

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
CONCURRENT RESOLUTION NO. 1618**

As Amended by Senate Committee of the Whole

Brief*

Sub. for SCR 1618 would propose a state constitutional amendment for consideration at the next general election, in November 2014. The amendment, if approved by voters, would allow charitable raffles by certain nonprofit organizations.

The proposal would amend Section 3 of Article 15 in the *Kansas Constitution* to add a provision to permit “raffles” authorized by the Legislature. The provision would establish that the Legislature may authorize the licensing, conduct, and regulation of charitable raffles by nonprofit, religious, charitable, fraternal, educational, and veterans organizations.

“Raffle” would mean a game of chance in which each participant buys a ticket or tickets from a nonprofit organization, with each ticket providing an equal chance to win a prize and the winner being determined by a random drawing. The following limitations also would be prescribed in the constitutional amendment:

- An organization would not be able to use an electronic gaming or vending machine to sell tickets or conduct raffles;
- An organization would not be able to contract with a professional raffle or other lottery vendor for the management, operation or conduct of any raffle; and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Raffles shall be licensed and regulated by the Office of Charitable Gaming, in the Department of Revenue, or by a successor agency.

Background

Section 3 of Article 15 of the *Kansas Constitution* prohibits lotteries and the sale of lottery tickets. Voters previously approved three amendments to Section 3: to allow bingo (Section 3a. in 1974), parimutuel wagering (Section 3b. in 1986), and a state-owned and -operated lottery (Section 3c. in 1986).

During the 2013 Session, legislation passed to expand the types of lotteries that could be conducted as charitable raffles. The Governor vetoed 2013 HB 2120, noting in the veto message that the language in the bill violated Article 15, Section 3 of the *Kansas Constitution*. The Governor further noted he would support a policy goal of permitting certain limited raffles for charitable purposes. The Governor encouraged the Legislature to consider a constitutional amendment to accomplish such a goal.

SCR 1618, a proposed constitutional amendment, was introduced by the Senate Committee on Federal and State Affairs for consideration during the 2014 Session. The amendment proposed in the concurrent resolution would add charitable raffles, a fourth exception, to the exceptions under Section 3 of Article 15, if approved by two-thirds of both chambers and by majority vote in the general election.

Conferees appearing in support of SCR 1618 included Senator LaTurner and representatives of the Kansas Association of Broadcasters, the Travel Industry Association of Kansas, and the American Legion Department of Kansas. Written testimony supporting the proposal was submitted by the Kansas Children's Service League and the Travel Industry Association of Kansas.

An opponent, a representative from Stand Up for Kansas, provided a suggested amendment, including a definition of “raffle.”

The Senate Committee on Federal and State Affairs amended SCR 1618 and recommended a substitute resolution to address concerns expressed by an opponent to the original proposal.

The Senate Committee of the Whole amended SCR 1618 by:

- Striking a phrase “as defined by law” pertaining to charitable raffles; and
- Deleting the word “slot” and replacing it with “vending” in a prohibition against using certain machines to sell tickets or conduct raffles.

No fiscal note was provided either for SCR 1618, as introduced, or the Sub. for SCR 1618.