pursuant to~~  
21 ~~subsection (b) of this section, shall be deposited in the state treasury.~~

22 (d) *Subject to the provisions of subsection (e), on July 1 of each year,*  
23 *or as soon thereafter as moneys are available, the director of accounts and*  
24 *reports shall transfer \$2,000,000 from the lottery operating fund to the*  
25 *veterans benefit lottery game fund and such moneys shall be used as*  
26 *follows: (1) An amount equal to 40% of such ~~net profits~~ moneys shall be*  
27 *appropriated for purposes directly ~~benefitting~~ benefiting members of the*  
28 *Kansas army and air national guard and their families to provide for*  
29 *Kansas national guard educational assistance act scholarships pursuant to*  
30 *K.S.A. 74-32,145 et seq., and amendments thereto, and, to the extent that*  
31 *moneys are available, for other purposes directly ~~benefitting~~ benefiting*  
32 *members of the Kansas army and air national guard and their families as*  
33 *provided by appropriation act;*

34 (2) *an amount equal to 30% of such ~~net profits~~ moneys shall be*  
35 *appropriated for operating expenditures and capital improvements, or as*  
36 *otherwise provided by appropriation act, for the use and benefit of the*  
37 *Kansas veterans' home, the Kansas soldiers' home and the state veterans*  
38 *cemetery system; and*

39 (3) *an amount equal to 30% of such ~~net profits~~ from: (A) July 1,*  
40 *2008, to June 30, 2010, shall be appropriated for the museum of the*  
41 *Kansas national guard to expand the museum facility to include a 35<sup>th</sup>*  
42 *Infantry Division Museum and a museum education center as provided by*  
43 *appropriation act; and (B) from and after July 1, 2010, moneys shall be*

1 appropriated for a veterans enhanced service delivery program.

2 *(e) Beginning on July 1, 2020, or as soon thereafter as moneys are*  
3 *available, the amount transferred from the lottery operating fund to the*  
4 *veterans benefit lottery game fund shall increase each year by 5% from the*  
5 *amount transferred in the preceding year.*

6 *(f) Beginning in 2024, and every five years thereafter, the house*  
7 *standing committee on veterans and military, or its successor committee,*  
8 *shall review the provisions of this section.*

9 ~~(d)~~(g) The Kansas lottery commission ~~shall~~ *may* change the design or  
10 theme of the veterans benefit game regularly so that the game remains  
11 competitive with the other instant lottery scratch-off games offered by  
12 such commission. The tickets for the instant lottery game authorized by  
13 this section shall clearly state that the profits derived from the game shall  
14 be used to benefit veterans and veterans issues in this state.

15 ~~Sec. 4.~~ **5.** K.S.A. 74-8711 and 74-8724 are hereby repealed.

16 ~~Sec. 5.~~ **6.** This act shall take effect and be in force from and after its  
17 publication in the statute book.