

CS FOR SENATE BILL NO. 76(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/2/93

Referred: FINANCE

Sponsor(s): SENATOR PEARCE

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring regulations relating to pull-tabs adopted by the Department of
2 Commerce and Economic Development to be consistent with the North American
3 Gaming Regulators Association standards on pull-tabs; allowing permittees to
4 contract with vendors to sell pull-tabs on behalf of the permittee; restricting the
5 purchase of pull-tabs by certain persons; requiring the sale of pull-tabs by
6 vendors to be solely by a pull-tab ticket dispensing machine; requiring receipts
7 before certain prizes may be paid; prohibiting distributors from supplying pull-tabs
8 to vendors; relating to registration of vendors; requiring the licensing of out-of-
9 state manufacturers; allowing public or nonprofit broadcasting stations to sell pull-
10 tabs at more than one location; preventing persons with certain convictions from
11 being involved in charitable gaming activities as a permittee, licensee, vendor,
12 person responsible for an activity, fund raiser or consultant of a licensee, or

1 employee in a managerial or supervisory capacity and providing exceptions for
2 certain persons whose convictions are at least 10 years old; relating to multiple-
3 beneficiary charitable gaming permits and door prizes for charitable gaming;
4 requiring Department of Commerce and Economic Development approval of
5 contracts between charitable gaming permittees and operators before gaming may
6 occur; limiting the amount of authorized expenses to a percentage of adjusted
7 gross income for a charitable gaming activity; relating to the reporting and
8 payment of a percentage of the adjusted gross income by operators to permittees;
9 requiring Department of Commerce and Economic Development approval of
10 contracts between permittees and operators; allowing the commissioner of
11 commerce and economic development to issue orders prohibiting violations of state
12 gaming laws; relating to the authority of the commissioner of commerce and
13 economic development to suspend or revoke a permit, license, or registration;
14 relating to the uses to which charitable gaming proceeds may be put; relating
15 to 'political uses' and 'political organizations' as those terms are used in the
16 charitable gaming statutes; and providing for an effective date."

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

18 * Section 1. AS 05.15.060 is amended to read:

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

22 (1) the issuance, renewal, and revocation of permits, [AND] licenses,
23 and vendor registrations;

24 (2) a method of ascertaining net proceeds, the determination of items
25 of expense that may be incurred or paid, and the limitation of the amount of the items
26 of expense to prevent the proceeds from the activity permitted from being diverted to

- 1 noncharitable, noneducational, nonreligious, or profit-making organizations, individuals,
2 or groups;
- 3 (3) the immediate revocation of permits, [AND] licenses, and vendor
4 registrations authorized under this chapter if this chapter or regulations adopted under
5 it are violated;
- 6 (4) the requiring of detailed, sworn, financial reports of operations from
7 permittees and licensees including detailed statements of receipts and payments;
- 8 (5) the investigation of permittees, licensees, registered vendors, and
9 their employees, including the fingerprinting of those permittees, licensees, registered
10 vendors, and employees whom the commissioner considers it advisable to fingerprint;
- 11 (6) the licensing and regulation of pull-tab ticket dispensing
12 machines required by AS 05.15.188 [EXCLUSION FROM PARTICIPATION AS A
13 PERMITTEE, LICENSEE, OR EMPLOYEE OF A PERMITTEE OR LICENSEE, OF
14 A PERSON CONVICTED OF, IN PRISON FOR, OR ON PAROLE FOR A FELONY
15 WITHIN THE PRECEDING FIVE YEARS, OR CONVICTED OF A CRIME
16 INVOLVING THEFT OR DISHONESTY OR OF A VIOLATION OF A
17 MUNICIPAL, STATE, OR FEDERAL GAMBLING LAW];
- 18 (7) the method and manner of conducting authorized activities and
19 awarding of prizes or awards, and the equipment that may be used;
- 20 (8) the number of activities that may be held, operated, or conducted
21 under a permit during a specified period; however, the department may not allow more
22 than 14 bingo sessions a month and 35 bingo games a session to be conducted under
23 a permit; the holders of a multiple-beneficiary permit under AS 05.15.109(d) may
24 hold, operate, or conduct the number of sessions and games a month equal to the
25 number allowed an individual permittee per month multiplied by the number of
26 holders of the multiple-beneficiary permit;
- 27 (9) a method of accounting for receipts and disbursements by operators,
28 including the keeping of records and requirements for the deposit of all receipts in a
29 bank;
- 30 (10) the disposition of funds in possession of a permittee, [OR] a
31 person, municipality, or qualified organization that possesses an operator's license, or

1 a registered vendor at the time a permit, [OR] a license, or a vendor registration
2 is surrendered, revoked, or invalidated;

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

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

8 * Sec. 2. AS 05.15.060 is amended by adding a new subsection to read:

9 (b) Regulations adopted by the department under this section relating to
10 charitable gaming activity involving pull-tabs shall, to the extent permitted by this
11 chapter, be consistent with the standards on pull-tabs of the North American Gaming
12 Regulators Association, as amended from time to time.

13 * Sec. 3. AS 05.15.070 is amended to read:

14 Sec. 05.15.070. EXAMINATION OF BOOKS AND RECORDS. The commis-
15 sioner may examine or have examined the books and records of a permittee, an
16 operator, a registered vendor, or a person licensed to manufacture or to distribute
17 pull-tab games in the state. The commissioner may issue subpoenas for the attendance
18 of witnesses and the production of books, records, and other documents.

19 * Sec. 4. AS 05.15.100 is amended by adding a new subsection to read:

20 (d) The commissioner may issue a multiple-beneficiary permit to two to six
21 municipalities or qualified organizations or to a combination of two to six
22 municipalities and qualified organizations that apply jointly for the permit. The permit
23 gives the permit holders the privilege of jointly conducting the activities specified in
24 (a) and (b) of this section, subject to the restrictions set out in (b) of this section.

25 * Sec. 5. AS 05.15 is amended by adding a new section to read:

26 Sec. 05.15.105. PERSONS PROHIBITED FROM INVOLVEMENT;
27 EXCEPTIONS. (a) If a person has been convicted of a violation of a law of this state
28 that is, or a law or ordinance of another jurisdiction that would be if it had been
29 committed in this state, a felony, or a violation of a law or ordinance of this state or
30 another jurisdiction that is a crime involving theft or dishonesty or a violation of
31 gambling laws

- 1 (1) the department may not issue a license to the person;
- 2 (2) the department may not issue a license to, or register as a vendor,
3 an applicant who employs the person in a managerial or supervisory capacity or uses
4 the person as a fund raiser or consultant;
- 5 (3) the department may not issue a permit for an activity if the person
6 is responsible for the operation of the activity;
- 7 (4) the person may not be employed in a managerial or supervisory
8 capacity by a licensee or vendor or used as a fund raiser or consultant by a licensee
9 or vendor;
- 10 (5) the person may not participate in charitable gaming as a permittee,
11 licensee, or vendor.

12 (b) The department shall adopt regulations that provide that a disqualification
13 of a person under (a) of this section based upon a conviction of that person for a
14 violation

15 (1) of a law of this state that is, or a law or ordinance of another
16 jurisdiction that would be if it was committed in this state, a class B felony other than
17 extortion, a class C felony, or an unclassified felony described outside of AS 11, and
18 that is not a crime of dishonesty or theft or a violation of gambling laws, terminates
19 10 years after the person's conviction;

20 (2) of a law or ordinance of this state or another jurisdiction that is a
21 crime involving theft or dishonesty or a violation of gambling laws, and that is not,
22 or would not be if it was committed in this state, an unclassified felony described in
23 AS 11, a class A felony, or extortion, terminates 10 years after the person's conviction,
24 if the department determines that the

- 25 (A) person is of good character, honesty, and integrity; and
26 (B) person's involvement in charitable gaming is not against the
27 public interest.

28 * Sec. 6. AS 05.15.112(a) is amended to read:

29 (a) Each municipality or qualified organization that receives a permit under
30 this chapter shall designate a member in charge. Municipalities and qualified
31 organizations that hold a multiple-beneficiary permit shall jointly designate one

1 member in charge.

2 * Sec. 7. AS 05.15.112(b) is amended to read:

3 (b) The member in charge is responsible for preparation, maintenance, and
4 transmittal of all records and reports required of the permittee. The member in charge
5 shall be a member of the qualified organization or the board of directors of the
6 qualified organization or an employee of the municipality. In the case of a multiple-
7 beneficiary permit, the member in charge shall be a member of one of the
8 qualified organizations or the board of directors of one of the qualified
9 organizations or an employee of one of the municipalities.

10 * Sec. 8. AS 05.15.112(d) is amended to read:

11 (d) The municipality or qualified organization, or the holders of a multiple-
12 beneficiary permit, shall designate alternate members in charge who are responsible
13 for the duties of the member in charge in the absence of the member in charge.

14 * Sec. 9. AS 05.15.115(d) is amended to read:

15 (d) A permittee shall submit by certified mail to the department for approval
16 a copy of each contract with an operator with whom the permittee contracts to conduct
17 activities subject to this chapter. The contract must meet the requirements of this
18 section. The department shall approve or disapprove the contract. If the
19 contract is disapproved, reasons for the disapproval shall be provided in writing
20 to the permittee. Activities may not be conducted under the contract before the
21 contract is approved. Subsequent amendments to an approved contract do not
22 take effect until the amendments are approved by the department [THE
23 PERMITTEE SHALL SUBMIT TO THE DEPARTMENT A COPY OF THE
24 CONTRACT OR SUBSEQUENT AMENDMENT OF THE CONTRACT BY
25 CERTIFIED MAIL AT LEAST 15 DAYS BEFORE ACTIVITIES ARE
26 CONDUCTED UNDER THE CONTRACT OR AMENDED CONTRACT].

27 * Sec. 10. AS 05.15.124 is amended to read:

28 Sec. 05.15.124. MUNICIPAL REGULATION OF OPERATORS. A
29 municipality may by ordinance prohibit an operator or a vendor from conducting
30 activities under this chapter within the municipality.

31 * Sec. 11. AS 05.15.128(a) is amended to read:

1 (a) The department shall revoke the license of an operator who does not
2 (1) report an adjusted gross income of at least 15 percent of gross
3 income for each quarter [TWO CONSECUTIVE QUARTERS] based on the total
4 operation of the operator; or
5 (2) pay to each authorizing permittee for each quarter [TWO
6 CONSECUTIVE QUARTERS] at least 30 percent of the adjusted gross income, as
7 determined under (1) of this subsection, from a pull-tab activity or at least 10 [15]
8 percent of the adjusted gross income, as determined under (1) of this subsection, from
9 a gaming activity other than pull-tabs, received from activities conducted on behalf
10 of the authorizing permittee.

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

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

15 (1) has been convicted of [, IN PRISON FOR, OR ON PAROLE FOR]
16 a violation of a law of this state that is, or a law or ordinance of another state that
17 would be if committed in this state, an unclassified felony described in AS 11, a
18 Class A felony, extortion, or a violation of a law or ordinance of this state or
19 another jurisdiction that is [WITHIN THE PRECEDING FIVE YEARS, OR
20 CONVICTED OF] a crime involving theft or dishonesty or [OF] a violation of [A
21 MUNICIPAL, STATE, OR FEDERAL] gambling laws [LAW]; or

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

24 * Sec. 13. AS 05.15 is amended by adding a new section to read:

25 Sec. 05.15.145. MULTIPLE-BENEFICIARY PERMITS. (a) Two to six
26 municipalities or qualified organizations, or a combination of two to six municipalities
27 and qualified organizations, may jointly apply for a multiple-beneficiary permit under
28 AS 05.15.100(d). The commissioner may not issue or renew a permit except upon
29 satisfactory proof that each joint applicant is a municipality or qualified organization,
30 the activity may be permitted under this chapter, and the issuance of a permit is not
31 detrimental to the best interests of the public. Upon request of the commissioner, the

1 joint applicants : all prove conclusively each of these requirements before a permit
2 may be issued or renewed.

3 (b) The provisions of AS 05.15.140(b) - (d) apply to multiple-beneficiary
4 permits and applications for them.

5 (c) A municipality or qualified organization that is among the holders of a
6 multiple-beneficiary permit may withdraw from the permit by giving written notice of
7 intent to withdraw to the department and to the other holders of the permit. The
8 effective date of the withdrawal is 30 days after the department receives written notice
9 of intent. A municipality or qualified organization that withdraws from a multiple-
10 beneficiary permit may apply for a permit under AS 05.15.100(a), but its share of the
11 prizes awarded under the multiple-beneficiary permit and the prizes it awards under
12 its own permit are subject to the maximums established in AS 05.15.180(g).

13 (d) The holders of a multiple-beneficiary permit shall jointly file reports with
14 the department that comply with the reporting requirements imposed on operators
15 under AS 05.15.083.

16 * Sec. 14. AS 05.15.150(a) is amended to read:

17 (a) The authority to conduct the activity authorized by this chapter is
18 contingent upon the dedication of the net proceeds of the charitable gaming activity
19 [RAFFLES OR CONTESTS] to the awarding of prizes to contestants or participants
20 and to political, educational, civic, public, charitable, patriotic or religious uses in the
21 state. "Political, educational, civic, public, charitable, patriotic, or religious uses" means
22 uses benefiting persons either by bringing them under the influence of education or
23 religion or relieving them from disease, suffering, or constraint, or by assisting them
24 in establishing themselves in life, or by providing for the promotion of the welfare and
25 well-being of the membership of the organization within their own community, or
26 through aiding a political organization [CANDIDATES FOR PUBLIC OFFICE OR
27 GROUPS THAT SUPPORT CANDIDATES FOR PUBLIC OFFICE], or by erecting
28 or maintaining public buildings or works, or lessening the burden on government, but
29 does not include

30 (1) the direct contribution of proceeds of a bingo or pull-tab game
31 to a candidate for a public office of the state or a political subdivision of the state

1 or to that candidate's campaign organization:

2 (2) the use, directly or indirectly, of the net proceeds of the
3 charitable gaming activity to support lobbying efforts before any level of
4 government; or

5 (3) the erection, acquisition, improvement, maintenance, or repair of
6 real, personal, or mixed property unless it is used exclusively for one or more of the
7 permitted uses [STATED].

8 * Sec. 15. AS 05.15.160 is amended by adding new subsections to read:

9 (c) The total amount of authorized expenses that may be incurred under (a) of
10 this section in connection with a pull-tab activity may not exceed 70 percent of the
11 adjusted gross income from that pull-tab activity.

12 (d) The total amount of authorized expenses that may be incurred under (a) of
13 this section in connection with any gaming activity other than pull-tabs may not exceed
14 90 percent of the adjusted gross income from that gaming activity.

15 * Sec. 16. AS 05.15.170 is repealed and reenacted to read:

16 Sec. 05.15.170. SUSPENSION OR REVOCATION OF PERMIT, LICENSE,
17 OR VENDOR REGISTRATION. (a) The department may suspend, for a period of
18 up to one year, or revoke a permit, license, or vendor registration, after giving notice
19 to and an opportunity to be heard by the permittee or licensee, if the permittee,
20 licensee, or vendor

21 (1) violates or fails to comply with a requirement of this chapter or of
22 a regulation adopted under this chapter;

23 (2) breaches a contractual agreement with a permittee, licensee, or
24 registered vendor;

25 (3) becomes disqualified to participate in charitable gaming as provided
26 in AS 05.15.105; for the purposes of this paragraph, a permittee, licensee, or vendor
27 that is not a natural person is considered convicted if an owner or manager of the
28 permittee, licensee, or vendor is convicted; or

29 (4) knowingly submits false information to the department or, in the
30 case of a registered vendor, to a permittee when the vendor knows that the false
31 information will be submitted to the department as part of an application for

1 registration;

2 (5) gives or acts upon any inside information on the status of the prizes
3 awarded or to be awarded in a pull-tab game.

4 (b) If the department revokes a license or vendor registration under this
5 section, it may prohibit the licensee or vendor from reapplying for a license or vendor
6 registration for a period of not more than five years. If the department revokes a
7 permit under this section, it may prohibit the permittee from reapplying for a permit
8 for a period of not more than one year.

9 * Sec. 17. AS 05.15.180(d) is amended to read:

10 (d) The total value of door prizes offered or awarded under authority of a
11 permit issued to a municipality or qualified organization under this chapter or under
12 authority of a multiple-beneficiary permit may not exceed \$20,000 a month or
13 \$240,000 a year.

14 * Sec. 18. AS 05.15.180(e) is amended to read:

15 (e) The total value of all door prizes offered or awarded at a single facility or
16 bingo hall or parlor by an operator on behalf of authorizing permittees [OR BY A
17 PERMITTEE IN CONJUNCTION WITH OTHER PERMITTEES] may not exceed
18 \$20,000 a month or \$240,000 a year.

19 * Sec. 19. AS 05.15.180(g) is amended to read:

20 (g) A municipality or a qualified organization may award a maximum of
21 \$1,000,000 in prizes each year in activities authorized under this chapter; however, if
22 a municipality or a qualified organization contracts with an operator to conduct on its
23 behalf activities authorized under this chapter, the municipality or qualified
24 organization may award a maximum of \$500,000 in prizes each year. The holders of
25 a multiple-beneficiary permit under AS 05.15.180(d) may award a maximum in
26 prizes each year of \$1,000,000 times the number of holders of the permit for
27 activities authorized under this chapter. In this subsection "activities authorized
28 under this chapter" means all activities subject to this chapter other than bingo.

29 * Sec. 20. AS 05.15.181(a) is amended to read:

30 (a) A person may not manufacture pull-tabs in the state, and may not sell or
31 distribute a pull-tab that the person has manufactured outside of the state to

1 persons in the state, unless the person has received a pull-tab manufacturer's license
2 issued by the department.

3 * Sec. 21. AS 05.15.183 is amended by adding a new subsection to read:

4 (e) A distributor may not

5 (1) take an order for the purchase of a pull-tab series from a vendor;

6 (2) sell a pull-tab series to a vendor; or

7 (3) deliver a pull-tab series to a vendor.

8 * Sec. 22. AS 05.15.187(f) is amended to read:

9 (f) Each permittee [MUNICIPALITY OR QUALIFIED ORGANIZATION]

10 that had gross receipts exceeding \$100,000 during the preceding year from activities

11 conducted under this chapter or that is required to report under AS 05.15.080(a), that

12 conducts a pull-tab game shall maintain records for two years of each prize of \$50 or

13 more, the first day and last day that each series was distributed, the serial number of

14 each series, and the distributor from whom each series was purchased. In this section

15 "permittee" includes municipalities and qualified organizations that jointly hold

16 a multiple-beneficiary permit.

17 * Sec. 23. AS 05.15.187 is amended by adding new subsections to read:

18 (h) An owner, manager, or employee of a person holding a permit or license

19 under this chapter, or registered under this chapter as a vendor, may not purchase a

20 pull-tab from a pull-tab series manufactured, distributed, or sold by the permittee,

21 licensee, or registered vendor.

22 (i) A permittee or registered vendor may not turn over a prize of \$50 or more

23 to a person with a pull-tab card entitling the person to that prize unless the person

24 signs a receipt for the prize and returns the receipt to the permittee or vendor. The

25 pull-tab card entitling the person to the prize may be signed as the receipt.

26 (j) Notwithstanding (b) of this section, the department shall permit a permittee

27 that is a noncommercial broadcasting station or network of such stations to sell a pull-

28 tab series at more than one location during the same day. In this subsection,

29 "noncommercial broadcasting station" means a radio or television station that is

30 licensed by the Federal Communications Commission to a governmental entity or to

31 an entity that is exempt from federal taxation under 26 U.S.C. 501(c)(3) (Internal

1 Revenue Code).

2 * **Sec. 24.** AS 05.15 is amended by adding a new section to article 2 to read:

3 **Sec. 05.15.188. PULL-TAB SALES BY VENDORS ON BEHALF OF**
4 **PERMITTEES; VENDOR REGISTRATION.** (a) A permittee may contract with a
5 vendor to sell pull-tabs on behalf of the permittee, if the permittee first registers the
6 vendor with the department by applying for registration on a form prescribed by the
7 department and by submitting the registration fee of \$50 for each location at which the
8 vendor will sell pull-tabs.

9 (b) Upon approval of the vendor registration, the department shall issue an
10 endorsement to the permittee's permit that authorizes the conduct of pull-tab sales at
11 that vendor location.

12 (c) The endorsement issued under (b) of this section is an extension of the
13 permittee's privilege under AS 05.15.100 to conduct pull-tab sales in this state. A
14 vendor may not sell a pull-tab series until a copy of the permit containing the
15 endorsement for the new vendor location has been posted by the permittee in the
16 registered vendor establishment. The endorsed permit must be clearly visible to the
17 gaming public.

18 (d) A separate endorsement shall be issued for each vendor location. The
19 permittee shall inform the department when a vendor with whom the permittee is
20 contracting changes the physical location at which pull-tabs are sold, and shall return
21 to the department all copies of a permit endorsed to a vendor that is no longer selling
22 pull-tabs on behalf of the permittee. Failure to inform the department of a change in
23 vendor location, or to return the endorsed copies of a permit to the department after
24 a vendor change, may constitute grounds for the suspension or revocation of a
25 permittee's permit.

26 (e) At the time that a permittee annually renews its permit, it shall also renew
27 the registration of all locations where a vendor is selling pull-tabs on the permittee's
28 behalf and shall pay a registration fee of \$50 for each vendor location.

29 (f) A permittee that uses a vendor to sell pull-tabs on its behalf shall enter into
30 a written contract with that vendor. The department may inspect this contract. If the
31 contract contains provisions that violate this chapter or the regulations adopted under

1 it, the department may declare the contract void, and may suspend or revoke the
2 registration of the vendor and the permit of the permittee.

3 (g) A person, other than a permittee's member-in-charge, may not directly
4 supply a pull-tab series to a registered vendor for sale by that vendor on behalf of the
5 permittee.

6 (h) If a permittee contracts with a vendor under (a) of this section, the contract
7 must provide that the permittee shall receive no less than 50 percent of the ideal net.

8 (i) An amount equal to the ideal net less the compensation owed to the vendor
9 shall be paid by the vendor to the member-in-charge upon delivery of a pull-tab series
10 to the vendor for sale. The amount required to be paid by the vendor shall be paid by
11 check or, if paid by other means, shall be deposited directly into the gaming checking
12 account of the permittee.

13 (j) All money paid to a registered vendor under this section by a permittee
14 shall be paid by check only, and the check may not be drawn in a manner that the
15 payee is not identified.

16 (k) An operator may not contract with or use a vendor to sell pull-tabs on
17 behalf of the operator.

18 (l) Pull-tabs may be sold by a vendor under this section only through a pull-tab
19 ticket dispensing machine authorized by the department under AS 05.15.060.

20 * Sec. 25. AS 05.15 is amended by adding a new section to read:

21 Sec. 05.15.195. ORDER PROHIBITING ACTION IN VIOLATION OF
22 CHAPTER. (a) If the commissioner determines that a person has engaged in an act
23 or practice in violation of this chapter or a regulation adopted under this chapter, the
24 commissioner may, after giving reasonable notice to the person and an opportunity for
25 the person to be heard, issue an order prohibiting the violation by the person. The
26 order remains in effect until the person has submitted evidence acceptable to the
27 commissioner showing that the violation has been corrected.

28 (b) If the public interest requires, the commissioner may issue an emergency
29 order prohibiting an act or practice in violation of this chapter or a regulation adopted
30 under this chapter without notice to or an opportunity to be heard by the person
31 affected by the order. The commissioner shall immediately serve the person with a

1 copy of the emergency order. An emergency order expires 60 days after the date it
2 is issued, if the person affected by the order requests a hearing within 15 days of
3 receipt of the order. If the person does not request a hearing within 15 days of receipt
4 of the emergency order, the order becomes permanent. Following a hearing, the
5 commissioner may rescind, modify, or make permanent the emergency order.

6 (c) A party aggrieved by an order under this section may appeal to the superior
7 court.

8 * Sec. 26. AS 05.15.200(b) is amended to read:

9 (b) A person who, with the intent to mislead a public servant in the
10 performance of the public servant's duty, submits a false statement in an application
11 for a permit, license, or vendor registration under this chapter [,] is guilty of unsworn
12 falsification.

13 * Sec. 27. AS 05.15.210(27) is amended to read:

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

17 * Sec. 28. AS 05.15.210 is amended by adding new paragraphs to read:

18 (36) "fund raiser or consultant" means a person who provides advice
19 or technical assistance in support of or concerning the conduct of gaming activities
20 under this chapter, whether the person is or is not an employee of a licensee;

21 (37) "ideal net" means an amount equal to the total amount of receipts
22 that would be received if every individual pull-tab ticket in a series were sold at face
23 value, less the prizes to be awarded for that series;

24 (38) "managerial or supervisory capacity" means that the employee
25 (A) is responsible for gaming receipts;
26 (B) has the authority to hire employees or to dismiss or
27 otherwise discipline them;
28 (C) prepares financial reports required under this chapter;
29 (D) is responsible for keeping the accounts for activities under
30 this chapter;
31 (E) is responsible for conducting activities under this chapter,

1 including the arranging for locations at which those activities will occur; or

2 (F) is a fund raiser or a consultant;

3 (39) "permittee" means a municipality or a qualified organization that
4 holds a valid permit under AS 05.15.100;

5 (40) "vendor" means a business whose primary activity is not regulated
6 by this chapter but that is engaged in the sale of pull-tabs on behalf of a permittee,
7 holds a business license under AS 43.70, and is

8 (A) a retail establishment;

9 (B) an eating establishment; or

10 (C) an establishment licensed under AS 04.11.

11 * **Sec. 29.** AS 05.15.122(c), 05.15.122(d), and 05.15.140(c) are repealed.

12 * **Sec. 30.** Except for secs. 11 and 15 of this Act, this Act takes effect immediately under
13 AS 01.10.070(c).

14 * **Sec. 31.** Sections 11 and 15 of this Act take effect January 1, 1994.