

**SENATE BILL NO. 214**

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

**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY SENATOR LINCOLN**

**Introduced: 5/8/93**  
**Referred: CRA, L&C, JUD**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to providing communities with the authority by local option  
2 election to prohibit the sale of pull-tabs and the operation of pull-tab games  
3 within the community."

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

5 \* Section 1. AS 05.15 is amended by adding new sections to article 2 to read:

6 Sec. 05.15.188. PROHIBITION OF THE SALE OF PULL-TABS. (a) The  
7 following question, appearing alone, may be placed before the voters of a municipality  
8 or an established village in accordance with AS 05.15.189: "Shall the sale of pull-tabs  
9 and the operation of pull-tab games in . . . . . (name of municipality or village) be  
10 prohibited? (yes or no)".

11 (b) If a majority of the voters vote "yes" on the question set out in (a) of this  
12 section, the department shall be notified immediately after certification of the results  
13 of the election and thereafter the department may not issue a license or permit  
14 authorizing the sale of pull-tabs or the operation of pull-tab games within the

1 boundaries of a municipality and in unincorporated areas within five miles of the  
2 boundaries of the municipality or within the perimeter of an established village.  
3 Existing licenses and permits for the sale of pull-tabs or the operation of pull-tab  
4 games within the boundaries of a municipality and in unincorporated areas within five  
5 miles of the boundaries of the municipality or within the perimeter of an established  
6 village that has prohibited the sale of pull-tabs by local option election held under this  
7 section are void 90 days after the results of the election are certified. A license that  
8 will expire during the 90 days after the results of a local option election under this  
9 section are certified is void as of the expiration date.

10 Sec. 05.15.189. PROCEDURE FOR LOCAL OPTION ELECTIONS. (a) The  
11 local governing body of a municipality, whenever a number of registered voters equal  
12 to at least 35 percent of the number of votes cast at the last regular municipal election  
13 petition the local governing body to do so, shall place upon a separate ballot at the  
14 next regular election or at a special election the question set out in AS 05.15.188 that  
15 is the subject of the petition. The local governing body shall conduct the election in  
16 accordance with the election ordinance of the municipality.

17 (b) The lieutenant governor, whenever 35 percent of the registered voters  
18 residing within an established village petition the lieutenant governor to do so, shall  
19 place upon a separate ballot at a special election the question set out in AS 05.15.188  
20 that is the subject of the petition. The lieutenant governor shall conduct the election  
21 in the manner prescribed by AS 15 (Alaska Election Code).

22 (c) Notwithstanding any other provisions of law, an election under (a) or (b)  
23 of this section to remove a restriction on the sale of pull-tabs and the operation of pull-  
24 tab games imposed under AS 05.15.188 may not be conducted more than once every  
25 12 months.

26 (d) AS 29.26.110 - 29.26.160 apply to a petition under (a) of this section in  
27 a general law municipality except the

28 (1) number of required signatures is determined under (a) of this  
29 section rather than under AS 29.26.130;

30 (2) application filed under AS 29.26.110 must contain the question set  
31 out under AS 05.15.188 rather than containing an ordinance or resolution;

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(3) petition must contain the question set out under AS 05.15.188 rather than material required under AS 29.26.120(a)(1) and (2).

\* Sec. 2. AS 05.15.210 is amended by adding new paragraphs to read:

(36) "established village" means an unincorporated community that is in

(A) the unorganized borough and that has 25 or more permanent residents; or

(B) an organized borough, has 25 or more permanent residents; and

(i) is on a road system and is located more than 50 miles outside the boundary limits of a unified municipality; or

(ii) is not on a road system and is located more than 15 miles outside the boundary limits of a unified municipality;

(37) "governing body" has the meaning given in AS 29.71.800.