

House Concurrent Resolution No. 5021

By Committee on Federal and State Affairs

3-8

9 A PROPOSITION to amend article 15 of the constitution of the state of
10 Kansas by adding a new section thereto, relating to lotteries.

11

12 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
13 *members elected (or appointed) and qualified to the House of Repre-*
14 *sentatives and two-thirds of the members elected (or appointed) and*
15 *qualified to the Senate concurring therein:*

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

21 “§ 3d. **Gaming casinos** (a) Notwithstanding the provisions of
22 section 3 of article 15 of the constitution of the state of Kansas, the
23 legislature may permit, regulate, license and tax privately-owned
24 and operated gaming casinos.

25 (b) The legislature may provide for state-owned and operated
26 gaming casinos.

27 (c) Any casino authorized under either subsection (b) or (c)
28 shall be permitted only in a border county of this state which is
29 adjacent to a border county of another state in which is located a
30 casino. Before any casino may be constructed or operated, a ma-
31 jority of the qualified electors voting in elections held in the county
32 in which the casino will be located and in each adjacent county
33 thereto must approve the establishment of the casino.

34 (d) Any privately-owned and operated casino authorized must
35 be awarded to the highest and best bid which meets the following
36 criteria:

37 (1) It must represent the largest total investment of acceptable
38 bids, for the casino and the related enterprise with a minimum
39 acceptable amount of at least \$250,000,000, however, the minimum
40 acceptable amount may be increased by a $\frac{2}{3}$ vote of the house of
41 representatives and the senate;

42 (2) it must provide for the highest percentage of casino net
43 revenues to be paid to the state general fund with the minimum

- 1 amount of the bid to be at least 28% of the casino net revenue; and
2 (3) it must provide for the largest licensing fee with the mini-
3 mum amount of the bid to be at least \$35,000,000.
4 (e) The legislature shall require any casino authorized under
5 either subsection (a) or (b) to:
6 (1) Prohibit the extension of credit to any person engaged in
7 gaming;
8 (2) prohibit the use of credit cards, debit cards and electronic
9 benefit cards or other state or federal public assistance benefits by
10 any person engaged in gaming;
11 (3) prohibit the cashing of any payroll checks, third-party
12 checks, business checks or public assistance checks by any person
13 engaged in gaming; and
14 (4) enforce a weekly loss limit as set by the legislature.
15 (f) The legislature shall require market studies be conducted to
16 determine the economic impact on the area to be served by any
17 casino and to ensure the profitability of any casino.
18 (g) The legislature shall prohibit campaign contributions to any
19 person seeking public office or lobbying expenditures by any private
20 entity which is authorized to own and operate a casino.”
21 Sec. 2. The following statement shall be printed on the ballot with
22 the amendment as a whole:
23 “*Explanatory statement.* The proposed amendment would author-
24 ize the legislature to provide privately-owned and operated ca-
25 sinos and state-owned and operated casinos in Kansas. Casinos
26 could only be located in border counties of Kansas where a casino
27 is located across the state line. Casinos could only be established
28 in counties where voters approved the casino and where voters
29 in all counties adjacent to that county also approved the casino.
30 “A vote for this amendment would allow the legislature to authorize
31 either privately-owned and operated casinos or state-owned and
32 operated casinos to be located in border counties described
33 above.
34 “A vote against this amendment would continue the current pro-
35 hibition against privately-owned casinos.”
36 Sec. 3. This resolution, if approved by two-thirds of the members
37 elected (or appointed) and qualified to the House of Representatives, and
38 two-thirds of the members elected (or appointed) and qualified to the
39 Senate shall be entered on the journals, together with the yeas and nays.
40 The secretary of state shall cause this resolution to be published as pro-
41 vided by law and shall cause the proposed amendment to be submitted
42 to the electors of the state at the general election in November in the
43 year 2008 unless a special election is called at a sooner date by concurrent

- 1 resolution of the legislature, in which case it shall be submitted to the
- 2 electors of the state at the special election.