

**State of Kansas**  
**Kansas Racing and Gaming Commission**  
**700 SW Harrison St, STE 500, Topeka, KS 66603**  
**Donald Brownlee, Executive Director**

**Notice of Public Hearing on Proposed Administrative  
Regulation**

September 24, 2019

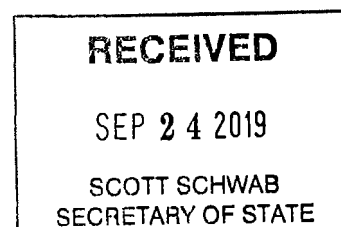
A public hearing will be conducted on Tuesday, January 7, 2020 at 10:00 a.m. in Conference Room A on the fifth floor of the Eisenhower State Office Building, 700 SW Harrison St, Topeka, Kansas to consider the adoption of a proposed regulation amendment of the Kansas Racing and Gaming Commission on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation amendment. All interested parties may submit written comments prior to the hearing to the Kansas Racing and Gaming Commission, 700 SW Harrison St, STE 500, Topeka, Kansas 66603 or by email to [joe.myers@krgc.ks.gov](mailto:joe.myers@krgc.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation amendment during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to an appropriate time frame.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation amendment and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Joe Myers at (785) 296-5747 (or TTY 1-800-766-3777). Joe Myers may also be contacted by email, [joe.myers@krgc.ks.gov](mailto:joe.myers@krgc.ks.gov), or by fax number (785) 296-0900. The north entrance to the Eisenhower State Office Building is accessible. Handicapped parking is located on the south end of the Eisenhower State Office Building in Parking Lot 8, across 7th Street from the north entrance to the building.

A summary of the proposed regulation amendment and its economic impact follow. Copies of the proposed regulation amendment and the Economic Impact Statement can be viewed at the following website: <http://www.krgc.ks.gov/index.php/racing-gaming-law/regulations/pending-regulations>. Copies can also be obtained by contacting Joe Myers at the previously mentioned contact information.

**K.A.R. 112-105-1 – Security Department.** This is a proposed amendment to an existing regulation that is intended to ensure compliance with state and federal laws regarding the carrying of concealed firearms by on-duty, off-duty, or retired law enforcement officers inside a lottery gaming facility. The K.S.A.s prompting the K.A.R. amendment are 75-7c10 and 75-7c22, and the federal laws prompting the K.A.R. amendment are 18 U.S. Code § 926B and 18 U.S. Code § 926C. The amendment clarifies who may openly carry or concealed carry a firearm within a gaming facility. The amendment further lists requirements for those who concealed carry within the gaming facility to abide by.



There will be no additional cost burdens placed on the Kansas Racing and Gaming Commission, other governmental agencies, private citizens, businesses, or the public due to the enactment of these regulations. In comparison to the current version of K.A.R. 112-105-1, the proposed amendment will loosen the restrictions on business activities and growth. Off-duty and retired law enforcement officers will be able to carry a concealed weapon within the gaming facility. This affects a small percentage of patrons who will be able to enter a gaming facility. Access will be given to on-duty law enforcement regardless of the officer's jurisdiction, which also will not restrict business activities or growth.

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**112-105-1. Security department.** (a) Each facility manager shall have a security department that is responsible for the security of the gaming facility. The facility manager, through its security department, shall do the following:

- (1) Protect the people in the gaming facility;
- (2) safeguard the assets within the gaming facility;
- (3) protect the patrons, employees, and property from illegal activity;
- (4) assist with the enforcement of all applicable laws and regulations;
- (5) prevent persons who are under 21 years old from gambling or entering gaming areas;
- (6) detain any individual if a commission enforcement agent so requests or if there is reason to believe that the individual is in violation of the law or gaming regulations;
- (7) record any unusual occurrences, including suspected illegal activity;
- (8) identify and remove any person who is required to be excluded pursuant to article 111 or 112 of the commission's regulations;
- (9) report security violations or suspected illegal activity to the commission security staff within 24 hours;
- (10) report to the commission's security staff, within 24 hours, any facts that the facility manager has reasonable grounds to believe indicate a violation of law, violation of the facility manager's minimum internal control standards, or violation of regulations committed by any facility manager, including the performance of activities different from those permitted under that person's license or certificate;

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(11) notify commission security staff, within 24 hours, of all inquiries made by law enforcement officials and any inquiries made concerning the conduct of a person with a license or certificate; and

(12) establish and maintain procedures for handling the following:

- (A) Identification badges;
- (B) incident reports;
- (C) asset protection and movement on the property;
- (D) power or camera failure;
- (E) enforcement of the minimum gambling age;
- (F) firearms prohibition;
- (G) alcoholic beverage control;
- (H) disorderly or disruptive patrons;
- (I) trespassing;
- (J) eviction;
- (K) detention; and
- (L) lost or found property.

(b) No open carrying of firearms shall be permitted within a gaming facility except for the following:

- (1) Kansas racing and gaming commission enforcement agents;
- (2) on-duty law enforcement officers ~~who are on duty and within their jurisdiction;~~ or

and

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(3) trained and certified guards employed by an armored car service while on duty and working for a licensed non-gaming supplier company.

(c) No concealed carrying of firearms shall be permitted within a gaming facility except for the following:

(1) Kansas racing and gaming commission enforcement agents;

(2) on-duty law enforcement officers in plain clothes engaged in the performance of their official duties; and

(3) any off-duty or retired law enforcement officer who meets the following conditions:

(A) Is in compliance with the firearms policies of the officer's law enforcement agency;

(B) is carrying a photographic identification card that identifies the individual as a current or retired law enforcement officer and has been issued by the officer's current agency or the agency from which the individual separated from service as a law enforcement officer;

(C) presents the photographic identification card specified in paragraph (c)(3)(B) when requested by a commission agent or gaming facility security personnel; and

(D) has not been denied a license to carry a concealed handgun and does not have a license to carry a concealed handgun that has been suspended or revoked pursuant to the personal and family protection act, K.S.A. 75-7c01 et seq. and amendments thereto.

(d) As used in this regulation, "law enforcement officer" shall mean any of the following:

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(1) Any person employed by a law enforcement agency who is in good standing and is certified under the Kansas law enforcement training act;

(2) a law enforcement officer who has obtained a similar designation in a jurisdiction outside the state of Kansas but within the United States; or

(3) a federal law enforcement officer who, as part of the officer's duties, is permitted to make arrests and to be armed.

(e) Each facility manager shall meet its obligations in subsections (b) and (c) in accordance with the personal and family protection act, K.S.A. 75-7c01 et seq. and amendments thereto. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011; amended P-\_\_\_\_\_.)

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**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

Kansas Racing and Gaming Commission

Agency

Joseph Myers

Agency Contact

(785) 296-5747

Contact Phone Number

112-105-1

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

**I. Brief description of the proposed rule(s) and regulation(s).**

The Commission is generally responsible for creating and adopting "such rules and regulations as the commission deems necessary to carry out the duties and functions of the commission pursuant to the Kansas expanded lottery act." K.S.A. 74-8772. As a part of that duty, the Commission is responsible for adopting and amending regulations, "[P]rescribing the on-site security arrangements for lottery gaming facilities and racetrack gaming facilities." K.S.A. 74-8772(b). The current K.A.R. is being amended in order to ensure compliance with state and federal laws regarding the carrying of concealed firearms by on-duty, off-duty, or retired law enforcement officers inside a lottery gaming facility. The K.S.A.s prompting the K.A.R. amendment are 75-7C10 and 75-7c22, and the federal laws prompting the K.A.R. amendment are 18 U.S. Code § 926B and 18 U.S. Code § 926C.

**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)**

The proposed regulation is not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program.

**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

The amendment to the regulation will not restrict business activities or growth. Business activities and revenue by the Kansas casinos may be slightly enhanced due to the amendment allowing a wider range of law enforcement officers in various capacities (off-duty and retired) to enter a lottery gaming facility while carrying a concealed firearm. Law enforcement officers sometimes have conventions at the event centers and hotels close to or on Kansas lottery gaming facilities. The existing regulation does not allow the law enforcement officers outside their jurisdiction or in an off-duty or retired status to carry firearms inside the lottery gaming facilities. This contradicts federal and state law. The existing restriction discourages a small portion of the population from entering the casino.

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- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

There will not be any implementation or compliance costs associated with the amendment change. The required signage for concealed carry per the Kansas Attorney General is already in place at all of the Kansas lottery gaming facilities. Enforcement agents within KRGC are aware of the pending change and already had a hand in crafting the change. The casino personnel may ask a question regarding the change, but the existing onsite enforcement agents will be able to provide answers at the moment the questions arise.

- C. Businesses that would be directly affected by the proposed rule and regulation;**

The Kansas casinos will be affected. The Kansas casinos may see a slight increase in law enforcement patrons entering lottery gaming facilities. Also, law enforcement vendors will be affected. If it is known that law enforcement personnel can carry firearms into a lottery gaming facility, more law enforcement conventions may take place in and around the Kansas casinos. The conventions attract vendors who sell various goods and services to law enforcement.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

There will not be any costs. The benefit is that the Kansas casinos may see a slight increase in business due to a small percentage of the population being allowed more convenient access to the Kansas lottery gaming facilities. Restrictions will be lessened, not increased.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

There will be no costs associated with this proposed amendment.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$0.00

**Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?**

YES  NO

**Give a detailed statement of the data and methodology used in estimating the above cost estimate.**

The amendment to the K.A.R. being proposed will have no cost to implement. The proposed K.A.R. amendment is being made to conform to existing federal and state laws. The current concealed carry signs are already affixed appropriately to the exterior of the Kansas casinos. The proposed change will not cause the Kansas casinos any extra hardship.

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Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES  NO

**G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

The proposed amendment will not have a significant effect on increases or decreases in revenues. Law enforcement personnel who were off-duty or retired who wanted to enter a Kansas casino were basically required to secure their firearm somewhere outside the lottery gaming facility. This required extra effort by a portion of the population that is less 1.0 % of the entire population of the United States. As such, the financial impact is negligible.

**H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The proposed amendment stemmed from Kansas law enforcement officers who are aware of the current regulation and noted how it conflicted with existing federal and state laws. The management level personnel of the casinos have been apprised of the proposed amendment. No objections have been noted regarding the proposed amendment.

**I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

There is no environmental impact related this proposed amendment. No environmental changes will be required in order to institute the already existing federal and state allowed access by armed law enforcement officers.

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