

HB

20

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/9/97

FURTHER: REPORTED BY 4/23/97

DATE TURNED
IN TO OFFICE: 4/23/97

Finance Committee considered CS FOR HOUSE BILL NO. 20(FIN)

"An Act relating to dog mushers' contests."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	X	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
Co-Chair:		Co-Chair: <i>[Signature]</i>		✓	
Co-Chair:		Co-Chair: <i>[Signature]</i>			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Revenue	1/14/97	Ø	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Revision Date: _____ Dept. Affected: Revenue
Title: Dog Musers' 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 musers' contest to a dog musers' association. It also adds to the definition of a dog musers' 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 Phone: 465-2279
Division: Charitable Gaming Division Date: January 14, 1997
Approved by Commissioner: Wilson L. Condon Date: 1/14/97
Agency: Revenue

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Representative Ivan M. Ivan

MEMORANDUM

TO: Senator Bert Sharp, Co-Chair
Senator Drue Pearce, Co-Chair
Senate Finance Committee

FROM: Representative Ivan M. Ivan *IMI*

DATE: April 9, 1997

RE: Request for Scheduling of Committee Substitute for House Bill 20
(FIN)

I respectfully request the scheduling of CSHB 20 (FIN) : Dog Mushing Contests, before the Senate Finance Committee at your earliest possible convenience.

This bill would allow dog mushers associations to conduct statewide games of chance on sled dog races that are recognized by the Division of Charitable Gaming.

Thank you for your consideration of my request. Please do not hesitate to contact me if you require further information or if you have any questions.

IMI/tw

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SPONSOR STATEMENT - COMMITTEE SUBSTITUTE FOR HOUSE BILL 20 (FIN)

Committee Substitute for House Bill 20 (FIN) 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 of money will 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. Committee Substitute for House Bill 20 (FIN) would create a sweepstakes similar to one passed by the previous legislature for the Iditarod Race Committee and, hopefully, allow sled dog races which do not have strong financial backing to continue.

Committee Substitute for House Bill 20 (FIN) will allow contestants to purchase 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.

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SECTIONAL ANALYSIS - COMMITTEE SUBSTITUTE FOR HOUSE BILL 20 (FIN)

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 subsection (B) which states that a game of chance may be conducted by a dog mushers' 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.

SECTION 3 EXPLANATION

In 1995, the legislation was enacted authorizing the Iditarod Committee to conduct a mushing sweepstakes which sunsets on December 31, 1999. Section 1 of the bill recognizes the mushing sweepstakes as well as the new dog mushers' contests language proposed by HB 20. Since the mushing sweepstakes sunsets in 1999, Section 3 is effective after 1999 but it deletes any reference to mushing sweepstakes but leaves dog mushers' contests in statute.

PERMITTEE

Tuesday January 14, 1997

0:47 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	PERMITTED
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 QUEST INTERNATIONAL	P.O. BOX 75015	FAIRBANKS	AK	99707	PERMITTEE
960131	IDITAROD TRAIL COMMITTEE, INC.	P.O. BOX 870800	WASILLA	X	99687	PERMITTEE
960253	TANANA DOG MUSHERS ASSN	PO BOX 55	TANANA	K	99777	PERMITTEE
960313	GREATER FAIRBANKS CHAMBER OF COMMERCE	250 CUSHMAN STREET SUITE 2 D	FAIRBANKS	AK	99701	PERMITTEE
960335	KIAMA BLUFF JUMPERS SEARCH & RESCUE	P.O. BOX 74	KIAMA	AK	99749	PERMITTEE
960408	CHISTOCNINA 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 VILLAG	AK	99632	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 110549	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	VEK-TIE	AK	99781	PERMITTEE
961279	BRISTOL BAY WINTERFEST	P.O. BOX 433	KING SALMON	AK	99613	PERMITTEE
961283	SHISHMARF DOG MUSHERS ASSOCIATION (DONT	GENERAL DELIVERY	SHISHMARF	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	TIG LAKE	AK	99652	PERMITTEE
961580	HUSLIA HUSLER'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 Diomedea, 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 person;

(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).

BBNA Testimony on CS for HB 28

February 26, 1998

BBNA remains strongly opposed to the proposed changes to the ACMP contained in committee substitute for House Bill 28 for the reasons stated above. We urge the House Resources Committee to conduct a thorough evaluation of the ramifications that committee substitute for House Bill 28 could have on coastal districts and industry prior to taking any further action.

Thank you for the opportunity to testify.

March 8, 1997

Chairman Mark Hanley
Members, House Finance Committee

SUBJECT: HB 28(RES) version F

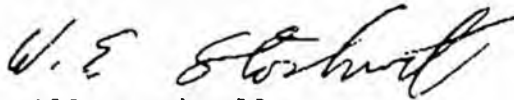
Dear Chairman Hanley and Finance Committee Members,

My name is Bill Stockwell. I live in Cooper Landing and serve on the local Fish and Game Advisory Committee. Please accept these and my attached letter dated March 3, 1998 to House Resources as my written comments on HB 28.

No short term gain could ever pay for the loss or degradation of the Kenai River Watershed. Not only is this great river the economic life blood of the Kenai Peninsula but it is a very major playground for Anchorage and the World.

The passage of this bill could cause damage to many of Alaska's great rivers impacting commercial fishing, tourism, and the way of life of Alaska's coastal people. Please oppose HB 28.

Sincerely,



Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572-0721

Phone: Cooper Landing 595-1540 or Anchorage 274-1288

March 3, 1998

House Resources Committee
1:00 p.m., March 3, 1998 Public Hearing
HB 28, Modifying Alaska Coastal Management Program

I will be unable to attend today's teleconference at the Kenai LIO on HB 28, but thank you very much for notifying me.

PLEASE OPPOSE HB 28.

I have read am HB 28, Workdraft "B" dated 2/20/98, modifying the Alaska Coastal Management Program, and I am still opposed to this bill as the needs of the people and the resources of the coastal areas are not properly addressed. I ask all who represent our coastal areas and their vast natural resources to oppose HB 28.

I live in Cooper Landing, a small unincorporated village, located in the headwaters of the Kenai River. Tourism is the economic life blood of this area and tourism only exists because of our clean waters, fresh mountain air and the natural bounties that those produce. The waters of the Cooper Landing Area produce 20 to 30 percent of Kenai River sockeye salmon and thus are a major source of the Upper Cook Inlet commercial fisheries harvest.

Because we live in an unincorporated area we are dependent on the Kenai Peninsula Borough for government. Through the Kenai Peninsula Borough Coastal Management Program local citizen can interact with Federal, State and KPB managers to best manage our coastal resource for the benefit of our area. If we lose the Coastal Management Program through the modifications recommended in HB 28, Workdraft "B", we will lose a large part of our ability to effect Federal and State decisions and those managers will lose the vast local knowledge that local citizens and governments bring to the table.

I want to thank you for this opportunity to participate and ask you to listen to the voices of Alaska's coastal people. Please leave the Alaska Coastal Management Program intact for the benefit of all Alaskans.

Thank You,



Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572

Phone and Fax: (907) 595-1540

ALEUTIANS WEST

COASTAL RESOURCE SERVICE AREA

March 10, 1998

The Honorable Carl E. Moses
State Capitol Room 521
Juneau, AK 99801-1182

Dear Representative Moses,

This letter is being written in opposition to House Bill 28 which is currently being considered in the House Finance Committee. The changes proposed in HB 28 would undercut the foundation of the coastal zone management (CZM) program and result in a serious suppression of the local voice in planning for the development of vital resource areas. The changes would greatly affect our ability to include meaningful local stipulations on permit reviews and eliminate the petition process.

Coastal program objectives include an orderly, balanced use and protection of the resources of an area. Local people develop a plan to include the needs, policies, objectives, and standards for the area. These local plans may include policies that should not have statewide applicability. District policies become State law at the completion of the review process; consequently, the authority to enforce them is provided through the process. The State is investigating the inclusion of Adak into the Aleutians West CRSA. If this should occur, the CRSA, composed of elected local representatives, in cooperation with state agencies, will work together in a development plan for that area. If the CRSA cannot develop area specific policies, then unorganized areas of the state such as ours, in the Western Aleutians, will be very limited in what they can do to develop a plan to guide local development.

The elimination of the petition review process would result in a silencing of the local voice. A petition is an opportunity to be heard by an independent body that was not involved in the original decision. Without the petition process, the only recourse would be to sue the state.

Critical elements of the locally supported, federally funded, coastal zone management program are in jeopardy. The CRSA's work at the community level and obtain funding to provide valuable information such as circulation studies and habitat analyses. This information contributes to informed development decisions and responsible use of resources. In public testimony, 19 of 20 speakers were in opposition to the proposed changes. We urge you to hear this voice.

Sincerely,



Karol Kolehmainen
Program Director

Cc (fax): Representative Hanley
Julie Hammonds Penn
AWCRSA Board of Directors

DISTRIBUTE
TO HFC MEMBERS

Bering Straits Coastal Resource Service Area
P.O. Box 190
Unalakleet, Alaska 99684
(907) 624 - 3062
Fax 624 - 3811

27 February 1998

Representative Richard Foster
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801-1182

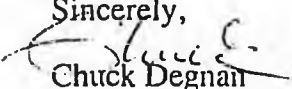
Dear Richard:

Subject: CSHB-28.

The Bering Straits CRSA opposes CSHB-28. Like the original HB-28, it has a drastic affect on all Coastal Resource Service Areas. In the Bering Straits region it reduces the coastal zone boundary by excluding Important Use Areas for Subsistence along the following rivers: Serpentine River, Arctic River, Rivers draining into Ikpek Lagoon, Agiapuk River, Kuzitrin River, Nome River, Solomon River, Niukluk River, Fish River, Kwiniuk River, Tubutulik River, Kwik River, Koyuk River, and Unalakleet River. These rivers and their tributaries provide spawning habitat for anadromous fish, which are important subsistence and commercial resource. The coastal zone boundary is reduced by excluding the "zone of indirect influence". All the communities in the Bering Straits Region would lose the ability to have their local knowledge be heard by State and Federal Agencies.

An important part of the Alaska Coastal Management Program is the petition process. This process gives all participants an opportunity to administratively appeal an adverse decision. In any case, State Agencies usually have the final say and control. The ACMP is a pro-development process.

Sincerely,


Chuck Degan
Program Director

cc
BSCRSA Board

March 10, 1998

355 Lingonberry
Soldotna AK 99669
262-9225
peggym@alaska.net

Finance Committee
House of Representatives
Alaska State Legislature
Juneau, Alaska

Re: CSHB28

Dear Finance Committee Member,

Only the name has changed. Now it ^{#B28} 'modifies' rather than repeals the Alaska Coastal Management Program and Coastal Policy Council. Unfortunately, the potential for deleterious effects on all Alaska communities which rely on healthy salmon runs will be the same.

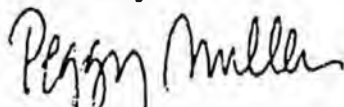
The Kenai River's salmon presently support both a healthy commercial and sport fishing economy and provide personal salmon sustenance for thousands of local residents. Why should we put this at risk by this meddling in a system that has been working well for citizens, most developers, and for local governments? Gentlemen, the Coastal Management Program 'ain't broke'. Please don't dismantle it!

Spending something well over a million dollars to remove anadromous streams (and the agencies whose mission it is to protect salmon habitat and clean water) from the planning equation just makes no sense. Only a small portion of the Kenai River interacts directly with the ocean. But healthy salmon runs require a steady supply of clean, cold water along the entire length of the river.

Assuming that federal funding will flow in to fill the gap is not a safe assumption if we have in effect dismantled our coordinated, cooperative river protection policies.

Thank you for your time, and for your interest in keeping healthy systems for all Alaska salmon.

Sincerely,



Peggy Mullen



City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

March 28, 1998

**The Honorable Representative Mark Hanley, Co-Chair
The Honorable Representative Gene Therriault, Co-Chair
and Members of House Finance Committee
Alaska State House of Representatives
State Capitol
Juneau, AK 99801-1182**

Dear Co-Chairs Hanley and Therriault and Members of
House Finance Committee:

I respectfully request that the following testimony be included in the House Finance Committee final hearing on House Bill 28, Draft "T". Please also accept the attached Resolution No. 97-670 by the Assembly of the City and Borough of Sitka Supporting the Alaska Coastal Management Program and Opposing HB 28 To Repeal The Program, as well as the comments of Administrator Gary Paxton of the City and Borough of Sitka.

TESTIMONY BY MARLENE CAMPBELL, COASTAL MANAGEMENT COORDINATOR CITY AND BOROUGH OF SITKA TO THE HOUSE FINANCE COMMITTEE

Mr. Co-Chairs and members of the House Finance Committee:

My name is Marlene Campbell. I have been Coastal Management Coordinator for the City and Borough of Sitka for the past eleven years. The Sitka Coastal District encompasses the coastal areas of the 4,710 square mile City and Borough of Sitka. Over 90 percent of the City and Borough of Sitka is Tongass National Forest lands owned by the Federal government, and most of the tidelands are State-owned.

The Alaska Coastal Management Program (ACMP) permits the citizens of the City and Borough of Sitka to have an active voice in the management of our land and water coastal resources. This "seat at the table" with the Forest Service, Department of Natural Resources, and other State and Federal agencies has been extremely beneficial to all parties and enables the Municipality and our community to have a measure of local control which is very important to us.

HB 28 as revised is far less onerous than previous drafts, but the Sitka Coastal Management Program must question why this bill is needed. The requirement for the council to adopt regulations to provide for periodic review of approved district programs to ensure consistency seems unnecessary, since all

House Finance Committee
March 28, 1998
Page 2

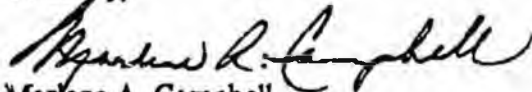
approved programs must meet requirements of the guidelines and standards or could be challenged. This provision does not appear to be necessary and will require more staff time dealing with bureaucratic details rather than actively working with our constituencies. It also would be a costly hardship to require an amendment of an approved coastal program to remove any state statutes or regulations which have been incorporated by reference into the district program. Why is this necessary? This would not result in a change in the way the ACMP is managed; the state statutes and regulations still stand on their own.

We are also concerned about the elimination of the petition process. Sitka's Coastal Program has been a model statewide since 1981, providing a balanced approach to permitting needed economic development while ensuring our natural resources in the Coastal Zone are maintained. We have never had a petition to the CPC; we have been able to work out all problems with permits to enable projects to proceed while protecting the environment. However, if there were a conflict in the future, it would be beneficial for both project applicants and agencies to have another means of resolving conflicts through the petition process.

Sitka still believes the Alaska Coastal Management Program is not broken and does not need fixing. Please support Alaska's coastal communities by letting the Division of Governmental Coordination fine-tune Alaska's highly successful Coastal Management Program. Please do not support HB 28, which will only harm and complicate this extremely valuable federally funded program so important to the future of our State.

Thank you for the opportunity to comment.

Sincerely,



Marlene A. Campbell
Coastal Management Coordinator/
Special Projects Director

cc: Senator Robin Taylor
Representative Ben Grussendorf
Director Diane Mayer, DGC

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 97-670

**A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH
OF SITKA, ALASKA SUPPORTING THE ALASKA COASTAL MANAGEMENT
PROGRAM AND OPPOSING HB 28 TO REPEAL THE PROGRAM**

WHEREAS, the Sitka District Coastal Management Program has been an extremely effective opportunity for both citizens and the Municipality of the City and Borough of Sitka to have a strong local voice in decision-making affecting our coastal zone since its adoption in 1981; and

WHEREAS, developing the Sitka Coastal Program was a major citizen-based effort that encompassed long-range planning for the entire community and a site-specific determination of the major recreation and subsistence use areas in the entire Sitka Coastal District; and

WHEREAS, having gained state and federal approval of the Plan means state and federal agencies must recognize and be consistent with the local coastal Management policies, which has been of immense benefit to Sitka; and

WHEREAS, the Sitka Coastal Program has provided often the only opportunity for direct citizen involvement in setting policies which will permit appropriate development while at the same time protecting the resources our citizens most value; and

WHEREAS, the primarily federal dollars which fund the Alaska Coastal Management Program have provided hundreds of thousands of dollars over time to Sitka to fund staff and projects to permit Sitka to actively participate in the Coastal Management Program, to provide daily assistance to the public and agencies, and to comment on and facilitate permit reviews; and

WHEREAS, Sitka does not have automatic zoning and regulatory presence throughout its entire 4,710 square miles, and the Coastal Program provides the only involvement available to the Municipality for much development outside the zoned Sitka road system; and

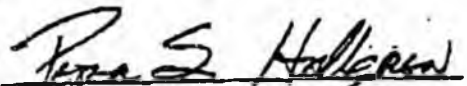
WHEREAS, the Alaska Division of Governmental Coordination has been of great

assistance to the City and Borough of Sitka recently to resolve agency conflicts with the permitting of two of its own large development projects, the Sitka Lightering Facility and the Sitka Water Export Project, and generally has provided a valuable project planning and coordination tool through the ACMP process,

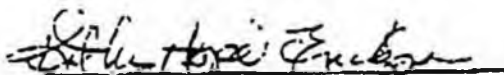
NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka, Alaska opposes HB 28 to repeal the Alaska Coastal Management Program.

BE IT FURTHER RESOLVED that the Assembly of the City and Borough of Sitka, Alaska supports the Alaska Coastal Management Program and wishes to continue to be an active participant in the program.

PASSED AND APPROVED by the Assembly of the City and Borough of Sitka, Alaska on this 11th day of March, 1997.


Peter S. Hallgren, Mayor

ATTEST:


Kathy Hope Erickson
Municipal Clerk



City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

CITY AND BOROUGH OF SITKA'S SUPPORT FOR THE ALASKA COASTAL MANAGEMENT PROGRAM

February 24, 1997

The Sitka District Coastal Management Program has been an extremely effective opportunity for both the citizens and the Municipality of the City and Borough of Sitka to have a strong local voice in decision-making affecting the coastal zone of our City and Borough since its adoption in 1981. A major revision of the Sitka Coastal Program and the Sitka Public Use Management Plan have further enhanced the effectiveness and specificity of the Sitka Program. Developing the Sitka Program and its revisions was a major citizen-based effort that encompassed long-range planning for the entire community and a site-specific determination of the major recreation and subsistence use areas in the Sitka Coastal District. Gaining state and federal approval of the plan means state and federal agencies must recognize and be consistent with local Coastal Management policies. This local involvement in state and federal decision-making has been of immense benefit to Sitka.

Throughout the 16 years of Sitka's approved program, it has operated smoothly, providing often the only opportunity for direct citizen involvement in setting policies which will permit appropriate development while at the same time protecting the resources our citizens most value. There has been an opportunity to encourage project development with the least adverse impacts to resources or the community through the consistency review process. Many problems or conflicts have been solved through the review process. There has not been a single elevation by a Sitka project during the entire history of the Coastal Program.

The primarily federal dollars which fund the Alaska Coastal Management Program have provided hundreds of thousands of dollars over time to Sitka to fund the Coastal Management Coordinator part-time position. This local staff presence has facilitated the major amendments of the Sitka Program, provided daily assistance to the public and agencies, and permitted active municipal participation in permit reviews. The Coastal Management staff regularly works with individuals to help develop and comment on permit requests and with State and Federal agencies to assist them at the local level. Without this position, the City and Borough of Sitka would have no staff to provide all these services.

Hundreds of examples of the effectiveness of Sitka's Coastal Program exist. One example was a mariculture project proposed for an extremely popular recreation and subsistence use area close to Sitka. There was universal opposition to the project at this location but it would have been permitted anyway if not for the inconsistency finding of the Coastal Program. The Coastal Coordinator then worked with the applicant to find a less controversial location, and the project was subsequently permitted at the new site with NO opposition. This was ultimately a "win-win" situation. Usually, such problems can be eliminated before they occur if the applicant works with the Coastal Coordinator early on to resolve conflicts.

Sitka does not have automatic zoning throughout its entire 4,710 square miles. The Coastal Program provides the only involvement available to the Municipality for much development outside the zoned Sitka road system. Rather than developing new layers of regulations and additional municipal staff, the City and Borough of Sitka has relied on the Coastal Program to provide for reasonable, controlled development. The ACMP review enables projects to proceed with a single permit process rather than duplication and inconsistencies between agencies. If the Coastal Program were repealed, Sitka's only recourse to get direct involvement in project reviews would be through litigation.

The Alaska Division of Governmental Coordination (DGC) has been of great assistance to the City and Borough of Sitka recently to resolve agency conflicts with the permitting of two of its own large development projects: the Sitka Lightering Facility and the Sitka Water Export Project. Each of these proposals was "bogged down" by various agency concerns that proved specious, but the projects were finally moved forward to successful conclusion with the assistance of DGC. The ACMP process is a valuable project planning and coordination tool. While Sitka has occasionally had difficulties with DGC, these have generally been resolved equitably, and the agency's willingness to upgrade its services through the ACMP assessment process has been admirable.

In short, Sitka and its citizens have benefitted greatly from its involvement in the Coastal Management Program since 1981. The passage of House Bill 28 to repeal the Coastal Management Program would have major adverse impacts on our Municipality and our community and the lands and waters of the City and Borough of Sitka. The Coastal Management Program is our citizens' only real chance for involvement in the decisions affecting the coastal zone in which we all live. The City and Borough of Sitka opposes HB28 and hopes to continue to participate in the Coastal Management Program in the future.

Submitted by
Gary L. Paxton, Administrator
City and Borough of Sitka