

CS FOR SENATE BILL NO. 76(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/18/93
Referred: RULES

Sponsor(s): SENATOR PEARCE

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring regulations relating to pull-tabs to be consistent with North
2 American Gaming Regulators Association standards on pull-tabs to the extent
3 permitted by charitable gaming laws; allowing permittees to contract with vendors
4 to sell pull-tabs on behalf of the permittee at an establishment holding a package
5 store license and certain establishments holding a beverage dispensary license;
6 allowing municipalities to prohibit vendors from conducting gaming activities within
7 the municipality; restricting the purchase of pull-tabs by permittees, licensees, and
8 vendors and their owners, managers, and employees; requiring receipts before
9 prizes of \$50 or more may be awarded in pull-tab games; prohibiting distributors
10 from supplying pull-tabs to vendors; requiring the registration of vendors and
11 regulating activities involving them; requiring the licensing of out-of-state pull-tab
12 manufacturers; requiring the department regulating charitable gaming to approve

1 contracts between permittees and operators before gaming may occur; preventing
2 persons with felony convictions or convictions for crimes involving theft or
3 dishonesty or a violation of gambling laws from being involved in charitable
4 gaming activities as a permittee, licensee, vendor, person responsible for the
5 operation of an activity, fund raiser or consultant of a licensee or vendor, or
6 employee in a managerial or supervisory capacity, and providing exceptions for
7 certain persons whose convictions are at least 10 years old and are not for
8 violation of an unclassified felony described in AS 11, a class A felony, or
9 extortion; relating to multiple-beneficiary charitable gaming permits and door
10 prizes for charitable gaming; requiring operators to pay permittees each quarter
11 at least 30 percent of the adjusted gross income from a pull-tab activity and
12 limiting operators to expenses of not more than 70 percent of the adjusted gross
13 income from that activity; requiring operators to pay permittees each quarter at
14 least 10 percent of the adjusted gross income from a charitable gaming activity
15 other than pull-tabs and limiting operators to expenses of not more than 90
16 percent of the adjusted gross income from that activity; requiring a permittee
17 who uses a pull-tab vendor to enter into a contract with that vendor; requiring
18 a vendor contracting with a permittee to pay the permittee at least 50 percent
19 of the ideal net for each pull-tab series delivered to the vendor by the permittee;
20 requiring that operators report an adjusted gross income of at least 15 percent
21 of gross income each quarter; allowing the commissioner regulating charitable
22 gaming to issue orders prohibiting violations of state gaming laws; relating to the
23 authority of the commissioner regulating charitable gaming to suspend or revoke
24 a permit, license, or registration; prohibiting the direct contribution of proceeds

1 of a bingo or pull-tab game to a candidate for a public office of the state or
2 a political subdivision of the state or to that candidate's campaign organization;
3 prohibiting the payment of any portion of the net proceeds of a charitable
4 gaming activity to a registered lobbyist; relating to 'political uses' and 'political
5 organizations' as those terms are used in the charitable gaming statutes; and
6 providing for an effective date."

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

8 * **Section 1.** This Act may be known as the Gambling Limitation Act of 1993.

9 * **Sec. 2.** AS 05.15.060 is amended to read:

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

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

15 (2) a method of ascertaining net proceeds, the determination of items
16 of expense that may be incurred or paid, and the limitation of the amount of the items
17 of expense to prevent the proceeds from the activity permitted from being diverted to
18 noncharitable, noneducational, nonreligious, or profit-making organizations, individuals,
19 or groups;

20 (3) the immediate revocation of permits, [AND] licenses, and vendor
21 registrations authorized under this chapter if this chapter or regulations adopted under
22 it are violated;

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

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

28 (6) [EXCLUSION FROM PARTICIPATION AS A PERMITTEE,
29 LICENSEE, OR EMPLOYEE OF A PERMITTEE OR LICENSEE, OF A PERSON

1 CONVICTED OF, IN PRISON FOR, OR ON PAROLE FOR A FELONY WITHIN
2 THE PRECEDING FIVE YEARS, OR CONVICTED OF A CRIME INVOLVING
3 THEFT OR DISHONESTY OR OF A VIOLATION OF A MUNICIPAL, STATE, OR
4 FEDERAL GAMBLING LAW;

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

7 (7) [(8)] the number of activities that may be held, operated, or
8 conducted under a permit during a specified period; however, the department may not
9 allow more than 14 bingo sessions a month and 35 bingo games a session to be
10 conducted under a permit; the holders of a multiple-beneficiary permit under
11 AS 05.15.100(d) may hold, operate, or conduct the number of sessions and games
12 a month equal to the number allowed an individual permittee per month
13 multiplied by the number of holders of the multiple-beneficiary permit;

14 (8) [(9)] a method of accounting for receipts and disbursements by
15 operators, including the keeping of records and requirements for the deposit of all
16 receipts in a bank;

17 (9) [(10)] the disposition of funds in possession of a permittee, [OR]
18 a person, municipality, or qualified organization that possesses an operator's license,
19 or a registered vendor at the time a permit, [OR] a license, or a vendor registration
20 is surrendered, revoked, or invalidated;

21 (10) [(11)] restrictions on the participation by employees of the
22 Department of Fish and Game in salmon classics; and in king salmon classics, and by
23 employees of Douglas Island Pink and Chum in king salmon classics;

24 (11) [(12)] other matters the commissioner considers necessary to carry
25 out this chapter or protect the best interest of the public.

26 • Sec. 3. AS 05.15.060 is amended by adding a new subsection to read:

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

31 • Sec. 4. AS 05.15.070 is amended to read:

1 **Sec. 05.15.070. EXAMINATION OF BOOKS AND RECORDS.** The
2 commissioner may examine or have examined the books and records of a permittee,
3 an operator, a registered vendor, or a person licensed to manufacture or to distribute
4 pull-tab games in the state. The commissioner may issue subpoenas for the attendance
5 of witnesses and the production of books, records, and other documents.

6 * **Sec. 5.** AS 05.15.100 is amended by adding a new subsection to read:

7 **(d)** The commissioner may issue a multiple-beneficiary permit to two to six
8 municipalities or qualified organizations or to a combination of two to six
9 municipalities and qualified organizations that apply jointly for the permit. The permit
10 gives the permit holders the privilege of jointly conducting the activities specified in
11 (a) and (b) of this section, subject to the restrictions set out in (b) of this section.

12 * **Sec. 6.** AS 05.15 is amended by adding a new section to read:

13 **Sec. 05.15.105. PERSONS PROHIBITED FROM INVOLVEMENT;**
14 **EXCEPTIONS.** (a) If a person has been convicted of a violation of a law of this state
15 that is, or a law or ordinance of another jurisdiction that would be if it had been
16 committed in this state, a felony, or a violation of a law or ordinance of this state or
17 another jurisdiction that is a crime involving theft or dishonesty or a violation of
18 gambling laws

19 (1) the department may not issue a license to the person;

20 (2) the department may not issue a license to, or register as a vendor,
21 an applicant who employs the person in a managerial or supervisory capacity or uses
22 the person as a fund raiser or consultant;

23 (3) the department may not issue a permit for an activity if the person
24 is responsible for the operation of the activity;

25 (4) the person may not be employed in a managerial or supervisory
26 capacity by a licensee or vendor or used as a fund raiser or consultant by a licensee
27 or vendor;

28 (5) the person may not participate in charitable gaming as a permittee,
29 licensee, or vendor.

30 **(b)** The department shall adopt regulations that provide that a disqualification
31 of a person under (a) of this section based upon a conviction of that person for a

1 violation

2 (1) of a law of this state that is, or a law or ordinance of another
3 jurisdiction that would be if it was committed in this state, a class B felony other than
4 extortion, a class C felony, or an unclassified felony described outside of AS 11, and
5 that is not a crime of dishonesty or theft or a violation of gambling laws, terminates
6 10 years after the person's conviction;

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

12 (A) person is of good character, honesty, and integrity; and

13 (B) person's involvement in charitable gaming is not against the
14 public interest.

15 * Sec. 7. AS 05.15.112(a) is amended to read:

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

20 * Sec. 8. AS 05.15.112(b) is amended to read:

21 (b) The member in charge is responsible for preparation, maintenance, and
22 transmittal of all records and reports required of the permittee. The member in charge
23 shall be a member of the qualified organization or the board of directors of the
24 qualified organization or an employee of the municipality. In the case of a multiple-
25 beneficiary permit, the member in charge shall be a member of one of the
26 qualified organizations or the board of directors of one of the qualified
27 organizations or an employee of one of the municipalities.

28 * Sec. 9. AS 05.15.112(d) is amended to read:

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

1 * Sec. 10. AS 05.15.115(d) is amended to read:

2 (d) A permittee shall submit by certified mail to the department for approval
3 a copy of each contract with an operator with whom the permittee contracts to conduct
4 activities subject to this chapter. The contract must meet the requirements of this
5 section. The department shall approve or disapprove the contract. If the
6 contract is disapproved, reasons for the disapproval shall be provided in writing
7 to the permittee. Activities may not be conducted under the contract before the
8 contract is approved. Subsequent amendments to an approved contract do not
9 take effect until the amendments are approved by the department [THE
10 PERMITTEE SHALL SUBMIT TO THE DEPARTMENT A COPY OF THE
11 CONTRACT OR SUBSEQUENT AMENDMENT OF THE CONTRACT BY
12 CERTIFIED MAIL AT LEAST 15 DAYS BEFORE ACTIVITIES ARE
13 CONDUCTED UNDER THE CONTRACT OR AMENDED CONTRACT].

14 * Sec. 11. AS 05.15.124 is amended to read:

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

18 * Sec. 12. AS 05.15.128(a) is amended to read:

19 (a) The department shall revoke the license of an operator who does not
20 (1) report an adjusted gross income of at least 15 percent of gross
21 income for each quarter [TWO CONSECUTIVE QUARTERS] based on the total
22 operation of the operator; or
23 (2) pay to each authorizing permittee for each quarter [TWO
24 CONSECUTIVE QUARTERS] at least 30 percent of the adjusted gross income, as
25 determined under (1) of this subsection, from a pull-tab activity or at least 10 [15]
26 percent of the adjusted gross income, as determined under (1) of this subsection, from
27 a gaming activity other than pull-tabs, received from activities conducted on behalf
28 of the authorizing permittee.

29 * Sec. 13. AS 05.15.140(b) is amended to read:

30 (b) In an application for a permit, a municipality or qualified organization shall
31 disclose the name and address of each person responsible for the operation of the

1 activity and whether any person named
2 (1) has been convicted of [~~IN PRISON FOR, OR ON PAROLE FOR~~]
3 a violation of a law of this state that is, or a law or ordinance of another state that
4 would be if committed in this state, an unclassified felony described in AS 11, a
5 Class A felony, extortion, or a violation of a law or ordinance of this state or
6 another jurisdiction that is [WITHIN THE PRECEDING FIVE YEARS, OR
7 CONVICTED OF] a crime involving theft or dishonesty or [OF] a violation of [A
8 MUNICIPAL, STATE, OR FEDERAL] gambling ~~laws~~ [LAW]; or
9 (2) has a prohibited financial interest, as defined in regulations adopted
10 by the commissioner, in the operation of the activity.

11 • Sec. 14. AS 05.15 is amended by adding a new section to read:

12 Sec. 05.15.145. MULTIPLE-BENEFICIARY PERMITS. (a) Two to six
13 municipalities or qualified organizations, or a combination of two to six municipalities
14 and qualified organizations, may jointly apply for a multiple-beneficiary permit under
15 AS 05.15.100(d). The commissioner may not issue or renew a permit except upon
16 satisfactory proof that each joint applicant is a municipality or qualified organization,
17 the activity may be permitted under this chapter, and the issuance of a permit is not
18 detrimental to the best interests of the public. Upon request of the commissioner, the
19 joint applicants shall prove conclusively each of these requirements before a permit
20 may be issued or renewed.

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

23 (c) A municipality or qualified organization that is among the holders of a
24 multiple-beneficiary permit may withdraw from the permit by giving written notice of
25 intent to withdraw to the department and to the other holders of the permit. The
26 effective date of the withdrawal is 30 days after the department receives written notice
27 of intent. A municipality or qualified organization that withdraws from a multiple-
28 beneficiary permit may apply for a permit under AS 05.15.100(a), but its share of the
29 prizes awarded under the multiple-beneficiary permit and the prizes it awards under
30 its own permit are subject to the maximums established in AS 05.15.100(g).

31 (d) The holders of a multiple-beneficiary permit shall jointly file reports with

1 the department that comply with the reporting requirements imposed on operators
2 under AS 05.15.083.

3 * Sec. 15. AS 05.15.150(a) is amended to read:

4 (a) The authority to conduct the activity authorized by this chapter is
5 contingent upon the dedication of the net proceeds of the charitable gaming activity
6 [RAFFLES OR CONTESTS] to the awarding of prizes to contestants or participants
7 and to political, educational, civic, public, charitable, patriotic or religious uses in the
8 state. "Political, educational, civic, public, charitable, patriotic, or religious uses" means
9 uses benefiting persons either by bringing them under the influence of education or
10 religion or relieving them from disease, suffering, or constraint, or by assisting them
11 in establishing themselves in life, or by providing for the promotion of the welfare and
12 well-being of the membership of the organization within their own community, or
13 through aiding a political organization [CANDIDATES FOR PUBLIC OFFICE OR
14 GROUPS THAT SUPPORT CANDIDATES FOR PUBLIC OFFICE], or by erecting
15 or maintaining public buildings or works, or lessening the burden on government, but
16 does not include

17 (1) the direct contribution of proceeds of a bingo or pull-tab game
18 to a candidate for a public office of the state or a political subdivision of the state
19 or to that candidate's campaign organization;

20 (2) the payment of any portion directly or indirectly of the net
21 proceeds of the charitable gaming activity to a lobbyist registered under AS 24.45;
22 or

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

26 * Sec. 16. AS 05.15.160 is amended by adding new subsections to read:

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

30 (d) The total amount of authorized expenses that may be incurred under (a) of
31 this section in connection with any gaming activity other than pull-tabs may not exceed

1 90 percent of the adjusted gross income from that gaming activity.

2 * Sec. 17. AS 05.15.170 is repealed and reenacted to read:

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

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

10 (2) breaches a contractual agreement with a permittee, licensee, or
11 registered vendor;

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

16 (4) knowingly submits false information to the department or, in the
17 case of a registered vendor, to a permittee when the vendor knows that the false
18 information will be submitted to the department as part of an application for
19 registration;

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

22 (b) If the department revokes a license or vendor registration under this
23 section, it may prohibit the licensee or vendor from reapplying for a license or vendor
24 registration for a period of not more than five years. If the department revokes a
25 permit under this section, it may prohibit the permittee from reapplying for a permit
26 for a period of not more than one year.

27 * Sec. 18. AS 05.15.180(d) is amended to read:

28 (d) The total value of door prizes offered or awarded under authority of a
29 permit issued to a municipality or qualified organization under this chapter or under
30 authority of a multiple-beneficiary permit may not exceed \$20,000 a month or
31 \$240,000 a year.

1 • Sec. 19. AS 05.15.180(e) is amended to read:

2 (e) The total value of all door prizes offered or awarded at a single facility or
3 bingo hall or parlor by an operator on behalf of authorizing permittees [OR BY A
4 PERMITTEE IN CONJUNCTION WITH OTHER PERMITTEES] may not exceed
5 \$20,000 a month or \$240,000 a year.

6 • Sec. 20. AS 05.15.180(g) is amended to read:

7 (g) A municipality or a qualified organization may award a maximum of
8 \$1,000,000 in prizes each year in activities authorized under this chapter; however, if
9 a municipality or a qualified organization contracts with an operator to conduct on its
10 behalf activities authorized under this chapter, the municipality or qualified
11 organization may award a maximum of \$500,000 in prizes each year. The holders of
12 a multiple-beneficiary permit under AS 05.15.100(d) may award a maximum in
13 prizes each year of \$1,000,000 times the number of holders of the permit for
14 activities authorized under this chapter. In this subsection "activities authorized
15 under this chapter" means all activities subject to this chapter other than bingo.

16 • Sec. 21. AS 05.15.181(a) is amended to read:

17 (a) A person may not manufacture pull-tabs in the state, and may not sell or
18 distribute a pull-tab that the person has manufactured outside of the state to
19 persons in the state, unless the person has received a pull-tab manufacturer's license
20 issued by the department.

21 • Sec. 22. AS 05.15.183 is amended by adding a new subsection to read:

22 (c) A distributor may not
23 (1) take an order for the purchase of a pull-tab series from a vendor;
24 (2) sell a pull-tab series to a vendor; or
25 (3) deliver a pull-tab series to a vendor.

26 • Sec. 23. AS 05.15.187(f) is amended to read:

27 (f) Each permittee [MUNICIPALITY OR QUALIFIED ORGANIZATION]
28 that had gross receipts exceeding \$100,000 during the preceding year from activities
29 conducted under this chapter or that is required to report under AS 05.15.080(a), that
30 conducts a pull-tab game shall maintain records for two years of each prize of \$50 or
31 more, the first day and last day that each series was distributed, the serial number of

1 each series, and the distributor from whom each series was purchased. In this section
2 "permittee" includes municipalities and qualified organizations that jointly hold
3 a multiple-beneficiary permit.

4 • **Sec. 24.** AS 05.15.187 is amended by adding new subsections to read:

5 (h) An owner, manager, or employee of a person holding a permit or license
6 under this chapter, or registered under this chapter as a vendor, may not purchase a
7 pull-tab from a pull-tab series manufactured, distributed, or sold by the permittee,
8 licensee, or registered vendor.

9 (i) A permittee, operator, or registered vendor may not turn over a prize of \$50
10 or more to a person with a pull-tab card entitling the person to that prize unless the
11 person signs a receipt for the prize and returns the receipt to the permittee, operator,
12 or vendor. The receipt must be in a form approved by the department.

13 • **Sec. 25.** AS 05.15 is amended by adding a new section to article 2 to read:

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

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

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

29 (d) A separate endorsement shall be issued for each vendor location. The
30 permittee shall inform the department when a vendor with whom the permittee is
31 contracting changes the physical location at which pull-tabs are sold, and shall return

1 to the department all copies of a permit endorsed to a vendor that is no longer selling
2 pull-tabs on behalf of the permittee. Failure to inform the department of a change in
3 vendor location, or to return the endorsed copies of a permit to the department after
4 a vendor change, may constitute grounds for the suspension or revocation of a
5 permittee's permit.

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

9 (f) A permittee that uses a vendor to sell pull-tabs on its behalf shall enter into
10 a written contract with that vendor. The department may inspect this contract. If the
11 contract contains provisions that violate this chapter or the regulations adopted under
12 it, the department may declare the contract void, and may suspend or revoke the
13 registration of the vendor and the permit of the permittee.

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

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

19 (i) An amount equal to the ideal net less the compensation owed to the vendor
20 shall be paid by the vendor to the member-in-charge upon delivery of a pull-tab series
21 to the vendor for sale. The amount required to be paid by the vendor shall be paid by
22 check and the check may not be drawn in a manner that the payee is not identified.

23 (j) An operator may not contract with or use a vendor to sell pull-tabs.

24 * Sec. 26. AS 05.15 is amended by adding a new section to read:

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

1 (b) If the public interest requires, the commissioner may issue an emergency
2 order prohibiting an act or practice in violation of this chapter or a regulation adopted
3 under this chapter without notice to or an opportunity to be heard by the person
4 affected by the order. The commissioner shall immediately serve the person with a
5 copy of the emergency order. An emergency order expires 60 days after the date it
6 is issued, if the person affected by the order requests a hearing within 15 days of
7 receipt of the order. If the person does not request a hearing within 15 days of receipt
8 of the emergency order, the order becomes permanent. Following a hearing, the
9 commissioner may rescind, modify, or make permanent the emergency order.

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

12 * Sec. 27. AS 05.15.200(b) is amended to read:

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

17 * Sec. 28. AS 05.15.210(27) is amended to read:

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

21 * Sec. 29. AS 05.15.210 is amended by adding new paragraphs to read:

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

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

28 (38) "managerial or supervisory capacity" means that the employee

29 (A) is responsible for gaming receipts;

30 (B) has the authority to hire employees or to dismiss or
31 otherwise discipline them;

- 1 (C) prepares financial reports required under this chapter;
2 (D) is responsible for keeping the accounts for activities under
3 this chapter;
4 (E) is responsible for conducting activities under this chapter,
5 including the arranging for locations at which those activities will occur; or
6 (F) is a fund raiser or a consultant;
- 7 (39) "permittee" means a municipality or a qualified organization that
8 holds a valid permit under AS 05.15.100;
- 9 (40) "vendor" means a business whose primary activity is not regulated
10 by this chapter but that
- 11 (A) is engaged in the sale of pull-tabs on behalf of a permittee;
12 (B) holds a business license under AS 43.70; and
13 (C) is an establishment holding a
- 14 (i) beverage dispensary license under AS 04.11.090 that
15 has not been designated by the Alcoholic Beverage Control Board under
16 AS 04.16.049(a)(2) - (3), has not been exempted by the Department of
17 Labor under AS 04.16.049(c) and AS 23.10.355, and if the
18 establishment is a hotel, motel, resort, or similar business that caters to
19 the traveling public as a substantial part of its business, does not allow
20 the sale of pull-tabs in a dining room, banquet room, guest room, or
21 other public areas other than a room in which there is regularly
22 maintained a fixed counter or service bar at which alcoholic beverages
23 are sold or served to members of the public for consumption;
- 24 (ii) package store license under AS 04.11.150.
- 25 * Sec. 30. AS 05.15.122(c), 05.15.122(d), and 05.15.140(c) are repealed.
26 * Sec. 31. Except for secs. 12 and 16 of this Act, this Act takes effect immediately under
27 AS 01.10.070(c).
28 * Sec. 32. Sections 12 and 16 of this Act take effect January 1, 1994.