

**HB**

**50**

# ALASKA STATE LEGISLATURE

*Session:*

State Capitol  
Juneau, Alaska 99801-1182  
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REPRESENTATIVE MARK D. HODGINS  
House District 9

## SPONSOR STATEMENT

### **HB 50 - "An Act relating to the use of broadcasting to promote or conduct certain classics or sweepstakes; and providing an effective date."**

This legislation amends AS 05.15.640 by removing the prohibition on broadcast advertising for the following Legislatively identified classics as per statute: The removal of the prohibition shall be limited to only Legislatively identified classics as follows.

**Canned salmon classic-** Petersburg Chamber of Commerce;

**Deep freeze classic-** Delta Chamber of Commerce;

**Goose Classics-** Kenai Chamber of Commerce and Fairbanks Montessori Association or the Friends of Creamer's Field;

**Ice Classics-** Nenana and Chena Ice Pools, Kuskokwim Ice Classic operated by Bethel Social Services, Inc., Kenai River Ice Classic operated by the Kenai and Soldotna Rotary Clubs, Yukon River Ice Classic operated by the City of Fort Yukon, Alaska-Soviet Ice Classic operated by CAMAI, Inc., and the City of Diomedea, Big Lake Ice Classic operated by the Houston Junior-Senior High School Booster Club and the Big Lake Chamber of Commerce, and the McGrath Ice Classic operated by the Kuskokwim Public Broadcasting Company;

**King salmon classic-** Greater Juneau Chamber of Commerce;

**Mercury classics-** Greater Fairbanks Chamber of Commerce and the Fairbanks Convention and Visitors' Bureau;

**Mushing sweepstakes-** Iditarod Trail Committee;

**Salmon classic-** United Fisherman of Alaska.

At present the only classics that are allowed to use broadcasting for promotion are fishing derbies. By providing these advertising vehicles we will assist these organizations by increasing public awareness of each event.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

February 19, 1997

**SUBJECT:** Sectional Summary of HB 50. (Work Order No. 20-LS0288\A)

**TO:** Representative Mark Hodgins  
Attn: Pat Carter

**FROM:** Gerald P. Luckhaupt  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 05.15.640(a) to allow a charitable gaming permittee to use broadcasting to promote or conduct certain classics and sweepstakes. The classics and sweepstakes ~~listed~~ are those classics and sweepstakes which the legislature has limited - no one can conduct one of these classics and sweepstakes listed without legislative approval. This bill section amends subsection (b) by removing the reference to fishing derbies and continuing the limited authority noncommercial broadcasting stations have to broadcast certain charitable gaming activities.

Section 2 of the bill amends AS 05.15.640(a), amended in sec. 1 of the bill, to remove the reference to "mushing sweepstakes" which are sunsetted effective December 31, 1999 by ch.13, SLA 1995.

Section 3 of the bill provides an effective date for sec. 2 of the bill.

Section 4 of the bill provides an immediate effective date for the rest of the bill.

GPL:glc  
97-105.glc

# LEGAL SERVICES

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Juneau, Alaska 99801-2105

## MEMORANDUM

December 23, 1996

**SUBJECT:** Charitable Gaming Broadcasting (Work Order No. 20-LS0288\A)

**TO:** Representative-Elect Mark Hodgins

**FROM:** Gerald P. Luckhaupt *GL*  
Legislative Counsel

Enclosed is the bill draft you requested. As with any legislation that selects certain limited entities to perform an activity or to receive some benefit there is a potential that this bill draft violates Art. II, § 19 of the Alaska Constitution prohibiting local and special legislation. The test employed by the Alaska Supreme Court under Art. II, § 19 is substantially the same as that applied to equal protection analysis. Upon examining the legislative goals and the means used to advance them, the court determines whether the legislation bears a fair and substantial relationship to a legitimate state purpose. State v. Lewis, 559 P.2d 630, 643 (Alaska 1977), cert. denied, 432 U.S. 901 (1977). To satisfy the fair and substantial relationship standard, the classification established by the legislation must be tailored to the purpose of the legislation. The classification must be neither overinclusive nor underinclusive. Isakson v. Rickey, 550 P.2d 350, 362 (Alaska 1976). If the "fair and substantial relationship" standard is met, the bill will not be invalidated because of incidental local or private advantages. Lewis, 559 P.2d at 643. In Lewis, the court agreed that an Act of statewide significance need not have an effect in all parts of the state; legislation does not become "local" merely because it operates only on a limited number of geographical areas rather than on a statewide geographical basis. The Lewis case involved the Cook Inlet land exchange and the court accepted the premise that the application, while only affecting land in Southcentral Alaska, required legislation to be accomplished and was of statewide significance. The court relied heavily on the record developed by the legislature in support of the need for the land exchange and the decision to resolve serious issues surrounding Native land selections under the Alaska Native Claim Settlement Act through legislation authorizing the Cook Inlet land exchange.

In a case where a violation of § 19 was found, the court said that legislation establishing the Eagle River Borough was special and peculiar to the locality where the borough was established. Since there was nothing in the nature of the Eagle River-Chugiak area that justified a departure from the general law scheme for the establishment of boroughs, the Act violated § 19. Abrams v. State, 534 P.2d 91 (Alaska 1975). It has consistently been my opinion that the limitation by the legislature of who can undertake charitable gaming classics

Representative-Elect Mark Hodgins

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to a single identified group or a couple of identified groups probably is local and special legislation violative of the constitution; the legislature, though, has been limiting who can perform certain charitable gaming activities in this matter for many years now. This bill draft, by limiting who can utilize broadcasting to promote charitable gaming to those groups the legislature has previously singled out, also appears to implicate Art. II, § 19. If this limited authorization was challenged a court would have to accept the justification advanced by Senator Torgerson during our conference call the other day. Failing that, this authorization could be found to be unconstitutional. But in any event I do not consider this bill draft any more violative than those previous enactments limiting the operation of certain classics to particular groups that have not as of yet been challenged by anyone as being unconstitutional.

Also, per your further request, this memorandum lists all of the charitable gaming events that have been specifically identified in statute and a concise explanation of what the bill draft does.

1. Legislatively identified classics.

**Canned salmon classic** - Petersburg Chamber of Commerce;

**Deep freeze classic** - Delta Chamber of Commerce;

**Goose classic** - Kenai Chamber of Commerce and Fairbanks Montessori Association or the Friends of Creamer's Field;

**Ice classic** - Nenana and Chena Ice Pools, Kuskokwim Ice Classic operated by Bethel Social Services, Inc., Kenai River Ice Classic operated by the Kenai and Soldotna Rotary Clubs, Yukon River Ice Classic operated by the City of Fort Yukon, Alaska-Soviet Ice Classic operated by CAMAI, Inc., and the City of Diomedes, Big Lake Ice Classic operated by the Houston Junior-Senior High School Booster Club and the Big Lake Chamber of Commerce, and the McGrath Ice Classic operated by the Kuskokwim Public Broadcasting Company;

**King salmon classic** - Greater Juneau Chamber of Commerce;

**Mercury classic** - Greater Fairbanks Chamber of Commerce and the Fairbanks Convention and Visitors' Bureau;

**Mushing sweepstakes** - Iditarod Trail Committee;

**Salmon classic** - United Fishermen of Alaska.

2. Section 1 of the bill amends AS 05.15.640 by identifying certain charitable gaming events that may avail themselves of broadcasting to promote the charitable gaming activity.

Section 2 of the bill deals with the repeal of mushing sweepstakes which is scheduled to occur on January 1, 2000. See ch. 13, SLA 1995. Sections 1 and 2 allow mushing sweepstakes to utilize broadcasting until their repeal.

Section 3 provides that Section 2 takes effect January 1, 2000.

Section 4 - ALL OTHERS SECTIONS  
IMMEDIATE DATE

Representative-Elect Mark Hodgins  
December 23, 1996  
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Section 4 provides an immediate effective date for all parts of the bill except for Section 2.

GPL:glc  
96-562.glc

Enclosure

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Juneau, Alaska 99801-2105

## MEMORANDUM

December 23, 1996

**SUBJECT:** Charitable Gaming Broadcasting (Work Order No. 20-LS0253\E)

**TO:** Senator John Torgerson

**FROM:** Gerald P. Luckhaupt *GLP*  
Legislative Counsel

Enclosed is the bill draft you requested. As with any legislation that selects certain limited entities to perform an activity or to receive some benefit there is a potential that this bill draft violates Art. II, § 19 of the Alaska Constitution prohibiting local and special legislation. The test employed by the Alaska Supreme Court under Art. II, § 19 is substantially the same as that applied to equal protection analysis. Upon examining the legislative goals and the means used to advance them, the court determines whether the legislation bears a fair and substantial relationship to a legitimate state purpose. State v. Lewis, 559 P.2d 630, 643 (Alaska 1977), cert. denied, 432 U.S. 901 (1977). To satisfy the fair and substantial relationship standard, the classification established by the legislation must be tailored to the purpose of the legislation. The classification must be neither overinclusive nor underinclusive. Isakson v. Rickey, 550 P.2d 350, 362 (Alaska 1976). If the "fair and substantial relationship" standard is met, the bill will not be invalidated because of incidental local or private advantages. Lewis, 559 P.2d at 643. In Lewis, the court agreed that an Act of statewide significance need not have an effect in all parts of the state; legislation does not become "local" merely because it operates only on a limited number of geographical areas rather than on a statewide geographical basis. The Lewis case involved the Cook Inlet land exchange and the court accepted the premise that the application, while only affecting land in Southcentral Alaska, required legislation to be accomplished and was of statewide significance. The court relied heavily on the record developed by the legislature in support of the need for the land exchange and the decision to resolve serious issues surrounding Native land selections under the Alaska Native Claim Settlement Act through legislation authorizing the Cook Inlet land exchange.

In a case where a violation of § 19 was found, the court said that legislation establishing the Eagle River Borough was special and peculiar to the locality where the borough was established. Since there was nothing in the nature of the Eagle River-Chugiak area that justified a departure from the general law scheme for the establishment of boroughs, the Act violated § 19. Abrams v. State, 534 P.2d 91 (Alaska 1975). It has consistently been my opinion that the limitation by the legislature of who can undertake charitable gaming classics

Senator John Torgerson

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GPL:glc

96-563.glc

Enclosure

MARK

HB50 5/21  
"CHIT Street"

HB50 will be read  
across the floor, Mon 5/21

Do you have the votes -  
check in caucus tomorrow

<input type="checkbox"/>	URGENT
<input type="checkbox"/>	PHONED
<input type="checkbox"/>	RETURNED YOUR CALL
<input type="checkbox"/>	PLEASE CALL BACK
<input type="checkbox"/>	WILL CALL AGAIN
<input type="checkbox"/>	WAS IN
<input type="checkbox"/>	WANTS TO SEE YOU

M. HODGINS

**REPRESENTATIVE PETE KOTT**  
 House Rules Chairman  
 Room 204  
 State Capitol Building  
 Juneau, AK 99801

**RE: REQUEST TO READ ACROSS HB50 ON HOUSE FLOOR**

Dear Representative Kott:

I respectfully request that HB50 be brought to the House floor as soon as possible. I have received more than fifteen (15) House Majority caucus-members' commitments of support and twenty one (21) total members committed to support this bill.

Thank you for your consideration of this request. I am looking forward to HB50 being discussed and passed this session. Please advise if there is any other information needed to facilitate this request.

With kindest regards,

Sincerely,

Mark Hodgins,  
 Representative  
 District 9