

**SENATE BILL NO. 175**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY SENATOR ELTON**

**Introduced: 4/4/01**

**Referred: Community and Regional Affairs, Labor and Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act providing municipalities with the authority to protest or to recommend**  
2 **conditions on the issuance and renewal of charitable gaming permits and requiring the**  
3 **Department of Revenue to deny or condition the license or permit unless the protest or**  
4 **conditions are arbitrary, capricious, or unreasonable, or the conditions conflict with**  
5 **state law."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **\* Section 1.** AS 05.15.030(a) is amended to read:

8 (a) At the time of filing an application for a permit or license under this  
9 chapter, the applicant shall notify the city or borough nearest to the location of the  
10 proposed activity of the application. **Except as provided in (d) of this section, a**  
11 **municipality** [A LOCAL GOVERNMENT UNIT] may, **after a hearing at which the**  
12 **applicant is afforded the opportunity to make a defense,**

13 **(1)** protest the conduct of the activity in its jurisdiction by resolution

1 stating the reasons for the protest filed with the department; **the department shall**  
 2 **consider the protest and shall deny the permit or license unless the department**  
 3 **finds, after a hearing, that the protest is arbitrary, capricious, or unreasonable;**

4 **(2) recommend by resolution conditions on the permit or license;**  
 5 **the department shall consider the conditions and shall condition the permit or**  
 6 **license as recommended by the resolution unless the department finds, after a**  
 7 **hearing, that the conditions are arbitrary, capricious, or unreasonable or that the**  
 8 **conditions conflict with state law** [PROTESTS ARE LIMITED TO THE LACK OF

9 QUALIFICATIONS PRESCRIBED BY THIS CHAPTER. THIS RESOLUTION IS  
 10 ONLY A RECOMMENDATION BY THE LOCAL GOVERNMENT THAT MAY  
 11 BE CONSIDERED BY THE DEPARTMENT IN DETERMINING WHETHER TO  
 12 ISSUE OR REFUSE TO ISSUE A PERMIT OR LICENSE].

13 \* **Sec. 2.** AS 05.15.030 is amended by adding a new subsection to read:

14 (d) A municipality that holds a permit or license that would compete with the  
 15 permit or license to be issued to the applicant may only protest based upon the  
 16 applicant's failure to pay municipal taxes and may not recommend conditions on the  
 17 permit or license.