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COMMITTEE ASSIGNMENTS

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MEMBER: COMMERCE
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Good morning, Chairman King and members of the committee. My name is Jay Emler and I am appearing in front of you today as Vice Chairman of Senate Federal and State Affairs Committee. With me today is the Chairman of Federal and State Affairs, Senator Ralph Ostmeyer.

Originally the issue I present to you was submitted to our committee in the form of SB 148. The issue deals with raffles and whether a raffle amounts to gaming and is a crime. The language regarding raffles in SB 148 was copied into SB 220 and amended slightly. Unfortunately, the language of SB 220 was not quite what the committee desired either. It pertained only to "nonprofit corporations" as you can see from the following excerpt:

(f) "raffle" means a fundraising event in which: (1) Participants donate or agree to donate something of value for an opportunity to win something of value; (2) winning opportunities are represented by tickets differentiated by sequential enumeration; (3) winners are picked by a random drawing of tickets or some other similar method of determining a winner or by a race utilizing inanimate objects floated along a river, stream, canal or other body of water; and (4) the raffle is conducted for the benefit of nonprofit corporations or agencies of the United States government, the state of Kansas and its political subdivisions.

In any event, should the committee pass either bill to the Senate floor, there would undoubtedly ensue a lengthy debate on gaming, not just raffles. Such is not the intent of the committee. Our intent is to allow nonprofit organizations to have raffles to support their endeavors. Raffles are a source of funding for many, many nonprofit organizations, but there is a recent Attorney General opinion that causes many groups to be concerned about the criminality.

As the Senator Ostmeyer and I discussed alternatives, we hit upon the solution of amending criminal statutes to make holding a raffle not a crime. The prosecutor could still seek an injunction, but there would be no criminal sanction for the organization or its organizers. By amending the criminal code, the entire debate on gaming should be avoided. The Chairman and I presented this proposal to Chairman King and he has allowed us to present it to the full committee today.

We respectfully request the committee's favorable consideration and will stand for questions at the convenience of the committee.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Jay Scott Emler".