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**BEFORE THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS  
TESTIMONY OF KEVIN M. FOWLER IN OPPOSITION TO H.B. 2671  
MARCH 12, 2020**

Dear Chairman Barker and Members of the Committee:

My name is Kevin Fowler and I am an attorney with the Topeka law firm of Frieden & Forbes, LLP. I represent and appear on behalf of the managers of the Boot Hill Casino & Resort, Dodge City, Kansas (“Boot Hill”), the Kansas Star Casino, Mulvane, Kansas (“Kansas Star”), and the Kansas Crossing Casino & Hotel, Pittsburg, Kansas (“Kansas Crossing”). Boot Hill, Kansas Star and Kansas Crossing are three of the four state-owned and -operated casinos that have been authorized since the Kansas Expanded Lottery Act, K.S.A. 74-8733 *et seq.* (“KELA”) was enacted in 2007. We appreciate the opportunity to share our views in opposition to HB 2671.

Boot Hill, Kansas Star and Kansas Crossing strongly support legalized sports wagering in Kansas but believe that HB 2671 does not provide the right enabling framework. Instead, we support SB 283, a more conservative and restrictive sports wagering bill that was unopposed in the Senate Committee on Federal and State Affairs, passed by the Senate on February 26, 2020, and referred to this Committee on March 4, 2020. SB 283 is the right sports wagering bill for Kansas and we urge you to support it. However, for reasons too numerous to fully address in my testimony, HB 2671 should be rejected. A chart comparing key provisions of HB 2671 and SB 283 is attached.

Although sports wagering is a natural fit with other forms of traditional gaming at casinos under KELA, HB 2671 is substantially and unnecessarily more expansive than the time-tested gaming framework currently in place. When KELA was enacted in 2007, the Legislature authorized the Kansas lottery to contract with private businesses to construct and manage four casinos that would offer traditional casino games to be owned and operated by the State. At that time, however, a federal law known as the Professional and Amateur Sports Protection Act of 1992 (“PASPA”) prohibited the State of Kansas from owning, operating or offering any form of sports wagering under KELA. Since the United States Supreme Court decided in 2018 that PASPA is unconstitutional, the State of Kansas is no longer prohibited by federal law from authorizing sports wagering at our state-owned and -operated casinos under the established and successful KELA framework.

Any sports wagering framework should logically build upon the success of KELA by promoting rather than undermining the ability of existing casino managers to manage sports wagering on behalf of the State. To date, existing casino managers have made capital investments in Kansas of nearly \$1 billion and they have an established record of delivering economic development and revenues for our State. The casinos generate more than \$33 million in economic activity per month, and the State and affected communities directly receive approximately \$100 million in gaming revenues per year. Our existing casino managers also have a proven record of success in maintaining the integrity of lottery facility games, enforcing prohibitions against gaming by underage persons and promoting responsible gaming.

Unfortunately, HB 2671 abandons KELA's restricted gaming framework through four state casinos and grants the Kansas Lottery unprecedented authority to offer sports wagering in every corner of Kansas through mobile applications, 1,200 sports wagering retailers, an unlimited number of lottery ticket vending machines (372 of which are currently being deployed) and additional access through 1,700 lottery ticket retailers. HB 2671 also permits the Kansas Lottery to offer online instant lottery games (also known as iLottery) that will look and play like the electronic gaming machines (e.g., slot machines) and these instant games will essentially make slot machines available on every mobile device, including phones, in Kansas. The result is that HB 2671 will produce a massive expansion of casino-style gaming activity that will directly compete with state casinos, violate existing management contracts and expose the State to hundreds of millions of dollars in potential liability, and unnecessarily threaten the ability of casino managers to conduct and manage successful gaming activities on behalf of the State of Kansas.

If 1,200 establishments are permitted to offer sports wagering as part of their primary retail business activities, we anticipate potential problems in issuing credentials to thousands of retail employees, enforcing the prohibitions against underage gambling and promoting responsible gaming. Apart from high job turnover at anticipated sports wagering retailers, clerks, bartenders and wait staff have multi-tasking responsibilities in often busy and chaotic environments that will present difficult challenges in maximizing compliance with sports wagering restrictions. On the other hand, existing casinos have enhanced security procedures that minimize the risk of sports betting by underage persons and problem gamblers at retail locations while simultaneously encouraging Kansans to refrain from illegal betting through off-shore gaming sites.

The KELA gaming framework represents a successful and time-tested public policy choice that this State should not operate casino games except through private business entities that have been carefully selected to conduct and manage such activities in a highly regulated gaming environment. Unfortunately, HB 2671 rejects the State's restricted gaming model and authorizes the Kansas Lottery to use interactive gaming platforms to directly compete with our private casino managers in sports wagering and other traditional casino-style gaming activities. While this massive expansion of gaming would establish Kansas as a gambling mecca, the costs of such dramatic action will likely exceed any anticipated benefits.

Sports wagering is a very low margin endeavor where each \$100 in wagers results in an average of \$95 being paid out as winnings to bettors. This means that if the remaining \$5 fails to cover all operational expenses – including taxes – associated with sports wagering, this gaming activity will produce losses rather than profits. Sports wagering is also a subject to volatility due to the unpredictable nature of sporting events and this volatility means that the house sometimes loses, paying out more in winnings than received in wagers. Such volatility is an acceptable risk for casino managers as long as the State’s “take” from sports betting operations is reasonable.

Under HB 2671, the State’s share of sports wagering revenue is set too high for casinos at 14% from in-person wagers and 20% from internet or mobile wagers. Based on the experience of Nevada and several midwestern states, however, we believe that the State’s share of sports wagering revenue should fall in a range between 6.75% and 10%. For example, Nevada has permitted regulated sports wagering through its casinos for more than 40 years and sports books pay a 6.75% tax on sports wagering revenue. Under more recent sports wagering legislation in the Midwest, the State of Iowa imposes an effective tax of 7.5% on sports wagering revenue from its casinos and the State of Colorado imposes a 10% tax. Consistent with this experience, the State’s share of casino sports wagering revenue under SB 283 is reasonably set at 7.5% from in-person wagers and 10% from internet or mobile wagers – which is nearly half the tax rate established by HB 2671. If the tax rate and other requirements are too high, however, sports wagering in Kansas may become economically infeasible and our ability to compete with the illegal market may become untenable.

HB 2671 also unjustifiably cedes to the governing body of each sports league exclusive, monopoly authority to control and charge for the use of “official league data” which is, in fact, public information about public sporting events that is presently available and accessible for free. Because “official league data” is currently available in the public domain and derives no value from its secrecy, it is not confidential or proprietary information entitled to protection as property under Kansas law. Sports wagering through Nevada casinos for more than 40 years without any mandate to use “official league data” in determining the outcome of any sports bet is compelling evidence that the requirement is unnecessary. Moreover, the fact that gaming companies and professional sports leagues and teams have been entering into mutually beneficial partnership and sponsorship arrangements indicates that the free market is working and that State intrusion into these private business relationships is unwarranted. Consequently, there is no reasonable justification for requiring any sports wagering manager to purchase and use “official league data” in determining the outcome of any tier two sports wager.

Boot Hill, Kansas Star and Kansas Crossing thank you for the opportunity to appear in opposition to HB 2671. I will be happy to stand for questions.

## Comparison of Key Provisions in HB 2671 and SB 283

HB 2671	SB 283	Comparative Summary
<b>New Sections 1-2 (Pages 1-3)</b>	<b>New Section 1 (Page 1)</b>	<b>Retail Locations</b>
<p>Sports wagering can be offered by the Kansas Lottery through the following:</p> <p>(1) The Lottery itself using one or more online interactive sports wagering platforms, including use of any such platform at the primary facility of a professional sports team pursuant to a marketing agreement [§ 1(b)(3)];</p> <p>(2) Lottery gaming facilities and racetrack gaming facilities which contract with the Kansas lottery to “operate and manage sports wagering on behalf of the Kansas lottery,” including mobile sports wagering through a licensed interactive sports wagering platform and the use of any such platform at the primary facility of a professional sports team pursuant to a marketing agreement [§ 1(b)(2)]; and</p> <p>(3) up to 1,200 sports wagering retailers selected in the Executive Director’s discretion after considering a variety of factors and the retailer is not disqualified [§ 1(b)(1) (authorization); § 2(a) (not more than 1,200 retailers); § 1(f) (minimum prerequisites); § 1(g) (disqualifying factors)].</p>	<p>The Kansas lottery may offer sports wagering through:</p> <p>(1) Lottery gaming facility managers who have contracted with the Kansas lottery in accordance with the Kansas expanded lottery act to manage sports wagering on behalf of the Kansas lottery, including, but not limited to, sports wagering over the internet through websites and mobile device applications approved by the Kansas lottery; or</p> <p>(2) an interactive sports wagering platform if, within two years of the effective date of this act, no more than one manager has continuously offered sports wagering on an interactive sports wagering platform.</p>	<p><b>HB 2671</b> permits sports wagering through:</p> <p style="padding-left: 40px;"><u>Nearly 1,600 retail locations</u> - 1,200 outlets at grocery stores, convenience stores, gas stations, bars and restaurants, 372 lottery vending machines currently being installed by the Lottery, 4 state casinos (and 4 racetrack gaming facilities); and</p> <p style="padding-left: 40px;"><u>Mobile Wagering</u> – the Lottery can directly offer sports wagering through an unlimited number of interactive sports wagering platforms (websites and mobile applications) accessible anywhere in Kansas, and through 4 state casinos (and 4 racetrack gaming facilities). Each casino and racetrack gaming facility manager is limited to 1 interactive sports wagering platform made available by the Lottery and 1 additional platform selected by the manager.</p> <p><b>SB 283</b> permits sports wagering at 4 state casinos and their interactive sports wagering platforms. Each state casino may use up to 2 interactive sports wagering platforms. State casinos may also offer mobile wagering at two sporting facilities in Wyandotte County.</p>

<p style="text-align: center;"><b>New Section 3 (Pages 3-4)</b></p> <p>The Executive Director of the Kansas lottery shall select an interactive sports wagering platform he deems best able to serve public convenience and to promote sports wagering IAW marketing plans of Kansas lottery [§ 3(a)]. It shall offer tier 1 and tier 2 sports wagers and be made available to any lottery or racetrack gaming facility manager which has contracted with the State to operate and manage sports wagering. Such wagering shall be offered only as approved by the Kansas lottery and IAW the Kansas Expanded Lottery Act. [Id.].</p> <p>Upon request to and approval by the Lottery, any lottery or racetrack gaming facility manager may obtain one additional graphical user interface specific to such manager to access the interactive sports wagering platform furnished by the Lottery [§ 3(b)] and one additional interactive sports wagering platform [§ 3(c)].</p> <p>All background investigation requirements must be completed before the Lottery “shall consider approval and usage of any additional platforms.” [§ 3(c)].</p>	<p style="text-align: center;"><b>New Section 3 (Pages 2-3)</b></p> <p>Each lottery gaming facility manager may use no more than two interactive sports wagering platforms (websites and mobile applications) that must be approved by the Executive Director. [§ 3(a)]. Any platform requested by a manager must satisfy KRGC background investigation requirements and be able to serve the public convenience and promote sports wagering in accordance with marketing plans developed by the Lottery. [§ 3(c)].</p> <p>SB 283 does not recognize any “tier” distinctions between sports wagers.</p>	<p style="text-align: center;"><b>Official League Data</b></p> <p>HB 2671 distinguishes between tier 1 and tier 2 sports wagers. Tier 1 sports wagers are based on the final outcome or score of a sporting event. Tier 2 sports wagers are all other wagers that may be placed during an event based on team or individual performance – also known as “in-game” betting.</p> <p>The only reason for this distinction is that HB 2671 requires sports wagering managers to use “official league data” from each sports governing body, if available on commercially reasonable terms, to settle all tier 2 sports wagers. See New Section 7(e).</p> <p>Sports wagering managers will be required under HB 2671 to purchase access to “official league data” from each sports governing body.</p> <p>Final outcomes and team and individual performance statistics are already accessible to the viewing public free of charge. Nevada has successfully permitted sports wagering for more than 40 years without any requirement to use or purchase official league data.</p> <p>SB 283 draws no distinctions between sports bets and does not require the use of “official league data” to settle any bets.</p>

<p style="text-align: center;"><b>New Section 4 (Pages 4-5)</b></p> <p>A professional sports team may enter into a marketing agreement with the Lottery and each lottery or racetrack gaming facility manager to market sports wagering at the primary facility of such professional sports team. [§ 4(a)]. The marketing agreement shall be for approved promotional and advertising activities and shall prohibit any team, owner, officer, director or employee from involvement in sports wagering. [§ 4(b)]. All proposed marketing agreements must be approved by the Executive Director. [§ 4(c)].</p> <p>Marketing agreements may include advertising through signage and other media; allowing kiosks at the primary facility of a professional sports team to permit patrons to engage in sports wagering; and providing access to mobile applications that will allow patrons to access the interactive sports wagering platform utilized by the contracting party that manages sports wagering.</p>	<p style="text-align: center;"><b>New Section 3 (Page 3)</b></p> <p>State casino managers may enter into agreements with sporting facilities to make mobile sports wagering available at certain sporting facilities located in Wyandotte County. [§§ 3(d), (e)].</p> <p>Eligible sporting facilities in Wyandotte County include any auto racetrack facility and major multi-sport athletic complex with a minimum investment of \$50 million that is in operation on the effective date of this act.</p>	<p style="text-align: center;"><b>Sports Wagering at Live Events</b></p> <p>Marketing agreements under <b>HB 2671</b> are limited to professional sports teams with a primary facility in Kansas, but it may include retail sports wagering outlets and access to mobile applications for sports wagering.</p> <p><b>SB 283</b> authorizes agreements for only mobile sports wagering at the auto racetrack facility and major multi-sport athletic complex located in Wyandotte County.</p>

<p style="text-align: center;"><b>New Section 5 (Page 5)</b></p> <p>The Executive Director of the Kansas lottery shall adopt rules and regulations regarding sports wagering advertisements by January 1, 2021.</p>	<p style="text-align: center;"><b>New Section 4 (Page 3)</b></p> <p>The KRGC shall adopt rules and regulations regarding sports wagering advertisements by October 31, 2020.</p>	<p style="text-align: center;"><b>Rulemaking Authority for Advertising</b></p> <p>HB 2671 gives the Lottery’s Executive Director, not the Kansas Lottery Commission, rulemaking authority over sports wagering advertising. SB 283 gives this rulemaking authority to the KRGC in accordance with the Kansas Expanded Lottery Act.</p> <p>The Lottery will own and operate sports wagering on behalf of the State of Kansas under both bills. For more than a decade, the Kansas Expanded Lottery Act has given the KRGC primary authority to regulate advertising for the state casinos. The KRGC would have no conflicts-of-interest in its regulatory and enforcement functions since, unlike the Lottery, it will not own or operate sports wagering.</p>

<b>New Section 6 (Pages 5-6)</b>	<b>New Section 5 (Page 3)</b>	<b>Preferential Treatment for Sports Leagues</b>
<p>Any sports governing body may request the executive director of the Lottery to restrict, limit or exclude wagering on one or more sporting events. The executive director shall review the request in good faith and give notice to sports wagering managers for input. If appropriate, the Kansas Lottery Commission (KLC) shall implement restrictions, limitations and/or exclusions in rules and regulations. If the executive director denies a request, the sports governing body may appeal the decision under the Kansas administrative procedure act.</p> <p>Any appeal would be to the KLC, which is the applicable state agency. Final action disposing of the appeal could then be challenged in Kansas district court under the Kansas Judicial Review Act, K.S.A. 77-601 et seq. (KJRA). See K.S.A. 77-603(a) (“This act applies to all agencies and all proceedings for judicial review ... of agency actions not specifically exempted by statute from the provisions of this act.”).</p>	<p>The Kansas Lottery may restrict, limit or exclude wagering on one or more sporting events by providing notice to all sports wagering managers in such form and manner as prescribed by the executive director.</p>	<p>HB 2671 gives sports leagues a statutory right to request that sports wagering be restricted, limited or excluded on any sporting event. If a request is denied, sports leagues are also given the right to appeal to the Kansas Lottery Commission and to seek judicial review in the courts.</p> <p>SB 283 permits the Lottery to restrict, limit or exclude wagering on any sporting event upon proper notice without giving the sports leagues any preferential request or appeal rights.</p> <p>Under HB 2671, any sports league that opposes sports wagering on any or all of its sporting events is given preferential rights to interfere with Kansas sports wagering through years of administrative and judicial appeals.</p>



New Section 7 (Pages 6-7)	New Section 6 (Pages 3-4)	Reporting to Lottery, KRGC & Law Enforcement
<p>Sports wagering managers must use reasonable methods to prohibit sports wagering by individuals in specified categories. [§ 7(a)].</p> <p>In addition to customary conflict of interest provisions, managers must use reasonable measures to “prohibit athletes, coaches, referees, team owners, employees of sports governing bodies, member teams and player and referee personal from placing wagers on any sporting event overseen by such sports governing body.” [§ 7(a)(3)]. In determining which persons to exclude under this provision, managers “shall” use publicly available information and lists provided by the sports governing body to the Kansas lottery and KRGC. [<i>Id.</i>].</p> <p>Sports wagering managers must use reasonable methods to maintain the security of wagering data, customer data and other confidential data from unauthorized access and dissemination. [§ 7(a)(7)].</p> <p>Sports wagering managers must cooperate with “any investigations” conducted by the Lottery, KRGS, law enforcement agencies and sports governing bodies. Cooperation includes but is not limited to providing or facilitating the provision of “account-level betting information and audio or video files relating to persons placing wagers.” [§ 7(b)].</p> <p>Sports wagering managers must immediately</p>	<p>Sports wagering managers must use reasonable methods to prohibit sports wagering by individuals in specified categories. [§ 6(a)].</p> <p>In addition to customary conflict of interest provisions, managers must use reasonable measures to “prohibit any owner, officer, athlete, coach or other employee of a team and any director, officer or employee of a player or referee union from placing wagers on any sporting event overseen by such sports governing body.” [§ 6(a)(4)]. In determining which persons to exclude under this provision, managers “shall” use publicly available information and lists provided by the sports governing body to the Kansas lottery and KRGC. [<i>Id.</i>].</p> <p>Sports wagering managers must “maintain the security of wagering data, customer data and other confidential information from unauthorized access and dissemination. [§ 6(a)(7)].</p> <p>Sports wagering managers shall cooperate with any investigations conducted by the Kansas lottery, the Kansas racing and gaming commission or law enforcement agencies. [§ 6(b)].</p> <p>Sports wagering managers must immediately report certain events to the Lottery and KRGC including criminal or disciplinary proceedings against the manager anywhere [§ 6(c)(1)]; any abnormal wagering activity [§ 6(c)(2)]; any corrupt conduct affecting a betting outcome, including match-fixing [§ 6(c)(3); and other suspicious or illegal wagering</p>	<p>Both bills require sports gaming managers to prohibit gaming by athletes, and affiliates of sports teams, to maintain the security of wagering data, customer data and other confidential information from unauthorized access and dissemination.</p> <p>Both bills also require sports wagering managers to report certain conduct to the Lottery and KRGC, and to cooperate with any investigations by these agencies and other law enforcement agencies.</p> <p>The primary difference between the bills is that HB 2671 requires sports wagering managers to immediately report to sports leagues “any potential breach of the relevant sport’s governing body’s internal rules and codes of conduct pertaining to sports wagering” and to cooperate with “any investigations” conducted by sports governing bodies.</p> <p>SB 283 does not require sports managers to assist sports governing bodies, which are private organizations, in identifying and enforcing any potential breach of their private, internal rules and codes of conduct. If conduct by an athlete or anyone affiliated with a team or sporting event is criminal, sports managers should report it only to the Lottery and KRGC and to cooperate with the Lottery, KRGC and other law enforcement agencies in the investigation and prosecution of such criminal wrongdoing.</p>

<p>report certain events to the Lottery and KRGC (e.g., criminal or disciplinary proceedings against the manager anywhere) [§ 7(c)(1)(A)] and other specified conduct to these agencies and the relevant sports governing body [§ 7(c)(2)], including: “any potential breach of the relevant sports governing body’s internal rules and codes of conduct pertaining to sports wagering” [§ 7(c)(1)(C)]; any abnormal wagering activity [§ 7(c)(1)(B)]; any corrupt conduct affecting a betting outcome, including match-fixing [§ 7(c)(1)(D)]; and other suspicious or illegal wagering activities [§ 7(c)(1)(E)].</p> <p>Information provided by a sports governing body to a sports wagering manager shall be confidential and not subject to release under the Kansas Open Records Act. [§ 7(d)].</p> <p>Sports managers may settle any tier one sports bet using any available data. For settling any tier two sports bet, sports managers must use only official league data, provided that it is readily available for sports managers to purchase on commercially reasonable terms. [§ 7(e)].</p>	<p>activities [§ 6(c)(4)].</p>	<p>As a matter of policy, law enforcement agencies – not sports leagues - should decide whether sports wagering managers should report to and cooperate with any sports league in connection with potential criminal charges.</p> <p>It would be unreasonable to require sports wagering managers to learn the private, internal rules and codes of conduct of each sports governing body, to report any potential violation of such private rules to any relevant sports governing body or to cooperate with “any investigation” by any sports governing body into the potential breach of its private rules and codes of conduct.</p> <p>SB 283 does not recognize a distinction between tier 1 and tier 2 sports bets, and does not require sports wagering managers to settle tier 2 (in-game) bets using only official league data,</p>
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<b>New Section 8 (Pages 7-8)</b>	<b>Section 18 (Page 22)</b>	<b>Sports Wagering Data</b>
<p>Sports wagering managers shall maintain records of all sports wagers, including personally identifiable information of the person placing the wager, for a period of at least 3 years. [§ (a)].</p> <p>Such records must include the name and address of the person, the amount and type of wager, the time it was placed, the location of the wager (e.g., facility or IP address), the outcome of the wager, video recordings of in-person wagers and records of abnormal wagering activity. Any sports governing body that enters into a data sharing agreement with the Lottery may obtain real-time access to sports wagering information pertaining to persons placing wagers. [§ (a)].</p> <p>Sports wagering managers must provide a sports governing body “real-time” access to all such wagering data, except personally identifiable information and video camera recordings, if the sports governing body has notified the KRGC that such “real-time information sharing for wagers placed on such sports governing body’s sporting events is “necessary and desirable.” [§ (b)].</p>	<p>Amends K.S.A. 74-8710 to require the Kansas Lottery Commission to promulgate rules and regulations including “provisions requiring sports wagering managers, if available by reasonable efforts, to maintain records of at least all persons making sports wagers in an aggregate amount of \$1,200 or more within any 24-hour period of time for a minimum of 60 days and to make such records available for inspection upon request of the Kansas lottery, the Kansas racing and gaming commission or as required by court order.” [§ 18(a)(15)(C)].</p> <p>No provisions for data sharing agreements between the Lottery and sports governing bodies or requiring sports wagering managers to provide any sports governing body that signs a data sharing agreement with real-time access to sports wagering data under any circumstances.</p>	<p>HB 2671 requires each sports wagering manager to compile and retain records of all sports wagers, including the name and address of each person placing a wager, regardless of the amount wagered or the outcome of the bet, for a period of 3 years.</p> <p>SB 283 requires the Kansas Lottery Commission to establish recordkeeping requirements by rules and regulations that require sports wagering managers, if available by reasonable efforts, to maintain records of at least all persons making sports wagers in an aggregate amount of \$1,200 or more within any 24-hour period for a minimum of 60 days and to make such records available for inspection upon request by the Lottery or KRGC or as required by court order.</p> <p>SB 283 does not authorize data sharing agreements with any sports league or require sports wagering managers to provide any sports league with real-time access to sports betting information under any circumstances.</p>

<p align="center"><b>New Section 9 (Page 8)</b></p> <p>A data-sharing agreement between the Lottery and any sports governing body is required before the KRGC and any sports wagering manager may disclose personal information regarding persons placing wagers to a sports governing body.</p>	<p align="center"><b>No Comparable Provision in SB 283</b></p> <p>Because SB 283 does not authorize or require data sharing with any sports league, this provision is unnecessary.</p>	<p align="center"><b>Data-Sharing Agreements</b></p> <p>HB 2671 authorizes sports wagering data sharing agreements with sports leagues, but SB 283 does not.</p>
<p align="center"><b>New Section 10 (Page 8)</b></p> <p>Establishes a cause of action that may be brought by the State and any sports governing body against any person who knowingly engages in, facilitates or conceals conduct that intends to improperly influence a betting outcome of a sporting event for personal gain in connection with betting or wagering on a sporting event. Damages and equitable relief are available forms of redress.</p>	<p align="center"><b>New Section 7 (Page 5)</b></p> <p>The state shall have a cause of action, and may seek damages or other equitable relief, against any person who knowingly engages in, facilitates or conceals conduct that intends to improperly influence a wagering outcome of a sporting event for purposes of financial gain in connection with wagering on a sporting event. Damages and equitable relief are available forms of redress.</p>	<p align="center"><b>Cause of Action for Improper Wagering Activity</b></p> <p>HB 2671 creates a statutory cause of action for the State and sports governing bodies against anyone who knowingly, intentionally and improperly influences a wagering outcome of a sporting event for financial gain. SB 283 creates the same statutory cause of action for the State, but not for sports governing bodies.</p>
<p align="center"><b>New Section 11 (Pages 8-9)</b></p> <p>Requires sports wagering managers to honor requests by individuals to exclude themselves from sports wagering and to take reasonable steps to prevent such individuals from placing sports wagers. Sports wagering managers must submit self-exclusion information to the KRGC for dissemination to all other sports wagering managers. Managers must use the self-</p>	<p align="center"><b>New Section 1 (Pages 1-2)</b></p> <p>Sports wagering managers shall allow a person to restrict themselves from placing wagers with the operator, including wagering limits, and shall take reasonable measures to prevent any such person from placing such wagers. Upon the request of any such person, the operator shall submit the restricted person's name and other pertinent information to the Kansas racing and gaming commission. The</p>	<p align="center"><b>Self-Exclusion Lists</b></p> <p>Both bills require sports wagering managers to permit persons to exclude themselves from sports wagering, to report such information to the KRGC that will compile a self-exclusion list and to use the self-exclusion to restrict sports wagering by affected individuals.</p>

<p>exclusion list from the KRGC to restrict sports wagering by affected individuals.</p>	<p>executive director of the commission may enter into a self-exclusion agreement with such person, and disseminate such person's information to all other sports wagering operators. [§ 1(b)].</p>	
<p align="center"><b>New Section 12 (Page 9)</b></p> <p>Establishes a sports wagering receipts fund and directs the disposition of receipts and remittances.</p>	<p align="center"><b>New Section 8 (Pages 5-6)</b></p> <p>Establishes a sports wagering receipts fund and directs the disposition of receipts and remittances.</p> <p>Also provides that the Executive Director of the Lottery shall allow lottery gaming facility managers to carry over negative sports wagering revenues and apply such amounts to returns filed for subsequent weeks. Sports wagering revenues for a week will be considered negative if the winnings paid to patrons wagering on such manager's sports wagering exceeds the manager's total bets accepted from sports wagering by patrons. The negative amount of sports wagering revenues may not be applied back to an earlier week and moneys previously received by the lottery will not be refunded unless the manager ceases to operate sports wagering and the last return reported negative sports wagering revenues. [§ 8(c)].</p> <p>This authorization to carry over negative sports wagering revenues and apply such amounts to subsequent weeks also appears in Section 18(a) (15)(F), p. 22, as the subject of new rules and regulations.</p>	<p align="center"><b>Sports Wagering Receipts Fund</b></p> <p>The major difference between the bills is that SB 283 permits casino managers to carry over negative sports wagering revenues to subsequent weeks in order to avoid potential adverse tax consequences.</p>

<p style="text-align: center;"><b>New Section 13 (Pages 9-10)</b></p> <p>Establishes a white collar crime fund in the state treasury to be administered by the Attorney General (AG) for wagering-related offenses and “any financial or economic crime.”</p> <p>Section 22(f) on page 26 specifies that on July 1, 2021 and each July 1st thereafter, the first \$750K credited to the lottery operating fund shall be transferred to the white collar crime fund.</p>	<p style="text-align: center;"><b>New Section 9 (Pages 6-7)</b></p> <p>Establishes the white collar crime fund in the state treasury to be administered by the governor. All moneys credited to the white collar crime fund shall be expended only for the purpose of investigating and prosecuting wagering-related offenses.</p> <p>On July 1 of each year, or as soon thereafter as unencumbered funds are available, from the white collar crime fund: \$300K shall be transferred to the fraud and abuse criminal prosecution fund established by K.S.A. 75-765 and \$450K shall be transferred to any special revenue fund or funds of the KRGC. [§ 9(b)(1)].</p> <p>Section 19(f)(1) on page 24 specifies that on July 1, 2021 and each July 1 thereafter, the first \$750K in sports wagering revenue credited to the lottery operating fund shall be transferred to the white collar crime fund. [§ 19(f)(1), p. 24].</p>	<p style="text-align: center;"><b>White Collar Crime Fund</b></p> <p>Under HB 2671, the AG receives and administers all \$750K in sports wagering revenue transferred to the white collar crime fund each year.</p> <p>Under SB 283, based on a compromise approved by the AG, this \$750K from the white collar crime fund is transferred by operation of law to the KRGC (\$450K) and the AG (\$300K).</p>
<p style="text-align: center;"><b>New Section 14 (Pages 10-11)</b></p> <p>Within 90 days after July 1, 2020, the AG may file suit to challenge the authority of public officials to act under Sections 1 or 2 of the bill. Such action may be filed only the AG and only in the Kansas Supreme Court. [§ (a)].</p>	<p style="text-align: center;"><b>No Comparable Section or Provision in SB 283</b></p>	<p style="text-align: center;"><b>Potential Litigation and State Liability</b></p> <p>New Section 14 of HB 2671 violates the Kansas Expanded Lottery Act, impairs the obligations of the State’s contracts with state casino managers under the United States Constitution and materially breaches the management contracts</p>

<p>Subsection (b) prohibits any lottery gaming facility manager from exercising any contractual and statutory rights to sue the State for specific performance, anticipatory breach or breach of contract until the later of: (1) any final order in an action filed by the AG or (2) the date the Kansas lottery enters into a contract with a sports wagering retailer. [§ (b)].</p> <p>No claim for equitable relief may be brought except by the AG. [§ (c)].</p> <p>Subsection (d) limits any monetary damages to an amount equal to the lottery gaming facility's privilege fee plus accrued interest from the accrual date specified in subsection (b) (i.e., a final order in the AG's action or the date the Kansas lottery enters into a contract with a sports wagering retailer, whichever is later). [§ (d)].</p>		<p>between the Lottery and the 4 state casino managers.</p> <p>Together with the provisions of HB 2671 that would massively expand casino-style gaming in Kansas, New Section 14 will be challenged in court. By expanding gaming and attempting to deprive the state casinos of legal and equitable remedies that have been preserved in their management contracts, the State will be subject to potentially staggering financial liability. Depending on the duration of this litigation, the State's liability to repay privilege fees and 10% interest compounded annually is estimated from \$164 to \$264 million. The State's potential liability for lost market share damages may also be a substantially greater amount.</p>
<p align="center"><b>New Section 15 (Page 11)</b></p> <p>Requires the State to negotiate a new gaming compact for sports wagering with federally recognized tribes upon request.</p>	<p align="center"><b>New Section 12 (Page 8)</b></p> <p>Requires the State to negotiate a new gaming compact for sports wagering with federally recognized tribes upon request.</p>	<p>No material difference between bills.</p>

<p align="center"><b>New Section 16 (Page 11)</b></p> <p>Establishes misuse of nonpublic sports information for sports wagering as a severity level 5, nonpersonal felony under the Kansas criminal code.</p>	<p align="center"><b>New Section 11 (Page 8)</b></p> <p>Establishes misuse of nonpublic sports information for sports wagering as a severity level 5, nonperson felony under the Kansas criminal code.</p>	<p align="center">No material difference between bills.</p>
<p align="center"><b>Section 17 (Pages 11-14)</b></p> <p>Amends K.S.A. 2019 Supp. 21-6403 to exempt from the operation of various Kansas criminal statutes “sports wagering” as authorized under KELA. [§ 17(a)(10), p. 12].</p>	<p align="center"><b>Section 13 (Pages 8-12)</b></p> <p>Amends K.S.A. 2019 Supp. 21-6403 to exempt from the operation of various Kansas criminal statutes “sports wagering” as authorized under the Kansas Expanded Lottery Act. [§ 13(a)(10), p. 9].</p>	<p align="center">No material difference between bills.</p>
<p align="center"><b>Section 18 (Page 15)</b></p> <p>Amends K.S.A. 2019 Supp. 21-6507 to provide that sports bribery committed with the intent to influence a betting outcome on a sports contest in order to obtain financial gain is a severity level 5, nonperson felony. [§ 18(b)(3)].</p>	<p align="center"><b>Section 14 (Page 12)</b></p> <p>Amends K.S.A. 2019 Supp. 21-6507 to provide that sports bribery by conferring, offering or agreeing to confer any benefit upon a sports participant or sports official with intent to improperly influence such participant’s performance or official in performance of duties in connection with any sports contest is a severity level 8 nonperson felony. [§ 14(b)(1)].</p>	



<b>Section 20 (Pages 16-23)</b>	<b>Section 17 (Pages 13-20)</b>	
<p>Amends K.S.A. 74-8702 to define various terms used in the bill.</p> <p>Defines "Interactive sports wagering platform" as "sports wagering made available over the internet, including through websites and mobile device applications, that accepts wagers or bets and pays prizes to persons physically located within the geographical boundaries of the state of Kansas by and through the Kansas lottery, a lottery gaming facility manager or a racetrack gaming facility manager. [§ 20(h), p. 17].</p> <p>Changes the definition of "lottery facility games" to provide that "The term 'lottery facility games' does not include sports wagering." [§ 20(l), p. 18].</p> <p>Changes the definition of "Lottery gaming facility revenues" to provide that "The term 'lottery gaming facility revenues' does not include sports wagering revenues." [§ 20(r), p. 18].</p> <p>Expands the definition of "Lottery ticket vending machine" in K.S.A. 74-8702(t) to include the dispensing of "sports wagering tickets" [§ 20(u)(1)(A), (G), (I), pp. 19-20].</p> <p>Defines "Official league data" to mean "statistics, results, outcomes and other data relating to a sporting event that have been obtained from the relevant sports governing body, or an entity expressly authorized by the</p>	<p>Amends K.S.A. 74-8702 to define various terms used in the bill.</p> <p>Defines "Interactive sports wagering platform" as "sports wagering made available to persons physically located within the state of Kansas at the time of submitting the wager through a lottery gaming facility over the internet or wireless services as defined in K.S.A. 66-2019, and amendments thereto, including, but not limited to, through websites and mobile device applications." [§ 17(h), p. 14].</p> <p>Changes the definition of "lottery facility games" to mean "any electronic gaming machines and any other games that are authorized to be conducted or operated at any licensed gaming facility in the United States, except that the state may also operate sports wagering as authorized by this act." [§ 17(l), p. 15].</p> <p>Changes the definition of "Lottery gaming facility revenues" to provide that "'Lottery gaming facility revenues' do not include any sports wagering revenues." [§ 17(r), p. 16].</p> <p>SB 283 does not change the definition of "Lottery ticket vending machine" and, therefore, does not include the dispensing of "sports wagering tickets."</p> <p>SB 283 does not define "Official league data" since the term is not used in the bill.</p>	

<p>sports governing body to provide such information to sports wagering managers.” [§ 20(z), p. 20].</p> <p>Defines "Sports governing body" as “the organization that prescribes the final rules and enforces codes of conduct with respect to a sporting event and the participants in such event. [§ 20(nn), p. 22].</p> <p>Defines "Sporting event" as “any professional or collegiate sport or athletic event, motor race event or any other special event authorized by the commission that has not occurred at the time wagers are placed on such event. The term "sporting event" shall not include:</p> <p style="padding-left: 40px;">Any horse or greyhound race that is subject to the provisions of the Kansas parimutuel racing act, K.S.A. 74-8801 et seq.;</p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 40px;">any sporting or athletic event where a majority of the participants are less than 18 years of age. [§ 20(oo), p. 22].</p> <p>Defines "Sports wagering" as “placing a wager or bet on one or more sporting events, or any portion thereof, or on the individual performance statistics of athletes participating in a sporting event, or combination of sporting events, by any system or method of wagering at or through the Kansas lottery, a sports wagering retailer, a lottery gaming facility or a racetrack gaming facility.” The term "sports wagering" shall not include:</p>	<p>Defines “Sports governing body” the organization that prescribes the final rules and enforces codes of conduct with respect to a sporting event and the participants in such event.” [§ 17(kk), p. 19].</p> <p>Defines “Sporting event” as “any professional or collegiate sport or athletic event, motor race event, horse race or any other special event authorized by the executive director that has not been completed at the time any wager is placed on such event.” However, “‘Sporting event’ does not include any greyhound race or any sporting or athletic event played by individuals that are at the high school level or below.” [§ 17(jj), p. 19].</p> <p>Defines “Sports wagering” as “placing a wager on one or more sporting events, or any portion thereof, or on the individual performance statistics of athletes participating in a sporting event, or combination of sporting events, with the betting made at or through a lottery gaming facility, including the interactive sports wagering platform of a lottery gaming facility manager. "Sports wagering" includes, but is not limited to, single-game wagers,</p>	
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<p>Parimutuel wagering, as defined in K.S.A. 74-8802; or fantasy sports leagues, as defined in K.S.A. 2019 Supp. 21-6403. [[§ 20(pp), p. 22].</p> <p>Defines "Sports wagering manager" as "the Kansas lottery, any sports wagering retailer that has entered into a sports wagering retailer contract or any lottery gaming facility manager or racetrack gaming facility manager that has entered into an approved management contract that provides for operating and managing sports wagering." [§ 20(qq), p. 22].</p> <p>Defines "Sports wagering retailer" as "any person with whom the Kansas lottery has contracted to conduct sports wagering on behalf of the Kansas lottery pursuant to section 2. [§ 20(rr), p. 22].</p> <p>Defines "Sports wagering revenues" as "wagering revenue generated from sports wagering that is an amount equal to the total wagers less any voided wagers and any amounts paid as prizes." [§ 20(ss), p. 22].</p> <p>Defines "Tier one sports wager" as "a sports wager that is determined solely by the final score or final outcome of the sporting event and is placed before the sporting event has begun. [§ 20(uu), p. 22].</p> <p>Defines "Tier two sports wager" as "a sports wager that is not a tier one sports wager." [§ 20(vv), pp. 22-23].</p>	<p>teaser wagers, parlays, over-under wagers, moneyline wagers, pools, exchange wagers, in-play wagers, in-game wagers, proposition wagers and straight wagers." However, "'Sports wagering' does not include parimutuel wagering as defined in K.S.A. 74-8802, and amendments thereto, or fantasy sports leagues as defined in K.S.A. 2019 Supp. 21-6403, and amendments thereto." [§ 17(II), p. 19].</p> <p>Defines "'Sports wagering manager' as "any lottery gaming facility manager that has an approved management contract that provides for management of sports wagering. [§ 17(mm), p. 19]. Does not include sports wagering retailers. SB 283 does not define "Sports wagering retailer" since the term is not used in the bill.</p> <p>Defines "Sports wagering revenues" as "the amount of revenue generated from sports wagering equal to the total amount of all wagers, less any voided wagers, federal excise taxes, any free play approved by the Kansas lottery and any amounts paid as prizes." However, "'Sports wagering revenues' shall not be considered lottery gaming facility revenues." [§ 17(nn), p. 19].</p> <p>SB 283 does not define "Tier one sports wager" or "Tier two sports wager" since those terms are not used in the bill.</p>	
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<p>Defines "Wager" or "bet" as "a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement." [§ 20(zz), p. 23].</p>	<p>Defines "Wager" as "a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement." [§ 17(ss), p. 20].</p>	
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Section 21 (Page 23)	Section 18 (Pages 20-21)	Online Lottery Games
<p>Amends K.S.A. 74-8710(a) to give the Kansas Lottery Commission (KLC) authority to promulgate rules and regulations governing the operation of sports wagering. [§ (a)].</p> <p>Also amends subsection (a)(1) regarding rulemaking authority to specify the types of lottery games that may be conducted “online” to state that “No online lottery game shall:</p> <p>(A) Functionally operate as an electronic gaming machine;</p> <p>(B) allow for the redemption of a prize that exceeds \$599 other than at a lottery retail location or a Kansas lottery office; or</p> <p>(C) extend or arrange credit for the purchase of a lottery ticket. [§ (a)(1)].</p> <p>Section 21 adds subsection (a)(15) to provide broad “catchall” authority for the KLC to implement and enforce Sections 1 through 14 of the bill. [§ (a)(15), pp. 24-25].</p>	<p>Amends K.S.A. 74-8710(a) to give the Kansas Lottery Commission (KLC) authority to promulgate rules and regulations governing the operation of sports wagering. [§ 18(a)].</p> <p>Also amends subsection (a)(1) regarding rulemaking authority to specify the types of lottery games that may be conducted online to state that “No online lottery games shall:</p> <p>(A) Provide or be accompanied by any music or audio sound effects, animated visual display or any audio or visual effects that portray, simulate, emulate or resemble an electronic gaming machine;</p> <p>(B) visually or functionally operate or appear to operate as an electronic gaming machine or a facsimile thereof;</p> <p>(C) extend or arrange credit for the purchase of a ticket;</p> <p>(D) allow for the redemption of a lottery ticket other than at a lottery retail location or a Kansas lottery office; or</p> <p>(E) determine the winner of any game in less than four minutes from the time the lottery ticket is purchased or acquired.”</p>	<p>HB 2671 would permit the Lottery to offer online lottery games that look and play like many casino-style slot machines in direct competition with our 4 state casinos. SB 283 provides reasonable restrictions on the Lottery from offering virtually unlimited access to casino-style slot machines that can be played at over 1,200 retail locations and on iPads, computers and pocket telephones.</p>

<p style="text-align: center;"><b>Section 22 (Pages 25-26)</b></p> <p>Amends K.S.A. 74-8711 to provide for the transfer of \$750K annually from the lottery operating fund to the white collar crime fund of the attorney general.</p>	<p style="text-align: center;"><b>Section 19 (Pages 22-24)</b></p> <p>Amends K.S.A. 74-8711 to provide that the first \$750K in sports wagering revenue credited to the lottery operating fund shall be transferred to the white collar crime fund. [§ 19(f)(1), p. 24].</p> <p>Also amends K.S.A. 74-8711 to provide that an amount up to the next \$800,000 in sports wagering revenue credited to the lottery operating fund shall be transferred to the horse fair racing benefit fund established in K.S.A. 74-8838 until the unobligated principal balance of the horse fair racing benefit fund equals \$1,000,000 [§ 19(f)(1)] and that of the remaining moneys, 33% shall be transferred to the combating white collar crimes and information technology scholarship fund established in Section 10. [[§ 19(f)(2), p. 24].</p>	<p style="text-align: center;"><b>Lottery Operating Fund Transfers</b></p> <p>The amount transferred from the lottery operating fund to the white collar crime fund is identical under both bills.</p> <p>SB 283 also directs that after the \$750K is transferred to the white collar crime fund, an amount up to the next \$800K in sports wagering revenues shall be transferred each year to the horse fair racing benefit fund (which is to support Eureka Downs) until the unobligated portion of the fund equals \$1M. Then, 33% of any remaining sports wagering revenues credited to the lottery operating fund shall be transferred to finance one or more scholarships for Kansas residents enrolled in or admitted to an educational and training program for combating white collar crimes or information technology that addresses electronic security.</p>
<p style="text-align: center;"><b>Section 23 (Pages 26-28)</b></p> <p>Amends the criminal conflict of interest provisions of K.S.A. 74-8716 to include interactive sports wagering platforms.</p>	<p style="text-align: center;"><b>Section 20 (Pages 24-25)</b></p> <p>Amends the criminal conflict of interest provisions of K.S.A. 74-8716 to include interactive sports wagering platforms.</p>	<p>No material difference between provisions.</p>

<p style="text-align: center;"><b>Section 24 (Page 28)</b></p> <p>Amends K.S.A. 74-8718(a)(4) to provide that it is unlawful: “to sell a lottery ticket at retail by electronic mail, the internet or telephone if the lottery ticket: (A) Functionally operates as an electronic gaming machine; (B) allows for the redemption of a prize that exceeds \$599 other than at a lottery retail location or a Kansas lottery office; or (C) exceeds or arranges credit for the purchase of a lottery ticket.”</p>	<p style="text-align: center;"><b>Section 21 (Page 26)</b></p> <p>Amends K.S.A. 74-8718(a)(4) to provide that it is unlawful: “to sell a lottery ticket at retail by electronic mail, the internet or telephone if the lottery ticket or any related online game: (A) Provides or is accompanied by any music or audio sound effects, animated visual display or any audio or visual effects that portray, simulate, emulate or resemble an electronic gaming machine; (B) visually or functionally operates or appears to operate as an electronic gaming machine or facsimile thereof; (C) extends or arranges credit for the purchase of a ticket; (D) allows for the redemption of a lottery ticket other than at a lottery retail location or a Kansas lottery office; (E) determines the winner of any game in less than four minutes from the time the lottery ticket is purchased or acquired; or (F) allows a player to play more than one game at a time for any one device or any one player.</p>	<p style="text-align: center;"><b>Online Lottery Games</b></p> <p>HB 2671 would permit the Lottery to offer online lottery games that look and play like many casino-style slot machines in direct competition with our 4 state casinos. SB 283 provides reasonable restrictions on the Lottery from offering virtually unlimited access to casino-style slot machines that can be played at over 1,200 retail locations and on iPads, computers and pocket telephones.</p>
<p style="text-align: center;"><b>Section 25 (Pages 28-29)</b></p> <p>Amends K.S.A. 74-8733 to provide that New Sections 1 through 14 shall be part of the Kansas Expanded Lottery Act.</p>	<p style="text-align: center;"><b>Section 22 (Page 26)</b></p> <p>Amends K.S.A. 74-8733 to provide that Sections 1 through 10 shall be part of the Kansas Expanded Lottery Act.</p>	

Section 26 (Pages 29-35)	Section 23 (Pages 27-33)	State Share of Sports Wagering Revenue
<p>Amends K.S.A. 74-8734 to add subsection (i) for lottery gaming facility management contracts; authorizing the manager to provide in-person and mobile sports wagering (tier one or tier two or both); and providing that the State shall receive 20% of sports wagering revenue from wagers placed with the manager through an interactive platform and 14% of sports wagering revenue from wagers placed in-person at the manager’s facility. [§ 26(i), p. 33].</p> <p>Also provides that “If a lottery gaming facility manager agrees to operate and manage sports wagering, the Kansas lottery shall be the licensee and owner of all software programs used in conducting sports wagering, and the lottery gaming facility manager, on behalf of the state, shall purchase or lease for the Kansas lottery any equipment or other property necessary for operating and managing sports wagering. All sports wagering shall be subject to the ultimate control of the Kansas lottery in accordance with the Kansas expanded lottery act. [§ 26(o)(3), p. 35].</p>	<p>Amends K.S.A. 74-8734(h) for lottery gaming facility management contracts and adds new subsection (i)(1) authorizing the manager to provide in-person and mobile sports wagering through no more than two interactive sports wagering platforms using odds and wagers authorized by the Lottery. [§ 23(h), p. 29 &amp; § 23 (i)(1), p. 31]</p> <p>If a management contract includes sports wagering, it shall provide that 2% of sports wagering revenues shall be paid to the problem gambling and addictions grant fund [§ 23(h)(13), p. 29] and that the state shall retain 5.5% of all sports wagering revenues received from in-person wagers at each lottery gaming facility and 8% of all sports wagering revenues received from mobile wagers placed through each lottery gaming facility interactive sports betting platform. [§ 23(i)(2), p. 31].</p> <p>Also provides that “If a lottery gaming facility manager agrees to manage sports wagering, the Kansas lottery shall be the licensee or owner of all software programs used in conducting sports wagering and the lottery gaming facility manager, on behalf of the state, shall purchase or lease for the Kansas lottery in the name of the Kansas lottery any equipment or other property deemed necessary for the lottery gaming facility manager for managing sports wagering at the lottery gaming facility. All sports wagering shall be subject to the control of the Kansas lottery in accordance with the Kansas expanded lottery act.” [§ 23(o)(3), pp. 32-33].</p>	<p>HB 2671 requires the State to receive sports wagering revenue from casinos as follows: 14% from in-person wagers; and 20% from mobile wagers.</p> <p>SB 283 requires the State to receive sports wagering revenue from casinos as follows: 7.5% from in-person wagers; and 10% from mobile wagers.</p>



<p style="text-align: center;"><b>Section 27 (Pages 35-37)</b></p> <p>Amends K.S.A. 74-8741 to add subsection (d) for racetrack management contracts. [§ 27(a), p. 35].; authorizing racetrack gaming facility managers to provide in-person and mobile sports wagering (tier one or tier two or both); and providing that the State shall receive 20% of sports wagering revenue from wagers placed with the manager through an interactive platform and 14% of sports wagering revenue from wagers placed in-person at the racetrack gaming facility. [§ 27(d), p. 36].</p> <p>Also provides that “If a racetrack gaming facility manager agrees to operate and manage sports wagering, the Kansas lottery shall be the licensee and owner of all software programs used in conducting sports wagering, and the racetrack gaming facility manager, on behalf of the state, shall purchase or lease for the Kansas lottery any equipment or other property necessary for operating and managing sports wagering. All sports wagering shall be subject to the ultimate control of the Kansas lottery in accordance with the Kansas expanded lottery act. [§ 27(h), p. 37].</p>	<p style="text-align: center;"><b>No Comparable Section or Provision in SB 283</b></p> <p>SB 283 does not authorize any racetrack gaming facility or racetrack gaming facility manager to provide any form of sports wagering.</p>	
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