

HB

20

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: January 24, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/4/97

The FINANCE Committee considered:

HB 20

HOUSE BILL NO. 20

DOG MUSHING CONTESTS

"An Act relating to dog mushers' contests."

recommends it be replaced with the following committee substitute

CS HB 20 (FIN)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) Revenue 1/24/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>[Signature]</i>	FOSTER	X			
<i>[Signature]</i>	MULLER	X			
<i>[Signature]</i>	G. DAVIS	X			
<i>[Signature]</i>	Grussendorf	X			
<i>[Signature]</i>	J. DAVIS	X			
<i>[Signature]</i>	Hanley		X	X	
<i>[Signature]</i>	Therriault			X	
<i>[Signature]</i>	MOSES	X			
<i>[Signature]</i>	Martin		X		
<i>[Signature]</i>	Kelly		X	X	

CO-CHAIR'S SIGNATURE *[Signature]*
Hanley

[Signature]
Therriault

Revision Date: _____ Dept. Affected: Revenue
 Title: Dog Musher's Contests BRU: Revenue Operations
 Component: Charitable Gaming Division
 Sponsor: Rep. Ivan
 Requestor: (H) STA COMPONENT SERIAL NO. 1883

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

House Bill 20 limits the conduct of a dog mushers' contest to a dog mushers' association. It also adds to the definition of a dog mushers' contest to allow a raffle-like guessing game.

The Department of Revenue, Charitable Gaming Division does not anticipate any changes in program receipts in respect to this bill.

Prepared by: Dennis R. Poshard, Director *DRP* Phone: 465-2279
 Division: Charitable Gaming Division *WLC* Date: January 14, 1998
 Approved by Commissioner: Wilson L. Condon *WLC* Date: 1/14/98
 Agency: Revenue

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COMMITTEE COPY

amended #1

HOUSE BILL NO. 20

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE IVAN

Introduced: 1/13/97

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to dog mushers' contests."

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

3 * Section 1. AS 05.15.180(b) is amended to read:

4 (b) With the exception of raffles, lotteries, bingo games, pull-tab games, rain
5 classics, goose classics, mercury classics, deep freeze classics, dog mushers' contests
6 snow machine classics, mushing sweepstakes, canned salmon classics, salmon classics,
7 king salmon classics, an activity may not be licensed under this chapter unless it
8 existed in the state in substantially the same form and was conducted in substantially
9 the same manner before January 1, 1959. A snow machine classic ^{or raffle or bingo game} may not be licensed
10 under this chapter unless it has been in existence for at least five years before the
11 licensing.

12 * Sec. 2. AS 05.15.690(12) is amended to read:

13 (12) "dog mushers' contest" means a

14 (A) contest, conducted by a dog mushers' association, in
15 which prizes are awarded for the correct guess of the racing time of a dog team

1 or of team position in the race, including prizes to the race contestants; or
2 (B) a game of chance, conducted by a dog mushers'
3 association, in which a prize of money is awarded for the closest guess or
4 guesses of at least three elements of uncertainty about a sled dog race that
5 cannot be determined before the commencement of the race; of the three
6 elements of uncertainty, one element must be identified as the primary
7 determinant of success, with the other two elements being used as
8 secondary and tertiary determinants if there are multiple correct guesses
9 of the primary determinant;

10 * Sec. 3. Section 6, ch. 13, SLA 1995, is repealed and reenacted to read:

11 Sec. 6. AS 05.15.180(b) is repealed and reenacted to read:

12 (b) With the exception of raffles, lotteries, bingo games, pull-tab games, rain
13 classics, goose classics, mercury classics, deep freeze classics, dog mushers' contests,
14 snow machine classics, canned salmon classics, salmon classics, king salmon classics,
15 an activity may not be licensed under this chapter unless it existed in the state in
16 substantially the same form and was conducted in substantially the same manner before
17 January 1, 1959. A snow machine classic may not be licensed under this chapter
18 unless it has been in existence for at least five years before the licensing.

adopted N/O

2-9-97
handout 1
HB20

AMENDMENT TO HOUSE BILL 20

#1

Offered in the House Finance Committee

By R. Thernawlt

Page 1, Line 14: Delete "conducted by a dog mushers' association,"

[Handwritten signature]

Alaska State House of Representatives
House District 39

Session
Alaska State Capital
Juneau, Alaska 99801-1182
Phone: (907) 465-4942



Interim
P.O. Box 137
Akiak, Alaska 99552
Phone: (907) 765-7526

Representative Ivan M. Ivan

SPONSOR STATEMENT - HOUSE BILL 20

House Bill 20 would authorize dog mushers' associations, which run races recognized by the Division of Charitable Gaming, to conduct statewide games of chance. The division recognizes those associations which have been in existence for at least three years, have at least 25 Alaskan members and be a not for profit organization. Prizes may be awarded for the closest guesses of at least three elements of uncertainty about a sled dog race that cannot be determined before the start of the race. The intent is to provide a mechanism to assist race organizing committees to become financially self-sufficient.

High profile protests from animal rights activists have caused important corporate sponsors to withdraw financial support. House Bill 20 would create a sweepstakes similar to that currently being used by the Iditarod Race Committee and, hopefully, allow sled dog races which do not have strong financial backing to continue.

House Bill 20 will allow contestants to purchase raffle tickets on which the contestant would guess the checkpoints and finish line arrival times, the temperature when the a particular team crosses the finish line, total number of dogs that finish the race, etc. The dog mushers' associations will administer the mushers' contests in conjunction with state regulatory authority.

**Alaska State House of Representatives
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Session
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Juneau, Alaska 99801-1182
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SECTIONAL ANALYSIS - HOUSE BILL 20

Section 1: Amends AS 05.15.180(b) by adding dog mushers' contests to the list of permissible activities.

Section 2: Amends AS 05.15.690(12) by adding dog mushers' association and adding that a game of chance may be conducted by the association in conjunction with the race.

Section 3: Repeals and reenacts AS 05.15.180 (b). This new section reverts to original statute to include dog mushers' contests due to the sunset clause which was adopted with the passage of House Bill 146 in 1995.

PERMITTEE

Tuesday January 14, 1997

8:47 AM

Page 1

PERMIT NUMBER	THE ORGANIZATION	ADDRESS	PERM CITY	PERM STATE	PERM ZIP	PERMITTEE TYPE
60010	GREATER ANCHORAGE, INC.	327 EAGLE STREET	ANCHORAGE	AK	99501	PERMITTEE
960018	KUSKOKWIM 300 RACE COMMITTEE, INC.	P.O. BOX 300	BETHEL	AK	99559	PERMITTEE
960077	MONTANA CREEK DOG MUSHERS ASSOC. INC.	P.O. BOX 873278	WASILLA	AK	99687	PERMITTEE
960121	NOORVIK SPORTS CLUB	P.O. BOX 141	NOORVIK	AK	99763	PERMITTEE
960128	YUKON GUEST INTERNATIONAL	P.O. BOX 75015	FAIRBANKS	AK	99707	PERMITTEE
960131	IDITAROD TRAIL COMMITTEE, INC.	P.O. BOX 870800	WASILLA	AK	99687	PERMITTEE
960253	TANANA DOG MUSHERS ASSN	PO BOX 55	TANANA	AK	99777	PERMITTEE
960313	GREATER FAIRBANKS CHAMBER OF COMMERCE	250 CUSHMAN STREET SUITE 2 D	FAIRBANKS	AK	99701	PERMITTEE
960333	KIANA BLUFF JUMPERS SEARCH & RESCUE	P.O. BOX 74	KIANA	AK	99749	PERMITTEE
960408	CHISTOCHINA VILLAGE COUNCIL	PO BOX 241	GAKONA	AK	99586	PERMITTEE
960434	ALPINE CIVIC CLUB	P.O. BOX 344	SUTTON	AK	99674	PERMITTEE
960521	CITY OF MOUNTAIN VILLAGE	P.O. BOX 32085	MOUNTAIN VILLAGE	AK	99 32	PERMITTEE
960549	ST MARYS FIRE DEPARTMENT	P.O. BOX 163	ST. MARYS	AK	99658	PERMITTEE
960635	NOME KENNEL CLUB	P.O. BOX 1892	NOME	AK	99762	PERMITTEE
960660	CHATANIKA NONPROFIT COMMUNITY COUNCIL	5760 OLD STEES HWY NORTH	FAIRBANKS	AK	99712	PERMITTEE
960818	INTERIOR DOG MUSHERS, INC.	P.O. BOX 30	MANLEY	AK	99756	PERMITTEE
960854	ALASKAN SLED DOG RACING ASSOCIATION	P.O. BOX 110569	ANCHORAGE	AK	99511	PERMITTEE
960994	GALENA DOG MUSHERS	PO BOX 14	GALENA	AK	99741	PERMITTEE
961051	CITY OF HUSLIA	P.O. BOX 10	HUSLIA	AK	99746	PERMITTEE
961062	NORTHWAY VILLAGE COUNCIL	P.O. BOX 476	NORTHWAY	AK	99764	PERMITTEE
961133	ALASKA DOG MUSHERS ASSOCIATION	PO BOX 70662	FAIRBANKS	AK	99707	PERMITTEE
961176	VENETIE VILLAGE COUNCIL	P.O. BOX 119	VENETIE	AK	99781	PERMITTEE
961279	BRISTOL BAY WINTERFEST	P.O. BOX 433	KING SALMON	AK	99613	PERMITTEE
961283	SHISHMAREF DOG MUSHERS ASSOCIATION (DONT	GENERAL DELIVERY	SHISHMAREF	AK	99772	PERMITTEE
961285	KING SALMON NATIVE ASSOCIATION	P.O. BOX 68	KING SALMON	AK	99613	PERMITTEE
961407	NORTHERN LIGHTS BADGER LIONS	P.O. BOX 58117	FAIRBANKS	AK	99711	PERMITTEE
961544	AURORA INTERNATIONAL****SEE COMMENTS****	P.O. BOX 520581	BIG LAKE	AK	99652	PERMITTEE
961580	HUSLIA MUISLER'S SPORTS ASSOCIATION	P.O. BOX 64	HUSLIA	AK	99746	PERMITTEE
961592	FAIRBANKS CONVENTION & VISITORS BUREAU	550 FIRST AVENUE	FAIRBANKS	AK	99701	PERMITTEE
961650	MUSHERS CLUB	P.O. BOX 21	RUSSIAN MISSION	AK	99657	PERMITTEE
961688	IDITAROD ELEMENTARY SCHOOL	801 N WASILLA FISHHOOK RD	WASILLA	AK	99654	PERMITTEE
961784	ALASKA BIRD OBSERVATORY	P.O. BOX 80505	FAIRBANKS	AK	99709	PERMITTEE

ISSUE PERMIT)

Sec. 05.15.180. Limitations on authorized activity.

(a) This chapter does not authorize the use of playing cards, dice, roulette wheels, coin-operated instruments or machines, or other objects or instruments used, designed, or intended primarily for gaming or gambling or any other method or implement not expressly authorized by the department.

(b) With the exception of raffles, lotteries, bingo games, pull-tab games, rain classics, goose classics, mercury classics, deep freeze classics, snow machine classics, mushing sweepstakes, canned salmon classics, salmon classics, king salmon classics, an activity may not be licensed under this chapter unless it existed in the state in substantially the same form and was conducted in substantially the same manner before January 1, 1959. A snow machine classic may not be licensed under this chapter unless it has been in existence for at least five years before the licensing.

(c) [Repealed, sec. 5 ch 105 SLA 1995].

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

(e) The total value of all door prizes offered or awarded at a single facility or bingo hall or parlor by an operator on behalf of authorizing permittees may not exceed \$20,000 a month or \$240,000 a year.

(f) A person under the age of 19 years may not play a bingo game.

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

History -

(sec. 2 ch 27 SLA 1960; am sec. 3 ch 66 SLA 1976; am sec. 5, 6 ch 59 SLA 1983; am sec. 2 ch 93 SLA 1986; am sec. 3 ch 94 SLA 1986; am sec. 20, 21 ch 99 SLA 1988; am sec. 4 ch 24 SLA 1991; am sec. 23 - 25 ch 70 SLA 1993; am E.O. No. 82 sec. 12, 13 (1993); am sec. 3 ch 16 SLA 1994; am sec. 5 ch 13 SLA 1995; am sec. 3 ch 104 SLA 1995; am sec. 3 - 5 ch 105 SLA 1995)

Delayed Action -

of subsection (b). - Under sec. 6, ch. 13, SLA 1995, effective January 1, 2000, subsection (b) is amended to delete the reference to mushing sweepstakes.

Amendment Notes -

The 1991 amendment, effective June 11, 1991, in subsection (b), inserted "king salmon classics."

The first 1993 amendment, effective June 26, 1993, inserted "or under authority of a multiple-beneficiary permit" in subsection (d); deleted "or by a permittee in conjunction with other permittees" preceding "may not exceed" in subsection (e); and added the second sentence in subsection (g).

The second 1993 amendment, effective July 1, 1993, substituted "department" for "commissioner" in subsection (a) and in paragraph (c)(4).

The 1994 amendment, effective April 30, 1994, inserted "canned salmon classics," in

subsection (b).

The first 1995 amendment, effective July 31, 1995, inserted "mushing sweepstakes," in subsection (b).

The second 1995 amendment, effective July 1, 1995, in subsection (b), inserted "deep freeze classics, snow machine classics," in the first sentence and added the second sentence.

The third 1995 amendment, effective October 6, 1995, in subsection (a), deleted "Except as provided in AS 05.15.100(b)," from the beginning; in subsection (b), deleted "and other activities authorized under AS 05.15.100(b)," following "salmon classics"; and repealed subsection (c), relating to limitations on the operation activities licensed under AS 05.15.100(b).

AG Opinions -

Opinions of attorney general. - The limitation in subsection (a) on machines intended primarily for gaming or gambling applies to token-operated bingo machines. November 6, 1987, Op. Att'y Gen.

Decisions -

Computerized bingo games. - Commissioner [now department] properly denied an application for permission to operate computerized bingo games after reasonably interpreting the statutes to authorize a game played with mechanical rather than electronic devices. *Malone v. Anchorage Amateur Radio Club, Inc.*, 781 P.2d 576 (Alaska 1989).

Quoted in *PinBall Mach., Serial No. 2334 v. State*, 371 P.2d 805 (Alaska 1962).

Sec. 05.15.690. Definitions.

In this chapter

(1) "adjusted gross income" means gross income less prizes awarded and state, federal, and municipal taxes paid or owed on the income;

(2) "authorizing permittee" means a municipality or qualified organization that authorizes an operator to conduct an activity subject to this chapter on its behalf;

(3) "bingo" means a game of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, five or more in one line, the holder covering numbers when objects similarly numbered are drawn from a receptacle, and the game being won by the person who first covers a previously designated arrangement of numbers on the card;

(4) "canned salmon classic" means a game of chance where a prize of money is awarded to the closest guess of the total number of cases of canned salmon that will be packed at the Petersburg salmon canneries during a certain period of time and is limited to the canned salmon classic operated and administered by the Petersburg Chamber of Commerce;

(5) "charitable organization" means an organization, not for pecuniary profit, that is operated for the relief of poverty, distress, or other condition of public concern in the state;

(6) "civic or service organization" means any branch or lodge or chapter of a national or state organization that is a civic or service organization, not for pecuniary profit, and authorized by its written constitution, charter, or articles of incorporation, or bylaws to engage in a fraternal, civic, or service purpose in the state;

(7) "contest of skill" means a contest or game in which prizes are awarded for the demonstration of human skills in marksmanship, races, and other athletic events;

(8) "deep freeze classic" means a game of chance where a prize of money is awarded to the closest guess of the date, time, and temperature of the lowest temperature recorded at a specific location in the Delta Junction area on the coldest day during December through February, inclusive, and is limited to the deep freeze classic operated and administered by the Delta Chamber of Commerce;

(9) "department" means the Department of Revenue;

(10) "distribute" means sell, distribute, furnish, or supply;

(11) "dog mushers' association" means a civic, service, or charitable organization in the state, not for pecuniary profit, formed exclusively to promote interest in the breeding and training of dog teams for work or recreational and racing purposes, but does not include an organization formed or operated for gaming or gambling purposes;

(12) "dog mushers' contest" means a contest in which prizes are awarded for the correct guess of the racing time of a dog team or of team position in the race, including prizes to the race contestants;

(13) "educational organization" means a civic, service, or charitable organization in the state, not for pecuniary profit, whose primary purpose is educational in nature and designed to develop the capabilities of individuals by instruction;

(14) "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;

(15) "fishing derby association" means a civic, service, or charitable organization in the state, not for pecuniary profit, whose primary purpose is to promote interest in fishing for recreational purposes, but does not include an organization formed or operated for gaming or gambling purposes;

(16) "fish derby" means a contest in which prizes are awarded for catching fish;

(17) "fraternal organization" means a civic, service, or charitable organization in the state, except a college and high school fraternity, not for pecuniary profit, that is a branch or lodge or chapter, of a national or state organization and exists for the common business, brotherhood, or other interest of its members;

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

(19) "goose classic" means a game of chance where a prize of money is awarded for the closest guess of the time of the arrival of the first goose in spring to Creamer's Field in Fairbanks or to the Kenai River Flats near Kenai and is limited to the goose classics operated and administered

(A) jointly or by either the Fairbanks Montessori Association or the Friends of Creamer's Field; and

(B) by the Kenai Chamber of Commerce;

(20) "governing body" has the meaning given in AS 29.71.800;

(21) "gross receipts" means receipts from the sale of shares, tickets, or rights connected with participation in any activity permitted under this chapter or the right to participate, including admission, fee or charge, sale of equipment or supplies, and all other miscellaneous receipts;

(22) "ice classic" means a game of chance where a prize of money is awarded for the closest guess of the time the ice moves in a body of water or watercourse in the state and is limited to the Nenana and Chena Ice Pools in the same manner as they were conducted in 1959 and previous years, a Kuskokwim Ice Classic to be operated and administered by Bethel Social Services, Inc., a Kenai River Ice Classic to be operated and administered by the Kenai and Soldotna Rotary Clubs jointly or by either the Kenai Rotary Club or the Soldotna Rotary Club, a Yukon River Ice Classic to be operated and administered by the City of Fort Yukon, an Alaska-Soviet Ice Classic to be operated and administered jointly by CAMAI, Inc., and the City of Diomed, a Big Lake Ice Classic to be operated and administered by the Houston Junior-Senior High School Booster Club and the Big Lake Chamber of Commerce jointly or by either the Houston Junior-Senior High School Booster Club or the Big Lake Chamber of Commerce, and a McGrath Ice Classic to be operated and administered by the Kuskokwim Public Broadcasting Company;

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

(24) "king salmon classic" means a game of chance where a prize of money is awarded for the closest guess of the time of the arrival of the first king salmon of the year at a designated spot on the fish ladder in the Douglas Island Pink and Chum hatchery at Salmon

Creek in Juneau and is limited to the king salmon classic operated and administered by the Greater Juneau Chamber of Commerce;

(25) "labor organization" means an organization, not for pecuniary profit, constituted wholly or partly to bargain collectively or deal with employers, including the state and its political subdivisions, concerning grievances, terms, or conditions of employment or other mutual aid or protection in connection with employees;

(26) "managerial or supervisory capacity" means that the employee

(A) is responsible for gaming receipts;

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

(C) prepares financial reports required under this chapter,

(D) is responsible for keeping the accounts for activities under this chapter;

(E) is responsible for conducting activities under this chapter, including the arranging for locations at which those activities will occur; or

(F) is a fund raiser or a consultant;

(27) "mercury classic" means a game of chance where a prize of money is awarded for the closest guess of the time the temperature reaches a certain degree and is limited to the mercury classic operated and administered by the Greater Fairbanks Chamber of Commerce or jointly, in the discretion of the Greater Fairbanks Chamber of Commerce, by the Greater Fairbanks Chamber of Commerce and the Fairbanks Convention and Visitors' Bureau;

(28) "mushing sweepstakes" means a game of chance where a prize of money is awarded for the closest guess or guesses of at least three elements of uncertainty about a sled dog race that cannot be determined before the commencement of the race, and is limited to the Iditarod Sweepstakes operated and administered by the Iditarod Trail Committee;

(29) "net proceeds" means the gross receipts from an authorized activity less the fee described in AS 05.15.020(b), the expenses authorized by AS 05.15.160, and the prizes awarded at the activity;

(30) "numbers wheel" means any electronic, mechanical, or other device with numbers or other figures that are selected randomly and used in a game of chance in which the outcome is determined by the number or figure selected by the device; not including games in which a hamster or other animal is placed in an enclosure with several numbered exit holes and the winner is determined by which hole the hamster or other animal exits, or slot machines or other devices that operate by insertion of a coin or other object that may entitle the person operating the machine to receive a prize by strict dependence on the element of chance;

(31) "operator" means a natural person who, or a municipality or qualified organization that, has obtained a license to conduct an activity subject to this chapter on behalf of a permittee;

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

(33) "police or fire department and company" means a civic, service, or charitable organization in the state, not for pecuniary profit, consisting of members of a police department or fire company established by the state or a political subdivision of the state;

(34) "political organization" means an organization or club organized under or formally affiliated with a political party as defined in AS 15.60.010;

(35) "pull-tab game" means a game of chance where a card, the face of which is covered to conceal a number, symbol, or set of symbols, is purchased by the participant and where a prize is awarded for a card containing certain numbers or symbols designated in advance and at random;

(36) "qualified organization" means a bona fide civic or service organization or a bona fide religious, charitable, fraternal, veterans, labor, political, or educational organization, police or fire department and company, dog mushers' association, outboard motor association, or fishing derby or nonprofit trade association in the state, that operates without profits to its members and that has been in existence continually for a period of three years immediately before applying for a license; the organization may be a firm, corporation, company, association, or partnership;

(37) "raffle and lottery" means the selling of rights to participate and the awarding of prizes in a game of chance conducted by the drawing for prizes by lot;

(38) "rain classic" means a game of chance in that a prize is awarded for the closest guess of the amount of precipitation that is recorded at a certain location during a certain length of time;

(39) "religious organization" means an organization, church, body of communicants, or group, not for pecuniary profit, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society, not for pecuniary profit, of individuals united for religious purposes at a definite place and that is recognized as a religious organization under the federal income tax laws and the selective service law;

(40) "salmon classic" means a game of chance, to be operated and administered by the United Fishermen of Alaska, in which a prize of money is awarded for the closest guess of the total number of salmon harvested commercially statewide, as determined by the Department of Fish and Game, during a certain period of time;

(41) "series" means a unit of pull-tabs with the same serial number;

(42) "snow machine classic" means a (A) contest in which prizes are awarded for the correct guess of the racing time of a snow machine or of the snow machine's position in the race, including prizes to the race contestants; or (B) game of chance where a prize of money is awarded for the closest guess or guesses of at least three elements of uncertainty about a snow machine race that cannot be determined before the commencement of the race; in this paragraph, "race" includes a race solely among snow machines or a race among teams consisting of a combination of a person involved in a contest of skill and a snow machine;

(43) "vendor" means a business whose primary activity is not regulated by this chapter but that

(A) is engaged in the sale of pull-tabs on behalf of a permittee;

(B) holds a business license under AS 43.70; and

(C) is an establishment holding a

(i) beverage dispensary license under AS 04.11.090 that has not been designated by the Alcoholic Beverage Control Board under AS 04.16.049(a)(2) - (3), has not been exempted by the Department of Labor under AS 04.16.049(c) and AS 23.10.355, and if the establishment is a hotel, motel, resort, or similar business that caters to the traveling public as a substantial part of its business, does not allow the sale of pull-tabs in a dining room, banquet room, guest room, or other public areas other than a room in which there is regularly maintained a fixed counter or service bar

at which alcoholic beverages are sold or served to members of the public for consumption;

(ii) package store license under AS 04.11.150;

(44) "veterans organization" means a civic, service, or charitable organization in the state, or a branch or lodge or chapter of a national or state organization in the state, not for pecuniary profit, the membership of which consists of individuals who were members of the armed services or forces of the United States or persons who served in the Alaska Territorial Guard.

History -

(sec. 1 ch 27 SLA 1960; am sec. 4, 5 ch 66 SLA 1976; am sec. 6 - 8 ch 27 SLA 1982; am sec. 8 ch 59 SLA 1983; am sec. 1 ch 27 SLA 1985; am sec. 3, 4 ch 93 SLA 1986; am sec. 4 ch 94 SLA 1986; am sec. 23 - 35 ch 99 SLA 1988; am E.O. No. 74 sec. 4, 5 (1989); am sec. 1 ch 76 SLA 1989; am sec. 1 ch 22 SLA 1990; am sec. 62 ch 21 SLA 1991; am sec. 5 ch 24 SLA 1991; am sec. 2 ch 93 SLA 1991; am sec. 1 ch 30 SLA 1992; am sec. 36 ch 70 SLA 1993; am E.O. No. 82 sec. 14, 16 (1993); am sec. 4 ch 16 SLA 1994; am sec. 7, 8 ch 13 SLA 1995; am sec. 4, 5 ch 104 SLA 1995; am sec. 1 ch 11 SLA 1996; am sec. 1 ch 98 SLA 1996)

Delayed repeal of paragraph (28). - Section 8, ch. 13, SLA 1995, repeals paragraph (28), the definition of "mushing sweepstakes", effective December 31, 1999.

Revisors Notes -

Formerly AS 05.15.210. Renumbered in 1994. Reorganized in 1983 to alphabetize the defined terms and in 1986, 1988, 1991, 1993, 1994, and 1995 to maintain alphabetical order. In 1994, in the definition of "vendor" "the business" was deleted from the beginning of (C) and "an establishment holding a" was deleted from the beginning of (C)(ii) to correct a manifest error in sec. 36, ch. 70, SLA 1993.

Amendment Notes -

The 1990 amendment added the provision for a Big Lake Ice Classic in the paragraph defining "ice classic."

The first 1991 amendment, effective June 11, 1991, repealed a definition of "municipality".

The second 1991 amendment, effective June 11, 1991, added the definition of "king salmon classic."

The third 1991 amendment, effective September 30, 1991, added "or persons who served in the Alaska Territorial Guard" at the paragraph defining "veterans organization."

The 1992 amendment, effective May 16, 1992, inserted "veterans," near the beginning of the paragraph defining "qualified organization."

The first 1993 amendment, effective June 26, 1993, added paragraphs (13), (17), (19), (22), (25), (30), and (40) (now (14)), (18), (20), (23), (26), (32), and (43), respectively.

The second 1993 amendment, effective July 1, 1993, repealed former paragraph (6) and substituted "Department of Revenue" for "Department of Commerce and Economic Development" in paragraph (8) (now paragraph (9)).

The 1994 amendment, effective April 30, 1994, added present paragraph (4).

The first 1995 amendment, effective July 31, 1995, added paragraph (42).

The second 1995 amendment, effective July 1, 1995, added the language beginning "or jointly" at the end of paragraph (26) and added paragraphs (42) and (43).

The first 1996 amendment, effective July 11, 1996, in paragraph (19), added the subparagraph designations and inserted "jointly or," "either," and "or the Friends of Creamer's

field."

The second 1996 amendment, effective September 23, 1996, added ", and a McGrath Ice Classic to be operated and administered by the Kuskokwim Public Broadcasting Company" at the end of paragraph (22).

AG Opinions -

Under AS 05.15.210 a permit may be issued which gives a qualified organization the privilege of conducting any of the designated activities. AS 05.15.040 limits the activities that may be conducted to those activities specified in the permit. Under AS 05.15.060 the commissioner [now department] has authority to further limit the number of activities which may be conducted pursuant to any permit. Therefore, absent any regulation to the contrary, a permit could be issued for more than one activity to a qualified organization. 1960 Op. Att'y Gen., No. 8.

That the term "lottery" as used in item (29) (now (37)) of this section does not include an ice pool is indicated by the express provisions of item (18) (now (20)). 1960 Op. Att'y Gen., No. 8.

While the conduct of an ice pool might come within the definition of a lottery, by the language in item (29) (now (37)) of this section, the legislature has limited a lottery to a game conducted by a drawing for prizes. 1960 Op. Att'y Gen., No. 8.

If the term lottery in item (29) (now (37)) of this section was meant to include an ice classic, then item (18) (now (22)) would be meaningless. 1960 Op. Att'y Gen., No. 8.

While there may have been other ice pools conducted prior to the date of this section, the language of item (18) (now (22)) showed that the legislature intended to authorize only two pools, the Nenana and Chena, and none other. 1960 Op. Att'y Gen., No. 8.

"Ice classics" are not exempt from the provisions of this title regulating games of chance generally. April 16, 1986, Op. Att'y Gen.

By designating specific organizations to operate the Big Lake Ice Classic, HB 323 [ch. 22, SLA 1990] might violate the constitutional prohibition against local and special legislation since Alaska Const., art. II, sec. 19, provides in part, "The legislature shall pass no local or special act if a general act can be made applicable. April 17, 1990, Op. Att'y Gen.

Promotional latex game tickets constituted pull-tab games under this chapter even though an "information product" containing information about an arctic animal was attached to the game piece and free game pieces could be obtained by mailing a request to the company, since the company's primary business was selling the game cards and the tickets had a prize structure much like traditional pull-tab games. September 2, 1992, Op. Att'y Gen.

Decisions -

Computerized bingo games. - Commissioner [now department] properly denied an application for permission to operate computerized bingo games after reasonably interpreting the statutes to authorize a game played with mechanical rather than electronic devices. *Malone v. Anchorage Amateur Radio Club, Inc.*, 781 P.2d 576 (Alaska 1989).

Taxation of pull-tabs. - Pull-tabs were intangible property not subject to Ketchikan Gateway Borough's sales tax ordinance. *Dilley v. Ketchikan Gateway Borough*, 855 P.2d 1335 (Alaska 1993).

Cited in *State v. A.L.I.V.E. Voluntary*, 606 P.2d 769 (Alaska 1980).

To Representative IVAN:

The Interior Dog Mushers, Inc. of
MANLEY, ALASKA ARE in complete
support of House Bill Number 20.

Sincerely

Willow Salter
Primary Member in charge of Gaming

Board Members:

Joe Redington, Jr. - President
Melanie Mulligan - Vice President
Rick Gray - Treasurer
Heather Redington-Youngblood - Secretary
Linda Johnson
Ed Salter
Lew Beyer

2/3/97

On behalf of the Tanana Dog Musher's Association, We support House Bill No. 20.

This is a good way to raise revenue for our dog races, and support our local organizations, such as library, teen center, sponsorships for local dog mushers who want to enter the Iditarod race, Yukon Quest, North American, or Fur Rendevo.

Thank-you

Tom Hyslop

TREASURER Tanana Dog Musher's.