

**SENATE BILL NO. 76**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY SENATOR PEARCE**

**Introduced: 1/29/93**  
**Referred: L&C, JUD**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act preventing persons with felony convictions from being involved in  
2 charitable gaming activities as a permittee, licensee, or employee in a managerial  
3 or supervisory capacity; and relating to 'political uses' and 'political organizations'  
4 as those terms are used in the charitable gaming statutes."

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

6 \* Section 1. AS 05.15.060 is amended to read:

7           Sec. 05.15.060. REGULATIONS. The department shall adopt regulations  
8 under the Administrative Procedure Act (AS 44.62) necessary to carry out this chapter  
9 covering, but not limited to,

- 10                   (1) the issuance, renewal, and revocation of permits and licenses;  
11                   (2) a method of ascertaining net proceeds, the determination of items  
12 of expense that may be incurred or paid, and the limitation of the amount of the items  
13 of expense to prevent the proceeds from the activity permitted from being diverted to  
14 noncharitable, noneducational, nonreligious, or profit-making organizations, individuals,

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or groups;

(3) the immediate revocation of permits and licenses authorized under this chapter if this chapter or regulations adopted under it are violated;

(4) the requiring of detailed, sworn, financial reports of operations from permittees and licensees including detailed statements of receipts and payments;

(5) the investigation of permittees, licensees, and their employees, including the fingerprinting of those permittees, licensees, and employees whom the commissioner considers it advisable to fingerprint;

(6) exclusion from participation as a permittee, licensee, or an employee in a managerial or supervisory capacity of a permittee or licensee, of a person convicted of [, IN PRISON FOR, OR ON PAROLE FOR] a felony, [WITHIN THE PRECEDING FIVE YEARS, OR CONVICTED OF] a crime involving theft or dishonesty, or [OF] a violation of a municipal, state, or federal gambling law;

(7) the method and manner of conducting authorized activities and awarding of prizes or awards [,] and the equipment that may be used;

(8) the number of activities that may be held, operated, or conducted under a permit during a specified period; however, the department may not allow more than 14 bingo sessions a month and 35 bingo games a session to be conducted under a permit;

(9) a method of accounting for receipts and disbursements by operators, including the keeping of records and requirements for the deposit of all receipts in a bank;

(10) the disposition of funds in possession of a permittee or a person, municipality, or qualified organization that possesses an operator's license at the time a permit or a license is surrendered, revoked, or invalidated;

(11) restrictions on the participation by employees of the Department of Fish and Game in salmon classics and in king salmon classics, and by employees of Douglas Island Pink and Chum in king salmon classics;

(12) other matters the commissioner considers necessary to carry out this chapter or protect the best interest of the public.

\* Sec. 2. AS 05.15.122(c) is amended to read:

1 (c) The department may not issue an operator's license to an applicant if the  
2 applicant or a person employed by the applicant, in a managerial or supervisory  
3 capacity, has been convicted of [, IN PRISON FOR, OR ON PAROLE FOR] a felony,  
4 [WITHIN THE PRECEDING FIVE YEARS, OR CONVICTED OF] a crime involving  
5 theft or dishonesty, or [OF] a violation of a municipal, state, or federal gambling law.

6 \* Sec. 3. AS 05.15.122(d) is amended to read:

7 (d) A licensee may not employ a person in a managerial or supervisory  
8 capacity if the person has been convicted of [, IN PRISON FOR, OR ON PAROLE  
9 FOR] a felony, [WITHIN THE PRECEDING FIVE YEARS, OR CONVICTED OF]  
10 a crime involving theft or dishonesty, or [OF] a violation of a municipal, state, or  
11 federal gambling law.

12 \* Sec. 4. AS 05.15.140(b) is amended to read:

13 (b) In an application for a permit, a municipality or qualified organization shall  
14 disclose the name and address of each person responsible for the operation of the  
15 activity and whether any person named

16 (1) has been convicted of [, IN PRISON FOR, OR ON PAROLE FOR]  
17 a felony, [WITHIN THE PRECEDING FIVE YEARS, OR CONVICTED OF] a crime  
18 involving theft or dishonesty, or [OF] a violation of a municipal, state, or federal  
19 gambling law; or

20 (2) has a prohibited financial interest, as defined in regulations adopted  
21 by the commissioner, in the operation of the activity.

22 \* Sec. 5. AS 05.15.140(c) is amended to read:

23 (c) The commissioner may not issue a permit for an activity operated by a  
24 person who has been convicted of [, IN PRISON FOR, OR ON PAROLE FOR] a  
25 felony, [WITHIN THE PRECEDING FIVE YEARS, OR CONVICTED OF] a crime  
26 involving theft or dishonesty, or [OF] a violation of a municipal, state, or federal  
27 gambling law.

28 \* Sec. 6. AS 05.15.150(a) is amended to read:

29 (a) The authority to conduct the activity authorized by this chapter is  
30 contingent upon the dedication of the net proceeds of the raffles or contests to the  
31 awarding of prizes to contestants or participants and to political, educational, civic,

1 public, charitable, patriotic or religious uses in the state. "Political, educational, civic,  
2 public, charitable, patriotic, or religious uses" means uses benefiting persons either by  
3 bringing them under the influence of education or religion or relieving them from  
4 disease, suffering, or constraint, or by assisting them in establishing themselves in life,  
5 or by providing for the promotion of the welfare and well-being of the membership of  
6 the organization within their own community, or through aiding a political  
7 organization [CANDIDATES FOR PUBLIC OFFICE OR GROUPS THAT SUPPORT  
8 CANDIDATES FOR PUBLIC OFFICE], or by erecting or maintaining public  
9 buildings or works, or lessening the burden on government, but does not include

10 (1) the direct contribution of proceeds of the raffles or contests to  
11 a candidate for a public office of the state or a political subdivision of the state  
12 or to that candidate's campaign organization; or

13 (2) the erection, acquisition, improvement, maintenance, or repair of  
14 real, personal, or mixed property unless it is used exclusively for one or more of the  
15 uses stated.

16 \* Sec. 7. AS 05.15.210(27) is amended to read:

17 (27) "political organization" means a political party as defined in  
18 AS 15.60.010 or an organization or club organized under or formally affiliated with  
19 a political party [AS DEFINED IN AS 15.60.010];

20 \* Sec. 8. AS 05.15.210 is amended by adding a new paragraph to read:

- 21 (36) "managerial or supervisory capacity" means that the employee
- 22 (A) is responsible for gaming receipts;
  - 23 (B) has the authority to hire employees or to dismiss or  
24 otherwise discipline them;
  - 25 (C) prepares financial reports required under this chapter;
  - 26 (D) is responsible for keeping the accounts for activities under  
27 this chapter;
  - 28 (E) is responsible for conducting activities under this chapter,  
29 including the arranging for locations at which those activities will occur; or
  - 30 (F) is a fund raiser or a consultant.