

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at  
Chairperson

1:30 ~~XX~~/p.m. on Tuesday, March 5, 1991 in room 526-S of the Capitol.

All members were present except:

- Representative Diane Gjerstad - Excused
- Representative Wagnon - Excused
- Representative Douville - Excused

Committee staff present:

- Mary Galligan - Kansas Legislative Research Department
- Lynne Holt - Kansas Legislative Research Department
- Mary Torrence - Office of the Revisor
- Connie Craig - Secretary to the Committee

Conferees appearing before the committee:

- HB 2391  
Sharon ~~Cavens~~, Kansas Charities Cooperative and other listed organizations
- Glen Moon, Bingo Committee Eagles Lodge, Topeka, KS
- Bill Main, Fraternal Order of Eagles, Hutchinson, KS
- Glen Binklerek, Emporia Chapter of Parents Without Partners
- Phil Wilkes, Attorney, Bingo Enforcement Division, Kansas Revenue Dept.
- Jerry Donahue, Equity Real Estate, Kansas City, MO
- Robert Melton, Teamsters Local #795 Retirees Club, Wichita, KS
- Charles M. Yunker, State Adjutant, American Legion, Kansas
- Reverend Richard Taylor, KANSAS FOR LIFE AT ITS BEST!

HB 2390

Chair Sebelius announced that the Committee would take action on HB 2390, the bill dealing with the limit on transactions for pawnbrokers.

Representative Jones moved the bill be reported favorable for passage. Representative Roper seconded the motion, which passed on a voice vote.

HB 2295

Chair Sebelius explained that HB 2295 is the bill dealing with the removal of nonalcoholic malt beverages from regulation and taxation of cereal malt beverages. The Chair recognized Representative Charlton.

Representative Charlton offered a substitute bill, Attachment #1. She explained that rather than changing the definition of the cereal malt beverage act, it was decided to exempt it from the liquor control act so that taxes could still be collected, and it could be sold in grocery stores on Sunday.

Representative Charlton moved that the proposed substitute for HB 2295 be reported favorable for passage. Representative Hamilton seconded the motion.

Committee Discussion:

- Staff indicated that this would apply both to grocers and taverns. However, taverns could only sell NAB's, not cereal malt beverage, on Sundays. This applies to on premise, as well as, off premise sales.

Motion carries on a voice vote.

HB 2337

The Chair explained that HB 2337 deals specifically with a situation in Lenexa, KS, where the city has contributed to a facility that also operates as a national guard armory. It would allow, within the provisions of local ordinance for alcoholic beverages to be served at the facility.

Representative Lane moved that HB 2337 be reported favorable for passage. Representative Edlund seconded the motion.

Committee Discussion:

- One Committee member asked staff if a state agency could give this type of consent. The member felt that the Legislature had to specifically empower or authorize that particular state agency to give this type of consent.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S, Statehouse, at 1:30 ~~x p.m.~~ on Tuesday, March 5, 1991

- Staff agreed and added that in most cases where it has been authorized, there has been a rules and regulations authority that sets some sort of policy. Staff added that she would like to look at the bill further and try to work to come up with an amendment that would address that issue.

Representative Lane withdrew his motion to pass favorable. Representative Edlund withdrew his second.

HB 2295

Chair Sebelius pointed out that two separate motions were needed on this bill. The first motion would need to adopt the proposed substitute, and then a second motion to pass the bill out favorably as amended.

Representative Charlton withdrew her previous motion. Representative Hamilton withdrew her second to the motion.

Representative Charlton moved that the Committee adopt the proposed substitute for HB 2295. Representative Hamilton seconded the motion, which passed on a voice vote.

Representative Charlton moved that the proposed substitute for HB 2295 be passed favorably as amended. Representative Hamilton seconded the motion, which passed on a voice vote.

HB 2391

Sharon Cavens, from the East Topeka Council on Aging, offered testimony in support of HB 2391 to allow the changes to bingo operations, as set out in the bill, Attachment #2. In addition, the listed organizations on page 2, Attachment #2, asked that the words "or on any consecutive Saturday or Sunday" be stricken from HB 2391, line 15, page 3. She added that she was speaking for all the listed organizations on page 2 of her testimony, Attachment #2. She added that the ruling against consecutive days and the number of days makes it hard on organizations who must rent facility space because these organizations are limited to waiting in line for available space on available days. She added that they cannot use the Senior Center in East Topeka because it is a city building and you have to get permission in the lease was signed to generate funds this way. Also, the bingo days would conflict with other activities that are held there.

Mary Torrence from the Revisor's Office explained that the law is much more stringent with regards to games that are conducted on leased premises because of the fear that you will have bingo parlors that operate big time, with games seven days a week, bringing in small charitable organizations or maybe even fronts in order to make big money off of bingo. Kansas Statute has attempted to closely regulate those leased premises to discourage that type of situation. She added that the rental agreements are under close scrutiny by the Department of Revenue, as well as some of the restrictions seen in the section that prohibits games within 44 hours of each other on leased premises as opposed to groups who operate bingo games on their own premises.

Glen Moon offered testimony that supported favorable passage of HB 2391 to allow the Eagles Lodge Ladies Auxiliary an extra day to generate funds and raise the pay-out, Attachment #3. He also asked that the Committee remove the words "on any consecutive Saturday or Sunday" within the bill.

Bill Main asked the Committee to support HB 2391 and to remove the words "on any consecutive Saturday or Sunday" as set out in his written testimony, Attachment #4.

Glen Vinklerek from the Emporia Chapter of Parents Without Parents read testimony from the President of the Organization, Attachment #5. He mentioned that it is hard to compete with out-of-state and Indian Reservation bingo parlors, as they do not have the limitations that his organization has to deal with. He added that in one night of bingo they can make anywhere from \$100 to \$350. He pointed out that they play every Saturday night in a rented hall, and their game is open to the public, which is the major source of funds for his organization.

One Committee member asked if subsection "Q" says that a bingo parlors cannot operate more than 4 calendar days in any one week or on a consecutive Saturday and Sunday.

Phil Wilkes, an attorney from the Bingo Enforcement Division of the Kansas Revenue Department pointed out that subsection "J" addresses the limit on any particular licensed organization conducting games. The licensee can be a nonprofit organization or one of the five types listed

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Tuesday, March 5, 1991

in the definitions section, and they conduct bingo up to two times a week. Paragraph "Q" says that at any particular location, there may not be bingo more than three days per week. He also added that paragraph "Q" applies not just to leased premises, but any location, whether it is owned or leased. There are some owned premises where they have, for example, a VFW with a license to conduct bingo once or twice a week, and then there will be a women's auxiliary which also has their own license and conducts bingo once or twice a week. And even some of the veteran's organizations have other auxiliaries, such as past presidents or past officers which also may have bingo licenses. Some owned premises may have as many as three organizations conducting bingo games, each one or two days a week, not to exceed the three day restriction for that premise.

One Committee member stated that this bill only changes the fact that the premise can then have bingo four nights a week instead of three.

Mr. Wilkes pointed out that the change on page 3, line 21 of HB 2391 applies to leased premises only. Currently, he explained, that no leased premise can hold bingo games more often than every other day, but by taking out "the premise" and substituting the word "other", it would mean that a particular leased premise could hold bingo games on consecutive days itself. He also explained that then the leased premise would have to pay attention to the schedule of any other leased premise within 1,000 feet. If there were a leased premise within 1,000 feet, they would have to skip a day after that other premise conducted bingo games before they could conduct bingo games. To give a little background, Mr. Wilkes explained that paragraph "S" was put in there because of a problem with specific parlors in Kansas City that would have bingo games in the evening right up to midnight, and the adjacent parlor started its bingo game 2 minutes after midnight, which was, technically, the next day. This happened back when bingo could operate seven days a week. What they were doing was circumventing the limit on prizes and numbers of games by running two sessions at two adjacent parlors, back to back. If a leased premise has no other leased premise within 1,000 feet, they would be able to hold bingo on any day they want, with the limit of 4 per week with the exception of Saturday and Sunday. Right now they are prohibited to holding games on consecutive days. Mr. Wilkes also added that the bingo laws were written when there was a constitutional prohibition on gambling in Kansas.

Jerry Donahue gave testimony in support of HB 2391. He explained that this bill would help eliminate the inequalities in the comparison of this form of wagering to other legalized forms, and also that bingo should be allowed to return to operations of seven days a week, Attachment #6.

Robert Melton with the Teamsters Local #795 urged the Committee to pass HB 2391, and also to strike the words "or any consecutive Saturday and Sunday" on page 3, line 15 of the bill. He presented testimony that explained the problem with competition from out-of-state and Native American Reservation parlors, who do not have the limitations on bingo, Attachment #7.

Attachment #8 is written testimony from Ronald L. Fiegel, from the Breakfast Optimist Club, supporting favorable passage of HB 2391.

Don Knipp, Knights of Columbus, offered written testimony, Attachment #9, urging the Committee to support HB 2391.

Attachment #10, is written testimony submitted by Robert Noyes, President of the Optimist Club of Southeast Wichita, supporting HB 2391.

Nick Dodlinger, Knights of Columbus Wichita Council #691, submitted written testimony to the Committee in support of HB 2391. His testimony pointed out that bingo is limited to three days of operation and a small pay-out when the lottery and pari-mutuel wagering is not, Attachment #11.

Attachment #12 is written testimony from the Blessed Sacrament Church Men's Club asking the Committee to insure passage of HB 2391, allowing more days of operation of bingo and a slightly enhanced pay-out. They also asked that the words "or on any consecutive Saturday and Sunday" be stricken from the bill.

Charles M. Yunker with the American Legion stated that, in regards to increasing the jackpot from \$1,200 to \$1,500, on page 2, section 15 of HB 2391, only 5 jackpots are allowed. He offered testimony in opposition to HB 2391, Attachment #13. Included with his testimony is a newspaper article stating that the present bingo law amendments made by the 1984 Legislature are constitutional by the state Supreme Court.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,  
room 526-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Tuesday, March 5, 1991.

It was brought to the attention of the Committee by Mr. Wilkes that there are 80 VFW's (including auxiliaries) and 121 American Legions licensed to operate bingo games out of 548 licensees across the State of Kansas.

Reverend Richard Taylor's written testimony that gave a breakdown of the groups with bingo gambling licenses, Attachment #14. He urged the Committee to oppose HB 2391.

One Committee member asked Reverend Taylor what his definition of a mainline church would be.

Reverend Taylor answered by saying that it is a term used in Protestant circles meaning non-sect.

That Committee member then stated that being a Presbyterian and never having been in a bingo parlor, never bought a lottery ticket, and never been to the race track, but after having read Reverend Taylor's written testimony, Attachment #14, it appears that the Reverend does not like Catholics.

The Chair stated, that as a Roman Catholic, asked the Reverend to explain how he can suggest that the Catholic churches who have bingo licenses are not mainline churches, whatever that may mean.

Reverend Taylor explained that all the churches listed in his testimony, Attachment #14, are Protestants and the Catholics are separate.

One Committee member stated that it was offensive to make remarks that suggest that only Catholics use bingo licenses to fleece people for money in the name of fund-raising for good causes.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 3-5-91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Sharon's Care	2323 6th	Ks. Charities Cooperative
Joseph McDonald	1312 Park	
Glenn L. Morn	1471 CLAY	EAGLES
Chas A. Diefen	11618 W. 22. HATCH. KS	Eagles
Bill Morn	130 Hayes St	Hatch KS Eagles 2550
Charles E. Goodwin	301 W 11th	Hutchinson Eagles 2550
Alan Vinkler	520 Wild Turkey	Emporia KS. P.W.P. Chapter #1284
Thad Zorn	1022 Scott St	Emporia KS <del>Member Blue Key National</del> <del>Member Frat.</del>
Tom Fenn	1250 MEDFORD	KANSAS CHARITIES COOPERATIVE
Jim McBride	TOPEKA	ONE MAN
RICHARD TAYLOR	TOPEKA	KANSAS FOR LIFE AT ITS BEST
GERALD J. DONOHUE	KANSAS CITY	MERCHANTILE BANK
JAY DONOHUE	KANSAS CITY	" "
Phil Wilkes	Topoka	Ks Dept. of Revenue
Bob Taylor	Topoka	Post 408 Am.
Cliff Appell	Topoka	Post # 1 Am. Leg.
Charles M. Munker	Topoka	Ks Am. Legion
Robert D. Moller	Wichita	Teachers Retiree Club
Tom Wagle	Wichita	Knights of Columbus, Optimist
JOE BERGER	TOPEKA	KS. SUNFLOWER CLUB ASSOC
Tom Burgess	Topoka	Sunflower Racing Inc.
JOHN C. BOTTEBERG	TOPEKA	KANSAS PAWN BROKERS

## PROPOSED SUBSTITUTE FOR HOUSE BILL NO. 2295

By Committee on Federal and State Affairs

AN ACT concerning nonalcoholic malt beverages; relating to days of sale; amending K.S.A. 1990 Supp. 41-345 and 41-2704 and repealing the existing sections.

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

Section 1. K.S.A. 1990 Supp. 41-345 is hereby amended to read as follows: 41-345. (a) Nonalcoholic malt beverages shall be distributed by distributors, as defined by K.S.A. 41-102 and amendments thereto, pursuant to all terms and conditions of the liquor control act. The provisions of K.S.A. 79-3817 et seq. and amendments thereto shall apply to sales and distribution of nonalcoholic malt beverages by such distributors.

(b) The provisions of the liquor control act, and any rules and regulations adopted thereunder for the administration of enforcement thereof, shall apply to the sale and taxation of nonalcoholic malt beverages by retailers licensed thereunder. The provisions of K.S.A. 79-4101 et seq. and amendments thereto shall apply to the sale of nonalcoholic malt beverages at retail by such retailers.

(c) The provisions of the club and drinking establishment act, and any rules and regulations adopted thereunder for the administration of enforcement thereof, shall apply to the sale and taxation of nonalcoholic malt beverages by clubs and drinking establishments licensed thereunder. The provisions of K.S.A. 79-41a01 et seq. and amendments thereto shall apply to the sale of nonalcoholic malt beverages by a club or drinking establishment.

(d) The provisions of K.S.A. 41-2701 et seq. and amendments thereto, and any rules and regulations adopted thereunder for the administration of enforcement thereof, shall apply to the sale

and taxation of nonalcoholic malt beverages by retailers licensed thereunder, except that such retailers may sell such beverages between the hours of 6:00 a.m. and 12:00 midnight on Sunday.

Sec. 2. K.S.A. 1990 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of this act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Except as provided by subsection (g) and K.S.A. 1990 Supp. 41-345 and amendments thereto, no cereal malt beverages may be sold:

(1) Between the hours of 12:00 midnight and 6:00 a.m.;

(2) on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city; or

(3) on the day of any national, state, county or city election, including primary elections, during the hours the polls are open, within the political area in which such election is being held.

(c) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises are also currently licensed as a club pursuant to the club and drinking establishment act.

(d) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club

and drinking establishment act shall be open to law enforcement officers and not to the public.

(e) No licensee shall permit a person under the legal age for consumption of cereal malt beverage to consume or purchase any cereal malt beverage in or about a place of business, and no licensee shall permit a person under the legal age for consumption of cereal malt beverage to possess cereal malt beverage in or about a place of business, except that a licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage, if:

(1) The licensee's place of business is licensed only to sell cereal malt beverage at retail in original and unopened containers and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501 and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(f) No person shall have any alcoholic liquor in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act.

(g) Cereal malt beverages may be sold on premises which are licensed pursuant to both the acts contained in article 27 of chapter 41 of the Kansas Statutes Annotated and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 3. K.S.A. 1990 Supp. 41-345 and 41-2704 are hereby repealed.

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





# Kansas Charities Cooperative

"Uniting To Serve Kansas"

2852 W. 47th Street  
Kansas City, Kansas 66103

Thank you Madam Chairperson:

We the listed fraternal, religious, and charitable organizations operate bingo games in leased facilities in the State of Kansas. The proceeds of our bingo operations fund various charitable projects throughout the State where tax dollars are inadequate. We believe that ALL non profit organizations, whether they own their own building or not should be allowed the opportunity to operate bingo as a fund raiser.

When bingo was first approved by our legislature and voted on by the people of our state, we were allowed to operate 7 days a week and allowed to pay out in prizes a total of \$1700. In 1984, the legislature cut our operations to 3 days a week because of a special interest group that did not believe that a non profit group in a leased facility had a right to operate bingo.

Since 1984, the people of our State have also endorsed the lottery and pari-mutuel wagering, both of which operate 7 days a week and are allowed to award far more than \$1200 in prizes, the present bingo limit. The Kansas bingo laws are outdated and do not serve the best interest of our organizations, our facilities, and the people of Kansas. In addition, the Kansas laws are no longer competitive with surrounding states and we now find our bingo clientele leaving Kansas to play bingo. To allow such a financial loss to our Kansas charities, Kansas business and Kansas tax dollars is unreasonable.

We ask for your support for HB 2391 to allow bingo to operate 4 days a week and pay out \$1500 in cash prizes. In addition, we ask that you strike the words "or on any consecutive Saturday or Sunday" on line 15 of page 3. We would like to have the freedom to choose the days of the week we wish to operate bingo. Although this bill will not correct the inequity between bingo and the surrounding state laws, it will allow our organizations to continue operating bingo. Many of our organizations are forced to alternate nights because of the three day limit which keeps them confined to once or twice a month, while other organizations that own their buildings can and do operate three times per week.

I would be glad to answer any questions.

Respectfully,  
Legislative Committee

Sharon Cavens  
East Topeka Council on Aging

Vernon Coffee  
American Legion 217

Robert Hicks  
V.F.W. Post 869

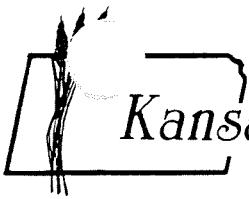
Andrew Bogner  
Knights Of Columbus 691

Harold Coleman  
Rosedale Optimists

HOUSE FEDERAL AND STATE AFFAIRS

March 5, 1991

ATTACHMENT #2 - Page 1



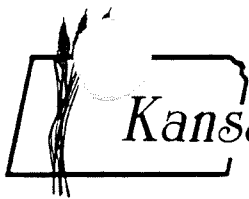
# Kansas Charities Cooperative

"Uniting To Serve Kansas"

2852 W. 47th Street  
Kansas City, Kansas 66103

All Saints Altar Society  
American Business Women, Emporia  
American Business Women, Salina  
American Legion - Jordan Patterson Post  
American Legion 217  
American Legion 399, Highland Crest  
American Legion Auxillary 399, KC  
American Youth Soccer Organization  
Arthritis Water Exercise Club  
Big Brothers - Big Sisters, Central Kansas Inc.  
Blessed Sacrament Men's Club, Wichita  
Blue Key National Honor Fraternity  
Breakfast Optimists, Wichita  
Christ The King Parish  
Citizens Radio Emergency Team  
Cystic Fibrosis Foundation  
Eagles Lodge, Hutchinson  
East Topeka Council on Aging  
Employee Club Metropolitan Insurance  
Emporia Jaycees  
Epilpsey League, Greater KC  
Exodusters Awareness, Inc.  
Families Together Inc.  
Gerard House Inc.  
Girl Scouts, Great Bend  
Goodwill Industries, Easter Seal Society of Kans  
Kappa Alpha Fraternity  
Knights Of Columbus 3114  
Knights Of Columbus 691, Wichita  
Knights Of Columbus 6984, Hays  
Knights Of Columbus 9767  
Lions Club, Derby  
National Kidney Foundation, KC  
Northeast Drug and Alchohol Referral  
O. E. Ellis Society, KC  
Oasis Court 44  
Olathe Girls Softball Association  
Omega Psi Phi Fraternity  
Optimists Downtown of Wichita  
Optimists North of Wichita  
Optimists Northeast, Wichita  
Optimists Southeast, Wichita  
Optimists, Evening  
Optimists Club, Derby  
Our Lady of Guadelupe Church, Wichita  
Parents Without Partners #41  
Parents Without Partners Inc., Emporia  
Parents Without Partners, Salina

HOUSE FEDERAL AND STATE AFFAIRS  
March 5, 1991  
ATTACHMENT #2 - Page 2



# Kansas Charities Cooperative

"Uniting To Serve Kansas"

2852 W. 47th Street  
Kansas City, Kansas 66103

REACT Inc., Sedgwick County  
Red Baron AMBUCS American Business Men  
Rosedale Optimists  
Saint Annes Catholic School, Wichita  
Saint Vincent de Paul Fund Raising, Andover  
Salina Crippled Childrens Association  
Shrine Temple, Isis, Salina  
Sunflower Harmony Inc., Topeka  
Sweet Adelines, Great Bend  
Sweet Adelines, Hutchinson  
Teamsters Retirees Local #795  
V F W Post 111  
V F W Post 2993 Auxiliary  
V F W Post 6994  
V F W Post 869 Auxiliary  
V F W Post Kansas City, KS  
We The People, Inc.  
Wichita Childrens Theater  
Wichita Strykers Youth Soccer Association  
Wichita Swim Club

Glen Moon  
Bingo Committee Eagles Lodge  
Topeka, Kansas

House Federal and State Affairs Committee  
RE: HB 2391

Thank you Madam Chairperson:

I am on the bingo committee at the Eagles Lodge in Topeka. HB 2391 will allow our ladies auxiliary an extra day to generate funds and the \$300 raise in prize money, although an organization is not required to raise its payout, will allow us the opportunity to offer another jackpot.

Although the law states that we cannot charge more than \$1.00 per card, we know of no organization anywhere that charges a dollar per card, except when a person buys only one card. All cards are discounted from a dollar per card once the player buys more than one. The average person buys anywhere from 6 to eighteen cards. For example, 14 cards may sell anywhere from \$7 to \$10, six cards sell anywhere from three to four dollars, depending on the location. Another point is that half of all sales are taken in on jackpot games, usually 3 to 5 jackpots during a session. These cards sell everywhere for just 33 cents each or less, sold on paper strips of 3 for a dollar. There is plenty of room to raise prices on cards if its necessary.

I also ask that if you support this bill, you remove the words "on any consecutive Saturday or Sunday" on line 15 on page 3.

I'll be happy to entertain any questions.

Sincerely yours



Glen Moon

HOUSE FEDERAL AND STATE AFFAIRS  
March 5, 1991  
ATTACHMENT #3 - Page 1



Club Room  
6th and Wash  
Dial 662-9724

HUTCHINSON AERIE NO. 2550  
**Fraternal Order of Eagles**

HUTCHINSON, KANSAS

Secretary-Manager

We the members of the Fraternal Order of Eagles would like to speak in favor of a slightly higher payout from \$1200.00 to 1500.00 a night. We feel this is a nominal increase and is nearly keeping up with the times as their is increased pressure from Oklahoma Indian reservation bingo.

We would also like to see an increase from 3 days a week to 4 days a week, playing in one location. We feel this would help other smaller organizations like us to have a better chance at finding a place to play bingo.

We would also like to see line 15, p. 3 of house bill 2391 deleted.

Fraternally Yours  
Members of F.O.E. 2550



# Parents Without Partners

Emporia Chapter #1284  
P.O. Box 1624  
Emporia, KS 66801-1624

January 14, 1991

To Whom It May Concern:

Parents Without Partners is a non-profit, non-secretarian organization devoted to the welfare of single parents and their children. Our main emphasis is to provide support both educationally and emotionally for single parents so that they can equip their children to become fully functional adults. The educational support comes in the form of both how to become a better parent as well as how to relate to other adults in a more meaningful way. In addition, we provide activities for the children so that they can have increased opportunities to relate with other children of similar situations so that they do not have the feeling that they are the only kids who have one parent living at home.

The Emporia Chapter #1284 of Parents Without Partners has been greatly benefited by the monies that our chapter has been able to generate by sponsoring bingo one night per week for the past two years.

Not only have we benefited from the income, but we have benefited from the relative ease with which it was generated when compared with other alternative income sources such as: garage sales, bake sales, drawings of donated items, etc. Because our members do not have to spend so much time attempting to generate money, we are able to devote a lot more of our time and energies to helping the people who really need it the most. In addition, by sponsoring bingo we as a chapter have been able to come in contact with many people whom we would not ordinarily be able to.

It is our hope that in the future bingo will be able to continue to provide the kind of financial support to our chapter that we have enjoyed in the past and be allowed to increase so that we may do even more for single parents and their children than we have been able to do in the past.

Sincerely,

Sharon Hendrickson  
President

HOUSE FEDERAL AND STATE AFFAIRS  
March 5, 1991  
ATTACHMENT #5 - Page 1

# EQUITY REAL ESTATE

1221 BALTIMORE STREET SUITE 801 KANSAS CITY, MO 64105 (816)221-1125

March 5, 1991

Madam Chairwoman Sebelius and distinguished members of the House State and Federal Affairs committee. my name is Jerry Donohue and I am the President of Equity Real Estate located in Kansas City. I have been a resident of Mission Hills, Kansas for over 23 years.

As I begin my formal testimony, allow me to tell you from which perspective I speak from today. My company represents a Guardianship located at the Trust Department of the Mercantile Bank in Kansas City. The primary asset in the Guardianship is a commercial shopping center located in Kansas City, Kansas. As the Guardianship's asset manager, our primary responsibilities are to protect the asset value of the shopping center, maintain, when allowable, a control on operating costs and insure a sufficient cash return to the Guardianship.

As I just stated, our objective when managing real estate is to control costs where permissible. As we all know and hear often, several legislative changes enacted in recent years have significantly affected the return of cash flow generated by our Shopping Center. 1.) Property tax reappraisal, 2.) State wide legalization of the Lottery and pari-mutual wagering and 3.) A reduction in the number of days allowed for the operation of Bingo.

Allow me to further explain. Our particular shopping center in question is a 28 year old center that had at one time a 12,000 sq. ft. grocery store as the anchor. As we all know, retail grocery stores of this size in older centers have become economically obsolete in the larger metropolitan markets. This forced us to find other uses for the space and we settled on converting the space into a Bingo Parlour.

Our Bingo Parlour opened in approximately 1981 with seven days of operation and more than six different non-for-profit charities benefiting from its games. Originally we were able to receive rents approximating \$ 5.00 per sq. ft. When the law was changed in 1984 to allow Bingo games on only three days we were forced to reduce our rents to approximately \$ 3.00 per sq. ft. Bottom line to the Guardianship was a \$ 24,000 annual loss in rental income. Not only did the Guardianship suffer but so did many of the charities that had operated games. Because so many charitable groups do not have the luxury of being able to afford to own and operate

HOUSE FEDERAL AND STATE AFFAIRS

March 5, 1991

ATTACHMENT #6 - Page 1

their own facilities, they become reliant upon finding leasable space to conduct their fundraising activities. We presently now have to limit ourselves to just two charitable groups which share our three nights. The attachment to my testimony highlights not only what revenues are being lost to charitable groups because of the limitations of three days but it also addresses potential income sources for the State, Counties and Cities. And we all know that there is need there as well.

Now along comes property tax reappraisal. I would guess to say that we were more fortunate than others. After a successful appeal, our property tax bill only increased 47%. This meant an increase of tax liability of \$ 9,000.

Now as I said from the onset, our primary concern and mission is to represent the owners perspective. But I would be remiss not to quickly state the attitudes and wants of our tenants.

Our center, as I stated, is in Kansas City, Kansas. The Woodland Race Track is down the road. While initially when the track opened our attendance numbers at Bingo games fell dramatically, we have found that Bingo enthusiasts quickly found that they missed the comradery and fellowship of being together at a Bingo Parlour and our crowds are now not back to what they used to be but have at least stabilized. The problem we have is the inequity of the State permitting the Race Track to conduct up to 9 pari-mutual performances in any given week, and little old harmless Bingo can only play 3 days. Not to mention that since the Laws pertaining to Bingo were changed in 1984, the State has begun a Lottery and now sells Punch Cards.

Another note that many will state here today is the restriction on prize monies. Our charities do support the proposed changes.

My final comments, while we are please to see this proposed H.B. 2391 recommend increasing the number of days to four, it has been our opinion all along ( and we have been coming up to Topeka to testify in front of these committees for the past three years) to eliminate the inequities in the comparison of this form of waging to other legalized forms. Bingo should be allowed to return to operations on 7 days per week.



Attachment to Testimony

According to information provided to us by the enforcement department, there are presently (as of 1/1/90) approximately 30 licensed Bingo Parlours in the State of Kansas. Based upon this information and making some conservative projections, we have made the following estimates of the benefits to charities and tax revenues that would be generated if Bingo returned to 7 night per week in the State:

30	Bingo Parlours
208	Additional playing dates per parlour if playing was expanded from 3 to 7 nights per week x 52 weeks
6240	Additional tax revenue days per year
\$ 11.865	Additional gross potential income based upon average \$ 1.900 per night
\$ 474.240	Additional tax revenue to the State of Kansas (4%)
\$ 355.680	Additional revenue to Kansas Bingo Enforcement Unit (3%)
\$ 118,560	Additional tax revenue to counties (1%)
\$ 118,560	Additional tax revenue to cities (1%)
120	Additional charities that would be available to receive net proceeds
\$ 10.400	Potential income to each of 120 charities based upon a net return of \$ 200 per night
\$1.248.000	Potential additional annual income to charities within the State of Kansas
\$ 3.000	Additional license income to the State for 120 charities at \$ 25 per license fee.
? ? ?	Plus an unknown additional sales tax for food and beverage sales in the Parlours



# Teamsters Local 795 Retirees Club



4921 CESSNA STREET • WICHITA, KS 67210 • (316) 683-2651

March 5, 1991

Honorable Rep. Sebelius  
Federal & State Affairs Committee Members  
House of Representatives  
State House  
Topeka, Kansas 66612

Madam Chairperson and Federal & State Affairs Committee:

We would appreciate your support for House Bill 2391. Our retirees club operates bingo as a fund raiser to support The Rape and Abuse Center, The Woman's Crisis Center, The Teddy Bear Program, and other charitable projects.

In the Previous 12 months we have Paid \$6,762.00 in State Taxes. And NETTED \$12,254.52 in Bingo Revenue. Of which we have given away over \$11,000.00 to charity.

We believe that the Kansas bingo laws are obsolete. They have not been revised since the lottery, pari-mutuel wagering, and Indian Reservation bingo have become big business. CURRENTLY, 58% OF OUR CLIENTELE ARE REGULARLY CROSSING STATE LINES TO PLAY BINGO! Bingo laws in surrounding states have been updated and are far more liberal than Kansas laws. Not only is our organization loosing money to other states, but Kansas business and Kansas tax dollars are being lost also.

Again, we request that you support groups such as ours in our fund raising efforts and that you help to make Kansas bingo laws competitive with other state bingo laws. Please vote YES on House Bill 2391.

Ask to strike pg. 3 line 15 words; "or any consecutive Sat. & Sunday" as some halls Now do play FRI. SAT. SUNDAY -Showing another inequity in the Laws Regulating Rented Halls and owned Halls.

Respectfully,

Robert Melton

— OFFICERS —

Robert Koons, *Vice President*  
Walter Ash, *Trustee*

Robert D. Melton, *President*  
George O'Dell, *Treasurer*  
Perry Caver, *Trustee*

Delbert Kilgore, *Rec. Secretary*  
Donald E. Overacker, *Trustee*



HOUSE FEDERAL AND STATE AFFAIRS  
March 5, 1991  
ATTACHMENT #7 - Page 1

 **BREAKFAST OPTIMIST CLUB** of WICHITA, KANSAS  
*Friend of Youth*

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AFFILIATED WITH  
OPTIMIST INTERNATIONAL

House Federal and State Affairs Committee  
Kansas Legislature

RE: HB 2391, a bill for bingo

To All Committee Members,

I am writing in support of HB 2391. I belong to the Breakfast Optimist Club of Wichita. We are a civic organization whose sole purpose is to provide volunteer and financial support for charitable causes in our community. Our sole source of financial support is derived from Bingo.

In the past two years, we have seen this income drop as a result of increased competition from the Lottery, the Dog Track and Indian Reservation Bingo. A recent survey of our clientele shows that fully 50% of them regularly go to Oklahoma to play. This same survey showed that 98% would go less often if we could offer a \$1000.00 jackpot. I know that we can't expect to compete with the size of jackpots available in Oklahoma. However, the provisions of HB 2391 can help us to compete better.

I strongly urge you to support HB 2391. Help us keep Kansas money in Kansas. By doing this, you will help us to improve the quality and quantity of charity work we now provide for some of our states most deserving citizens.

Most Sincerely Yours,

*Ronald Fiegel*

Ronald L. Fiegel, O.D.

HOUSE FEDERAL AND STATE AFFAIRS  
March 5, 1991  
ATTACHMENT #8 - Page 1



# KNIGHTS OF COLUMBUS

ALL SAINTS COUNCIL NUMBER 9767  
4459 S. WASHINGTON  
WICHITA KANAS 67216



March 4, 1991

House of Representatives  
Federal & State Affairs Committee Members:

Dear Honorable Rep. Sebelius and Committee Members,

PLEASE VOTE YES ON HOUSE BILL 2391!! We feel that Kansas laws favor pari-mutuel wagering where less than 1% of proceeds goes to charity. Bingo laws, however, provide that rent on a facility can be no higher than 50% of proceeds to a charity group. Also, the Dog Tracks and Lottery can operate 7 days a week while we can only operate 3. Please help correct this great inequity.

VOTE YES ON HOUSE BILL 2391 !

DON KNIPP  
GRAND KNIGHT, COUNCIL 9767

HOUSE FEDERAL AND STATE AFFAIRS

March 5, 1991

ATTACHMENT #9 - Page 1



**OPTIMIST CLUB OF SOUTHEAST WICHITA**

P.O. BOX 47385 • WICHITA, KANSAS 67201-7385

Dear Representative,

There will be again a Bill before you to increase the Payout and the Number of Days that Bingo can be played in Kansas. Last year a similiar bill was presented and defeated and we feel its defeat was due to a lack of information given to you before time to vote.

One of the reasons for the defeat was that it was not clear as to how it would befit NON-PROFIT organizations In the City of Wichita Bingo is conducted almost exclusively by NON-PROFIT Organizations such as Optimists. We are only one of Nine Optimist Clubs in Wichita and last year we alone distributed over \$12,000 to Organizations such as Big Brothers & Big Sisters - Wichita Childrens Home and others committed to the benefiting Children. Optimist Slogan is FRIEND OF THE YOUTH.

We are experierencing great competition from Oklahoma and also Parimutuel Wagering. 90% of our regular players play 3 nights a week in Oklahoma.

We at our present level send an average of \$350 to \$400 each month to Topeka inSales Tax. So the more that we can produce the more that we send.

Another big item is the cut back on many of the Services the State has previously been assisting. This putting more pressure on our Clubs such as ours for help. Bingo is our only source of revenue.

We urge your full support of this Bill when presented.

Sincerly,

*Robert L. Noyes*  
Robert L. Noyes, Pres.  
Southeast Optimist

HOUSE FEDERAL AND STATE AFFAIRS

March 5, 1991

ATTACHMENT #10 - Page 1

*Knights of Columbus*  *Wichita Council 691*

ACTIVITY CENTER ★ 424 N. BROADWAY ★ TELEPHONE (316) 264-7485 ★ WICHITA, KANSAS 67202

March 2, 1991

Representative Sebelius and Members of House Federal and State Affairs Committee. Thank you for this opportunity to express my organizations Viewpoint on laws governing bingo games in Kansas.

I am Nick Dondlinger representing Knights of Columbus Wichita Council 691. I urge you to support House Bill 2391. Please consider the following and vote in favor of this bill.

-Kansas desperately needs more tax dollars to fund programs in danger of being cut. All bingo proceeds are subject to a 3% bingo tax in addition to Kansas Sales tax. Kansans spend hundreds of thousands of dollars at more attractive bingo games in neighboring states where higher prizes are given away. We believe it is foolish to allow this money to leave the state. It hurts our organization as well as many other non-profits, it hurts our community, and it hurts our State's economy.

-The voice of the people was heard when Kansas citizens voted to legalize bingo, the lottery, and pari-mutuel wagering at the poles. Why then, we ask, is bingo limited to three days of operation and a small payout when the lottery and pari-mutuel wagering are not? Since Wichita Greyhound Park opened in Sedgwick County our bingo games have taken a nose dive. Our \$1200.00 payout cannot compete with the money awarded at the tracks.

-With the money we raise from bingo, my organization supports Catholic charities such as Holy Family Center as well as community organizations like Sedgwick County Mental Health and Starkey Development Center. We will not be able to give as much to these organizations this year because our income has been directly hurt from the competition of the dog tracks and Oklahoma bingo.

Please consider how organizations like mine help our communities and support us by voting in favor of House Bill 2391.

Thank you,

Nick Dondlinger HOUSE FEDERAL AND STATE AFFAIRS

March 5, 1991

ATTACHMENT #11 - Page 1

Blessed Sacrament Church

124 N. ROOSEVELT

PHONE 682-4557

Wichita, Kansas 67208

Honorable Rep. Sebelius  
House Federal & State Affairs Committee Members,

Thank you Madam Chairperson and distinguished members of Federal and State Affairs Committee for this opportunity to address you regarding House Bill 2391. Several years ago restrictions were placed on the number of nights a Bingo Parlor could operate. Since that time, our Church men's club Income has been literally cut in half, simply due to the fact our hall can be open only half as many nights.

Recent surveys of the people who frequently patronize our bingo games indicate that 58% of them now regularly travel to bingo games outside the State. They take with them monies which used to come to our organization and also tax revenues which used to help our state.

Thank you for hearing the problems hall owners are facing and the many non-profit charitable organizations which depend on them for a source of income. I urge you to do what you can to insure passage of House Bill 2391, allowing more days of operation and a slightly enhanced payout, in an attempt to keep money in Kansas helping Kansas. We do ask you to strike the Words "or on any consecutive Saturday and Sunday" on page 3, Line 15.  
Thanks again for your help.

Sincerely,



Richard D. Dwyer  
Blessed Sacrament Church Men's Club  
Bingo Chairman

AMERICAN LEGION STATEMENT ON HB 2391  
Presented March 5, 1991 by  
Charles M. Yunker, State Adjutant

Thank you for allowing me to appear before you today in opposition to House Bill 2391. Some of you may recall that in 1984 operation of Bingo at a given facility was cut from 7 days per week to 3 days per week. This was done by the legislature because several who held Bingo licenses and at least one Parlor operator were under investigation for connections with organized crime.

In 1989 the Bingo law was amended to allow a Parlor to continue to operate because an "owned premises" had moved within the 1000 foot exclusion. The American Legion and other organizations who by and large own their own facilities supported the change because we have never intended to put any Parlor or other organization holding a Bingo license out of business.

In 1985, 1986, 1987, 1988 and 1989 the Parlors have sought to drive smaller organizations who own their facilities out of business by suggesting to the legislature that the number of days played and the maximum payouts allowed be increased. Indeed in 1989 this very Committee soundly defeated such attempts.

Approximately 60 Bingo licenses are held by those who play in Parlors; at the same time nearly 500 licenses are held by those who own their own facilities. The Bingo Parlors say they have waiting lists of organizations wanting to conduct Bingo in their halls. Yet state wide there still exist "open" slots in Bingo Parlors.

Organizations who conduct Bingo in Parlors say they need more days--well if the number of days is increased who is going to fill those slots? Will the Parlors let their current clients have those

HOUSE FEDERAL AND STATE AFFAIRS

March 5, 1991

ATTACHMENT #13 - Page 1



days or will organizations from the Parlor's lists be selected. It seems to me that the Parlors won't be satisfied until they are allowed to operate 24 hours a day, seven days a week. Their present request to operate on any consecutive Saturday and Sunday proves that.

Parlors have been saying they can not afford to operate, yet not one Parlor that I am aware of has closed its doors since 1984. Indeed I know of more who have opened their doors.

Last year, and in previous years, Parlors have testified that they have never put a fraternal organization conducting Bingo in their own building out of business. That simply is not true. Parlors owners have also testified that organizations who own their buildings cater to their members and not the general public. That also is not true.

Parlors have testified that if a Bingo game is going out of business they are not catering to their clientele. Fewer than 12% of all Bingo operators pay out the maximum allowed under current law and that includes those operations with progressive jackpots. The majority of those who do pay out the maximum operate in large Parlors because they can seat more people whereas smaller owned facilities can not afford to pay out the maximum because of their reduced seating capacity.

Parlors have testified that horse and dog tracks and the lottery have hurt their business. Our Posts located in those same cities dispute those statements. People who wager at the track rarely play Bingo and vice versa.

Parlors have hinted that those who own their facilities do not use their profits for charitable purposes. In 1990 Kansas American Legion Posts donated over \$497,000 in Children and Youth programs alone. That \$497,000 represents less than 50% of our Posts because not all Posts take the time to report their activities.

Last year a Wichita Parlor operator testified that she conducted a Bingo game one night for her church in Andover at which 266 people attended and \$1000 was paid out. On that same night in Wichita her Parlor had 206 people attending. The operator said further "This proves that a hall game does not take away clientele from a smaller fraternal or church game." I don't think it proves anything other than a church held a once a year fund raiser and it's members supported it that one night. There is no proof those same people would support their church's Bingo games if they were held every week much less 3 or 4 times a week. That same Parlor operator's written testimony states "Our halls are successful operations" yet they say they can't pay their bills.

Last year another Parlor operator used VFW State Headquarters stationery without the knowledge or permission of the State Headquarters to write letters in favor of Bingo Parlors' positions. I will leave you to judge that person's character.

In 1989 testimony by Department of Revenue representatives before this Committee and the Senate's corresponding Committee indicated there are only so many Bingo players and a relatively stable amount of money was being spent annually on Bingo. To the best of my knowledge those statements are still true. House Bill 2391 will not create more Bingo players nor will it entice current

players to spend more in Bingo. HB 2391 will only serve to benefit Parlors at the expense of smaller owned operations which represent 90% of the bingo license holders.

Again thank you for allowing me the opportunity to address your Committee today.

# Bingo law amendments ruled valid

By the Associated Press

Amendments made to the state's gambling bingo law by the 1984 Legislature are constitutional, the state Supreme Court held Friday in a unanimous opinion.

The ruling reversed a decision by Judge Terry Bullock of Shawnee County District Court, who was instructed by the Supreme Court to dissolve a restraining order he had issued to prevent the state Department of Revenue from enforcing two of the changes made in the law.

It was among 36 decisions the high court handed down on cases heard in the March and April terms of court.

The bingo ruling clears the way for the state to begin enforcing requirements which were to have taken effect last July 1, but were stayed pending outcome of a suit brought by seven commercial bingo companies challenging constitutionality of the changes.

Those changes were aimed at equalizing competition between commercially-owned bingo facilities operated seven days a week and nonprofit organizations op-

erating only one or two days a week in their own facilities.

In Kansas, bingo games may only be conducted by nonprofit religious, educational, charitable, fraternal and veterans organizations licensed by the Revenue Department, but bingo parlors may conduct the games on behalf of those groups.

March 5, 1991 1:30 p.m.  
Hearing on House Bill 2391 - Bingo gambling  
House Federal & State Affairs Committee

Rev. Richard Taylor  
KANSANS FOR LIFE AT ITS BEST!

RECREATIONAL BINGO has been legal in every Kansas public and private place, every hour of the day, every day of the week, since 1861.

GAMBLING BINGO has been legal in Kansas since 1974. Because bingo gambling is a criminal activity, it is subject to highly restrictive laws.

If my information is correct, this bill is being promoted by commercial bingo parlors. How strange.

By law, bingo gambling in Kansas must be NON-PROFIT. Some people must make a lot of money for themselves from non-profit operations. Through the years, lawmakers have found fault with me, saying "you oppose gambling but your churches play bingo." And so I called the Department of Revenue this morning and asked for a breakdown of groups with bingo gambling licenses.

63 - Religious organizations. All are Roman Catholic churches except 1 is Jewish.

9 - Educational. All are Roman Catholic schools.

120 - Charitable organizations such as Lions, Optimist, Kiwanis, etc.

221 - Veterans organizations such as American Legion, VFW, etc.

161 - Fraternal organizations such as Moose, Elks, Knights of Columbus, etc.

Because gambling is an operation where persons get together and steal from each other, because gambling fulfills the desire to covet, to take something that belongs to another person, and because gambling hurts the poor, not one Methodist, Baptist, Nazarene, Presbyterian or other main line church has ever held a bingo gambling license.

And the catholics are divided. Years ago while traveling through Quebec, the news media announced Roman Catholics were ending their bingo operations. I called Most Pure Heart of Mary this morning and learned there are 390 Catholic churches in Kansas. Only 62 hold bingo gambling licenses.

On the attached sheet is a print-out from the Topeka Public Library of two articles indicating catholics would like to end bingo gambling.

The article from Modern Maturity tells us THE WORST IS BINGO when it comes to compulsive gambling for the elderly.

HB 2391 is a little step in the wrong direction. As a noted Presbyterian pastor said years ago, "It is better to be one mile from hell going away than to be 100 miles away going toward it."

Please refuse to take this step in the wrong direction.

Respectfully yours,

  
HOUSE FEDERAL AND STATE AFFAIRS  
March 5, 1991  
ATTACHMENT #14 - Page 1

## DON'T BET YOUR LIFE ON IT!

From Modern Maturity

**Item:** Compulsive gambling may be the most destructive addiction because it's the easiest to cover up.

It's called the invisible disease because you can't see it. Research shows the average compulsive gambler is a white-collar worker, is hard-working and competitive, and has an IQ over 120—hardly the stereotypical bottom-of-the-barrel loser.

For that reason, many spouses never know a problem exists until it's too late. "It's easy for a compulsive gambler to con a spouse," says Arnold Wexler, executive director of the Council on Compulsive Gambling of New Jersey. "I remember a sports bettor once who kept his wife in the dark for 30 years. He bet all day long and deducted his losses from his company. When he eventually lost the business, he just told her, 'Hey, business was bad.'"

The elderly are especially vulnerable. According to the Council, more than 13 million people bused to Atlantic City last year, 73 percent of whom were older persons. The average passenger visits 18 times a year. "The scenario is usually the same: A spouse dies, the survivor has nothing to do, so he or she hops on the bus and heads

for the casinos," says Wexler.

Gamblers Anonymous' national executive secretary says people living on fixed incomes are often unfairly preyed upon. "Those 'Senior Days' that let old folks into race tracks are obscene," says Irving S. (last names are not used in GA). "I have yet to know anyone who ever went there just to 'see them run.'"

"But the worst is bingo. Many elders are lured into it because they're looking for friends and social activities. Years ago you could play it all night and spend \$2. Today there are so many variations you can lose \$30 to \$50 in one evening — and many seniors play several times a week."

If you need help, the experts we spoke to unanimously recommended GA (family members can attend Gam-Anon). "We can send you material," says Irving S., "but if you stop gambling by reading a pamphlet you'll be the first." GA is listed in the white pages of most major cities' phone books, or call 213-386-8789. If GA can't help, the National Council on Compulsive Gambling (444 W. 56th St., Rm 3207S, New York, NY 10019, 212-765-3833) will refer you to a gambling treatment center near you.

Unsworth, Tim  
Parishes should quit gambling on finances (with readers' comments)

U.S. Catholic v51 p15-21 October '86

### SUBJECTS COVERED:

Parishes  
Catholic Church/Finance

**ABSTRACT:** Catholic churches should abandon the bingo/candy/carnival route of fund-raising in favor of a more sophisticated and adult approach. Adherents of other religious faiths contribute far more per year to their houses of worship than do Roman Catholics. With a structured giving program, a return to some form of tithing, and a professional support network in place, the pastor will be freed from money-raising responsibilities and the parish will be more united and involved in the giving process. Readers' comments on the topic are provided.

Maafa, Ken

Parish gambling is risky business (with readers' comments)  
U.S. Catholic v51 p14-19 January '86

### SUBJECTS COVERED:

Catholic Church/Finance  
Gambling/Moral and religious aspects  
Parishes

**ABSTRACT:** The gambling fever that has overtaken so many Catholic parishes is destructive. The illegality of gambling is often glossed over by those involved, and its immorality is clear. It cheapens holy places and does damage to members of the community. Alternative fund-raising projects exist; it is up to the church to choose an appropriate one that does not involve the parish in games of chance. A sidebar offers readers' comments on the gambling issue.