

SENATE BILL No. 406

By Committee on Federal and State Affairs

1-22

AN ACT concerning the Kansas racing and gaming commission; relating to the state gaming agency; concerning the executive director of such commission and such agency; amending K.S.A. 2001 Supp. 74-8805 and 74-9804 and repealing the existing sections.

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

Section 1. K.S.A. 2001 Supp. 74-8805 is hereby amended to read as follows: 74-8805. (a) (1) The governor shall appoint, subject to confirmation by the senate as provided by K.S.A. 75-4315b and amendments thereto, an executive director of the commission, to serve at the pleasure of the governor and under the direction and supervision of the commission. Before appointing any person as executive director, the governor shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The executive director shall: (A) Be in the unclassified service under the Kansas civil service act; (B) ~~devote full time to the executive director's assigned duties;~~ (C) receive such compensation as determined by the governor, subject to the limitations of appropriations therefor; ~~(D)~~ (C) be a citizen of the United States and an actual resident of Kansas during employment by the commission; ~~(E)~~ (D) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission; and ~~(F)~~ (E) have familiarity with the horse and dog racing industries sufficient to fulfill the duties of the office of executive director.

(3) The executive director shall: (A) Recommend to the commission the number and qualifications of employees necessary to implement and enforce the provisions of this act; (B) employ persons for those positions approved by the commission, subject to the limitations of appropriations therefor; and (C) perform such other duties as directed by the commission.

(b) (1) The executive director shall appoint an inspector of parimutuels to serve at the pleasure of the executive director. Before appointing any person as inspector of parimutuels, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

1 (2) The inspector of parimutuels shall: (A) Be in the unclassified serv-
2 ice under the Kansas civil service act; (B) devote full time to the in-
3 spector's assigned duties; (C) receive such compensation as determined
4 by the executive director, subject to the limitations of appropriations
5 therefor; (D) be a citizen of the United States and an actual resident of
6 Kansas during employment as inspector of parimutuels; (E) not have been
7 convicted of a felony under the laws of any state or of the United States
8 prior to or during employment by the commission; and (F) be a certified
9 public accountant with at least three years of auditing experience.

10 (3) The inspector of parimutuels shall: (A) Inspect and audit the con-
11 duct of parimutuel wagering by organization licensees, including the
12 equipment and facilities used and procedures followed; (B) train and su-
13 pervise such personnel as employed by the executive director to assist
14 with such duties; and (C) perform such other duties as directed by the
15 executive director.

16 (c) (1) The executive director shall appoint a director of security to
17 serve at the pleasure of the executive director. Before appointing any
18 person as director of security, the executive director shall cause the Kan-
19 sas bureau of investigation to conduct a criminal history record check and
20 background investigation of the person.

21 (2) The director of security shall: (A) Be in the unclassified service
22 under the Kansas civil service act; (B) devote full time to the security
23 director's assigned duties; (C) receive such compensation as determined
24 by the executive director, subject to the limitations of appropriations
25 therefor; (D) be a citizen of the United States and an actual resident of
26 Kansas during employment as director of security; (E) not have been
27 convicted of a felony under the laws of any state or of the United States
28 prior to or during employment by the commission; and (F) be a profes-
29 sional law enforcement officer with a minimum of five years' experience
30 in the field of law enforcement and at least a bachelor's degree in law
31 enforcement administration, law, criminology or a related science or, in
32 lieu thereof, a minimum of 10 years' experience in the field of law
33 enforcement.

34 (3) The director of security shall: (A) Conduct investigations relating
35 to compliance with the provisions of this act and rules and regulations of
36 the commission; (B) recommend proper security measures to organiza-
37 tion licensees; (C) train and supervise such personnel as employed by the
38 executive director to assist with such duties; and (D) perform such other
39 duties as directed by the executive director.

40 (d) (1) The executive director may appoint a director of racing op-
41 erations to serve at the pleasure of the executive director. Before appoint-
42 ing any person as director of racing operations, the executive director
43 shall cause the Kansas bureau of investigation to conduct a criminal his-

1 tory record check and background investigation of the person.

2 (2) The director of racing operations shall: (A) Be in the unclassified
3 service under the Kansas civil service act; (B) devote full time to the
4 director's assigned duties; (C) receive such compensation as determined
5 by the executive director, subject to the limitations of appropriations
6 therefor; (D) be a citizen of the United States and an actual resident of
7 Kansas during employment as director of racing operations; (E) not have
8 been convicted of a felony under the laws of any state or of the United
9 States prior to or during employment by the commission; and (F) have a
10 minimum of five years' experience in racing operations.

11 (3) The director of racing operations shall: (A) Supervise racing op-
12 erations, including stewards and racing judges; (B) be responsible for
13 training and education of stewards and racing judges; (C) advise the com-
14 mission on necessary or desirable changes in rules and regulations relating
15 to conduct of races; (D) train and supervise such personnel as employed
16 by the executive director to assist with such duties; and (E) perform such
17 other duties as directed by the executive director.

18 (e) The commission may appoint an advisory committee of persons
19 knowledgeable in the horse and greyhound breeding and racing industries
20 to provide information and recommendations to the commission regard-
21 ing the administration of this act. Members of such advisory committee
22 shall serve without compensation or reimbursement of expenses.

23 (f) Except as otherwise provided by this act, all employees of the
24 commission shall be in the classified service under the Kansas civil service
25 act.

26 (g) No employee of the commission shall have been convicted of a
27 felony under the laws of any state or of the United States prior to or
28 during employment by the commission. Before employing any person,
29 the commission shall cause a criminal history record check of the person
30 to be conducted.

31 (h) The commission shall cause the Kansas bureau of investigation to
32 conduct a criminal history record check and background investigation of
33 a person before employing the person in any of the following positions:

- 34 (1) Deputy director;
- 35 (2) accountant;
- 36 (3) computer systems analyst;
- 37 (4) legal assistant;
- 38 (5) auditor;
- 39 (6) racing judge;
- 40 (7) steward;
- 41 (8) enforcement agent;
- 42 (9) office supervisor;
- 43 (10) human resource manager;

- 1 (11) office specialist; or
2 (12) any other sensitive position, as determined by the commission.
3 (i) On July 1, 1995, the commission shall cause the Kansas bureau of
4 investigation to conduct a criminal history record check and background
5 investigation of persons in the employment of the commission in the
6 following positions on that date:
7 (1) Animal health officer;
8 (2) inspector of parimutuels;
9 (3) office supervisor;
10 (4) human resource manager; and
11 (5) office specialist.

12 Sec. 2. K.S.A. 2001 Supp. 74-9804 is hereby amended to read as
13 follows: 74-9804. (a) (1) The governor shall appoint, subject to confir-
14 mation by the senate as provided by K.S.A. 75-4315b, and amendments
15 thereto, an executive director of the state gaming agency, to serve at the
16 pleasure of the governor. Before appointing any person as executive di-
17 rector, the governor shall cause the Kansas bureau of investigation to
18 conduct a criminal history record check and background investigation of
19 the person.

20 (2) The executive director shall: (A) Be in the unclassified service
21 under the Kansas civil service act; (B) ~~devote full time to the executive~~
22 ~~director's assigned duties;~~ (C) be a citizen of the United States and an
23 actual resident of Kansas during employment as executive director; ~~(D)~~
24 (C) not have been convicted of a felony under the laws of any state or of
25 the United States prior to or during employment; and ~~(E)~~ (D) have fam-
26 ilarity with gaming industries sufficient to fulfill the duties of the office
27 of executive director.

28 (3) The executive director shall: (A) Determine, subject to the ap-
29 proval of the Kansas racing and gaming commission, the number and
30 qualifications of employees necessary to implement and enforce the pro-
31 visions of tribal-state gaming compacts and the provisions of the tribal
32 gaming oversight act; (B) employ persons for those positions; and (C)
33 perform such other duties as required by tribal-state gaming compacts.

34 (b) (1) The executive director may appoint a director of enforcement
35 and compliance to serve at the pleasure of the executive director. Before
36 appointing any person as director of enforcement and compliance, the
37 executive director shall cause the Kansas bureau of investigation to con-
38 duct a criminal history record check and background investigation of the
39 person.

40 (2) The director of enforcement and compliance shall: (A) Be in the
41 unclassified service under the Kansas civil service act; (B) devote full time
42 to the director's assigned duties; (C) receive such compensation as de-
43 termined by the executive director, subject to the limitations of appro-

1 priations therefor; (D) be a citizen of the United States and an actual
2 resident of Kansas during employment as director of enforcement and
3 compliance; (E) not have been convicted of a felony under the laws of
4 any state or of the United States prior to and during employment as
5 director of compliance; and (F) have been a professional law enforcement
6 officer with a minimum of five years' experience in the field of law en-
7 forcement and at least a bachelor's degree in law enforcement adminis-
8 tration, law, criminology or a related science or, in lieu thereof, a mini-
9 mum of 10 years' experience in the field of law enforcement.

10 (3) The director of enforcement and compliance shall: (A) Be vested
11 with law enforcement authority;

12 (B) conduct investigations relating to compliance with the provisions
13 of tribal-state gaming compacts and the provisions of the tribal gaming
14 oversight act;

15 (C) recommend proper compliance measures to tribal gaming
16 commissions;

17 (D) train and supervise such personnel as employed by the executive
18 director to assist with such duties; and

19 (E) perform such other duties as directed by the executive director.

20 (c) (1) The executive director may appoint enforcement agents. Be-
21 fore appointing any person as a enforcement agent, the executive director
22 shall cause the Kansas bureau of investigation to conduct a criminal his-
23 tory record check and background investigation of the person.

24 (2) Each enforcement agent shall: (A) Be vested with law enforce-
25 ment authority;

26 (B) be in the classified service under the Kansas civil service act;

27 (C) not have been convicted of a felony under the laws of any state
28 or of the United States prior to or during employment as enforcement
29 agent; and

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

33 (3) Enforcement agents shall: (A) Conduct investigations relating to
34 compliance with the provisions of tribal-state gaming compacts or the
35 provisions of the tribal gaming oversight act; and (B) perform such other
36 duties as directed by the executive director or the director of enforcement
37 and compliance.

38 (d) *The executive director may appoint a deputy director to serve at*
39 *the pleasure of the executive director. Before appointing any person as*
40 *deputy director, the executive director shall cause the Kansas bureau of*
41 *investigation to conduct a criminal history record check and background*
42 *investigation of the person. The deputy director shall be in the unclassified*
43 *service under the Kansas civil service act and shall receive a salary fixed*

1 *by the executive director, subject to the limitations of appropriations*
2 *therefor.*

3 Sec. 3. K.S.A. 2001 Supp. 74-8805 and 74-9804 are hereby repealed.

4 Sec. 4. This act shall take effect and be in force from and after its
5 publication in the statute book.

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