

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **Substitute for HB 2768**, on page 87, following line 14, by inserting:

"(e) During the fiscal year ending June 30, 2013, notwithstanding the provisions of K.S.A. 2011 Supp. 74-8702, 74-8734 and 74-8741, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from any special revenue fund or funds for fiscal year 2013 as authorized by this or any other appropriation act of the 2012 regular session of the legislature, expenditures are hereby authorized and directed to be made by the executive director of the Kansas lottery to facilitate a lottery gaming facility management contract, a lottery gaming zone shall include either the north central Kansas gaming zone consisting of Geary county or the southeast Kansas gaming zone consisting of Crawford and Cherokee counties, whereby the proposed development consists of an investment in infrastructure, including ancillary lottery gaming facility operations, of at least \$50,000,000 and to pay a privilege fee for being selected as a lottery gaming facility manager of a lottery gaming facility in the southeast Kansas gaming zone of \$5,500,000: *Provided*, That the executive director of the Kansas lottery shall carry out the provisions of this proviso.

(f) During the fiscal year ending June 30, 2013, notwithstanding the provisions of K.S.A. 2011 Supp. 74-8741, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from any special revenue fund or funds for fiscal year 2013 as authorized by this or any other appropriation act of the 2012 regular session of the legislature, expenditures are hereby authorized and directed to be made by the executive director of the Kansas lottery to ensure that a

racetrack gaming facility management contract shall include a resolution of endorsement from the city governing body, if the proposed facility is within the corporate limits of a city, or from the county commission, if the proposed facility is located in the unincorporated area of the county.

On page 90, following line 25, by inserting:

"(g) During the fiscal year ending June 30, 2013, notwithstanding the provisions of K.S.A. 2011 Supp. 74-8751, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from any special revenue fund or funds for fiscal year 2013 as authorized by this or any other appropriation act of the 2012 regular session of the legislature, expenditures are hereby authorized and directed to be made by the executive director of the Kansas racing and gaming commission to adopt rules and regulations to establish a certification requirement, and enforcement procedure, for officers, directors, key employees and persons directly or indirectly owning a 5% or more interest in a lottery gaming facility manager or racetrack gaming facility manager: *Provided*, That such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility: *Provided further*, That in the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, such certification requirements shall require such security, fitness and background investigations and standards of officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and specify that such publicly traded company annually provide a list of all identifiable shareholders: *And provided further*, That in the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of

waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission: *And provided further*, That the executive director of the Kansas racing and gaming commission shall carry out the provisions of this proviso.

(h) During the fiscal year ending June 30, 2013, notwithstanding the provisions of K.S.A. 2011 Supp. 74-8768, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which moneys may be expended or transferred from the expanded lottery act revenues fund, during the fiscal year ending June 30, 2013, moneys may be expended or transferred from the expanded lottery act revenues fund for the purposes of deferred maintenance of regents institutions pursuant to K.S.A. 2011 Supp. 76-7,101 *et seq.*, and amendments thereto, and for expenditures by the Kansas public employees retirement system to be applied to the payment of the unfunded actuarial liability of the state for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, portion of such liability, as directed by the Kansas public employees retirement system."

_____ District.