

LEG. FINANCE - BILLS 1983 - 1984 2140

SB 549 cont. - CSSB 549 2140

1 subpoenas for the attendance of witnesses and the production of books,  
2 records, and other documents.

3 \* Sec. 6. AS 05.15.080 is repealed and reenacted to read:

4 Sec. 05.15.080. REPORTS REQUIRED AND PAYMENT OF FEE BY MUNIC-  
5 IPALITIES AND QUALIFIED ORGANIZATIONS. (a) A municipality or qual-  
6 ified organization conducting an activity authorized under this chap-  
7 ter shall file a report with the department no later than the last  
8 business day of the month following the month in which an activity was  
9 conducted. The report must include the type of activity conducted,  
10 the date and location of the activity, the amount of gross receipts,  
11 the amount of authorized expenses, the value of prizes awarded, the  
12 amount of net proceeds, and other information the commissioner may  
13 require by regulation.

14 (b) A municipality or qualified organization conducting an  
15 activity authorized under this chapter shall file an annual report  
16 with the department no later than January 31 of the year following the  
17 year in which activities were conducted, accompanied by the payment of  
18 the additional fee as required under AS 05.15.020(c). The report must  
19 list the types of activities conducted, and, for each activity, the  
20 total amount of gross receipts, the total amount of authorized expen-  
21 ses, the total value of prizes, and the total amount of net proceeds.  
22 The report must also include the disposition or intended disposition  
23 of the net proceeds.

24 \* Sec. 7. AS 05.15 is amended by adding new sections to read:

25 Sec. 05.15.085. REPORTS REQUIRED AND PAYMENT OF FEE BY QUALIFIED  
26 OPERATORS. (a) A qualified operator shall file a report with the  
27 department no later than the last business day of the month following  
28 the month in which an activity was conducted. The report shall be  
29 divided into sections for each municipality and qualified organization

1 on whose behalf an activity was conducted and must include the date  
2 and location of each activity, the type of activity conducted, the  
3 amount of gross receipts, the amount of authorized expenses, the value  
4 of prizes awarded, the amount of net proceeds paid to the municipality  
5 or qualified organization on whose behalf the activity was conducted  
6 and other information the commissioner may require by regulation.

7 (b) A qualified operator shall file an annual report with the  
8 department no later than January 31 of the year following the year in  
9 which activities were conducted, accompanied by the payment of the  
10 additional fee as required under AS 05.15.020(c). The report must  
11 list the types of activities conducted, the municipalities and qual-  
12 ified organizations on whose behalf the activities were conducted, the  
13 total gross receipts, the total authorized expenses, the total prizes  
14 and the total net proceeds turned over to each municipality and qual-  
15 ified organization.

16 (c) A municipality or qualified organization that authorizes a  
17 qualified operator to conduct activities authorized under this chapter  
18 shall file an annual report with the department no later than Janu-  
19 ary 31 of the year following the year in which the activities were  
20 conducted. The report must list each activity conducted, the autho-  
21 rized representative for the municipality or qualified organization,  
22 the qualified operator conducting the activity, the date and location  
23 of each activity and the net proceeds received from the qualified  
24 operator for the activity.

25 Sec. 05.15.086. GENERAL PROVISIONS RELATING TO THE FILING OF  
26 REPORTS AND PAYMENT OF LICENSE FEES. (a) The license applications  
27 and reports required under this chapter shall be filed under penalty  
28 of perjury and signed by a bona fide member in good standing of the  
29 qualified organization or a person authorized to sign on behalf of a

1 municipality.

2 (b) The commissioner may grant an extension for the filing of a  
3 report required under this chapter upon a showing by the permittee of  
4 reasonable cause for delay. The extension may not be granted in  
5 excess of 30 days and the report will not be considered delinquent  
6 during the period of the extension. An extension of time for the  
7 payment of the license fee is prohibited.

8 (c) A permittee is not authorized to conduct an activity under  
9 this chapter during any period in which a report or license fee is  
10 delinquent.

11 (d) A delinquent license fee shall bear interest at the rate  
12 provided for in AS 43.05.225.

13 \* Sec. 8. AS 05.15.160 is amended to read:

14 Sec. 05.15.160. AUTHORIZED EXPENSES. An [NO] item of expense  
15 may not be incurred or paid in connection with the operation of an  
16 activity under a permit issued under this chapter except for bona fide  
17 expenses reasonably necessary for

18 (1) goods, wares, and merchandise necessary for the opera-  
19 tion of the activity;

20 (2) personal services rendered that are not directly or  
21 indirectly involved with the operation of the activity; or

22 (3) personal services involved with the operation of the  
23 activity provided the services are performed by an employee of the  
24 municipality, qualified organization, qualified operator or a consul-  
25 tant hired by the municipality or qualified organization conducting  
26 the activity, provided the consultant is not directly involved in the  
27 operation of the activity [AND THE COMPENSATION IS NOT RELATED TO THE  
28 RECEIPTS FROM THE ACTIVITY].

29 \* Sec. 9. AS 05.15.160 is amended by adding new subsections to read:

1 (b) The annual authorized expenses under (a) of this section may  
2 not exceed 25 percent of the annual gross receipts from activities  
3 authorized under this chapter.

4 (c) The annual net proceeds for a qualified organization from  
5 activities authorized under this chapter may not be less than 25  
6 percent of the annual gross receipts.

7 \* Sec. 10. AS 05.15 is amended by adding a new section to read:

8 Sec. 05.15.165. QUALIFIED OPERATORS. (a) A qualified operator  
9 may not operate an activity for more than one authorizing permittee in  
10 any 24 hour period.

11 (b) A qualified operator is required to pay the authorizing  
12 permittee the net proceeds from an activity within 15 calendar days  
13 from the date of the activity. The payment shall be made by check and  
14 the qualified operator shall obtain a signed receipt from the autho-  
15 rizing permittee. The authorizing permittee shall keep a copy of the  
16 receipt for its records.

17 (c) The net proceeds of an activity that shall be paid by the  
18 qualified operator to the authorizing permittee shall be the gross  
19 receipts from the activity reduced by the license fee based on the  
20 gross receipts, the authorized expenses provided for under AS 05.15.-  
21 160(a) and the prizes awarded at the activity.

22 (d) An authorizing permittee shall designate a representative,  
23 who is a bona fide member in good standing of the qualified organiza-  
24 tion or a person designated by the municipality, to be its agent in  
25 working with the qualified operator. The representative shall have  
26 access to all books and records of the qualified operator relevant to  
27 the activity, including the amounts of gross receipts, authorized  
28 expenses and prizes awarded. The commissioner may order the produc-  
29 tion of the books and records of a qualified operator that are not

1 voluntarily made available to the representative under regulations  
2 adopted by the department.

3 (e) If the department finds that a qualified operator has in-  
4 curred expenses that are not authorized under AS 05.15.160(a), or has  
5 incurred expenses in excess of the amount authorized under AS 05.15.-  
6 160(b), or has paid an authorizing permittee less than the minimum  
7 amount of net proceeds provided for under AS 05.15.160(c), the depart-  
8 ment shall order the qualified operator to refund to the authorizing  
9 permittee the amount of the unauthorized expenses or the difference  
10 between the minimum amount of net proceeds under AS 05.15.160(b) and  
11 the amount of the net proceeds actually paid, whichever is greater.  
12 The qualified operator shall pay the authorizing permittee interest on  
13 the amount ordered to be paid at the rate of 1.5 percent a month for  
14 each month or fraction of a month between the date of the operation of  
15 the activity and the date the refund is made.

16 \* Sec. 11. AS 05.15.180(a) is repealed and reenacted to read:

17 (a) This chapter does not authorize the use of instruments,  
18 machines, or other objects used, designed, or intended primarily for  
19 gaming or gambling unless specifically authorized under regulations  
20 adopted by the commissioner and used in the operation of activities  
21 authorized under this chapter.

22 \* Sec. 12. AS 05.15.200 is amended by adding a new subsection to read:

23 (c) The commissioner may assess a penalty in the manner provided  
24 for the nonpayment of taxes under AS 43.05.220(a) where a permittee  
25 has failed to timely pay a license fee required under AS 05.15.020(c)  
26 [(B)], unless it is shown that the failure was due to reasonable  
27 cause.

28 \* Sec. 13. AS 05.15.210(15) is repealed and reenacted to read:

29 (15) "net proceeds" means the gross receipts from the

1 activity reduced by the license fee based on the gross receipts, the  
2 authorized expenses provided for under AS 05.15.160(a) and the prizes  
3 awarded at the activity;

4 \* Sec. 14. AS 05.15.210 is amended by adding new subsections to read:

5 (24) "authorizing permittee" means a municipality or qual-  
6 ified organization that has authorized a qualified operator to conduct  
7 activities authorized under a permit issued by the commissioner under  
8 this chapter on its behalf;

9 (25) "commissioner" means the commissioner of revenue;

10 (26) "department" means the Department of Revenue;

11 (27) "permittee" means a municipality, qualified organiza-  
12 tion or qualified operator that has been issued a permit to conduct  
13 the activities authorized under this chapter;

14 (28) "qualified operator" means a municipality or qualified  
15 organization that has been authorized by the commissioner to operate  
16 the activities authorized under this chapter on behalf of another  
17 permittee.

18 \* Sec. 15. This Act takes effect July 1, 1984.  
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Introduced: 4/18/84  
Referred: Community and Regional  
Affairs and Finance

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 549

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to games of chance and contests of  
7 skill; and providing for an effective date."

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

9 \* Section 1. AS 05.15.020 is repealed and reenacted to read:

10 Sec. 05.15.020. ANNUAL PERMIT AND FEE. (a) An activity permit-  
11 ted under this chapter may not be conducted unless an annual permit  
12 issued by the department is first obtained and a fee of \$50 is paid to  
13 the department.

14 (b) A qualified operator may conduct an activity permitted under  
15 this chapter for a municipality or qualified organization if an annual  
16 operator's permit issued by the department is first obtained, a fee of  
17 \$200 is paid to the department and a bond or other security acceptable  
18 to the department is filed with the department for the amount of  
19 prizes and net proceeds estimated to be paid for the calendar year.  
20 The operator's permit is in addition to the permit required to be  
21 obtained by the municipality or qualified organization on whose behalf  
22 the operator conducts the activity.

23 (c) An additional fee of three percent of the gross receipts  
24 from an activity permitted under this chapter shall be paid to the  
25 department by each municipality or qualified organization annually  
26 except that a qualified operator shall be liable for the additional  
27 fee for activities conducted by the qualified operator on behalf of a  
28 municipality or qualified organization.

29 \* Sec. 2. AS 05.15 is amended by adding a new section to read:

1           Sec. 05.15.025. LICENSE FEES COLLECTED ON BEHALF OF A LOCAL  
2 GOVERNMENT. (a) A borough or organized municipality outside of a  
3 borough may elect, by passage of an appropriate ordinance, to impose  
4 an additional license fee, not to exceed one percent, on the gross  
5 receipts of an activity authorized under this chapter conducted within  
6 its boundaries. A borough or organized municipality outside of a  
7 borough that elects to impose the additional license fee shall file  
8 written notice of the election with the department on or before  
9 December 1 of the year preceding the year an election under this  
10 section is to become effective. The notice may not be rescinded for a  
11 subsequent calendar year unless a rescission notice is received by the  
12 department on or before January 1 of the year for which the license  
13 fee is rescinded.

14           (b) The additional license fee shall be collected and adminis-  
15 tered by the department in the same manner as provided for the addi-  
16 tional fee in AS 05.15.020(c).

17           (c) The department shall refund money collected under this  
18 section to the borough or organized municipality outside of a borough  
19 for which the money was collected, as determined by the location of  
20 the activity authorized under this chapter.

21           (d) Money received by an organized borough under this section  
22 shall be allocated by the borough by ordinance for city, area outside  
23 city and service area purposes within the borough.

24 \* Sec. 3. AS 05.15.030 is repealed and reenacted to read:

25           Sec. 05.15.030 NOTIFICATION OF LOCAL GOVERNMENTS AND PROTESTS.

26           (a) At the time of filing application the applicant shall notify the  
27 city or borough nearest to the location of the proposed activity of  
28 the application and the location at which the proposed activity will  
29 be conducted. If the permittee relocates within the same city or

1           borough the permittee shall notify the department and the city or  
2           borough within 30 days of its move to the new location. If the per-  
3           mittee intends to conduct an activity in an additional or different  
4           city or borough, the permittee shall notify the department and the  
5           city or borough nearest to the new location at least 30 days before  
6           conducting an activity at the new location.

7           (b) A local government may protest the conduct of the activity  
8           in its jurisdiction by resolution stating the reasons for the protest  
9           filed with the department; protests are limited to the lack of quali-  
10          fications prescribed by this chapter or a finding that the proposed  
11          activity would not be in the best interests of the public. This  
12          resolution is only a recommendation by the city that may be considered  
13          by the commissioner in the commissioner's determination to issue or  
14          refuse to issue a permit. The department may limit the locations in  
15          which activities authorized under this chapter may be conducted.

16       \* Sec. 4. AS 05.15.060 is repealed and reenacted to read:

17           Sec. 05.15.060. REGULATIONS. In accordance with the Administra-  
18          tive Procedure Act (AS 44.62), the commissioner of revenue shall adopt  
19          regulations necessary to carry out this chapter covering but not  
20          limited to the control and issuance of permits, authorized expenses,  
21          investigations of permittees, recordkeeping and accounting, prizes,  
22          equipment, audits of authorized activities, suspension or revocation  
23          of permits and other matters that the commissioner considers necessary  
24          to carry out this chapter or protect the best interest of the public.

25       \* Sec. 5. AS 05.15.070 is amended to read:

26           Sec. 05.15.070. COMMISSIONER OF REVENUE MAY EXAMINE PERMITTEES.  
27          The commissioner may examine or have examined the books and records of  
28          a permittee. [THE COMMISSIONER MAY REQUIRE THE PERMITTEE TO PAY THE  
29          REASONABLE COST OF THE EXAMINATION.] The commissioner may issue

1 subpoenas for the attendance of witnesses and the production of books,  
2 records, and other documents.

3 \* Sec. 6. AS 05.15.080 is repealed and reenacted to read:

4 Sec. 05.15.080. REPORTS REQUIRED AND PAYMENT OF FEE BY MUNIC-  
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3 report required under this chapter upon a showing by the permittee of  
4 reasonable cause for delay. The extension may not be granted in  
5 excess of 30 days and the report will not be considered delinquent  
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18 (1) goods, wares, and merchandise necessary for the opera-  
19 tion of the activity;

20 (2) personal services rendered that are not directly or  
21 indirectly involved with the operation of the activity; or

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23 activity provided the services are performed by an employee of the  
24 municipality, qualified organization, qualified operator or a consul-  
25 tant hired by the municipality or qualified organization conducting  
26 the activity, provided the consultant is not directly involved in the  
27 operation of the activity [AND THE COMPENSATION IS NOT RELATED TO THE  
28 RECEIPTS FROM THE ACTIVITY].

29 \* Sec. 9. AS 05.15.160 is amended by adding new subsections to read:

1           (b) The annual authorized expenses under (a) of this section may  
2 not exceed 25 percent of the annual gross receipts from activities  
3 authorized under this chapter.

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11           (b) A qualified operator is required to pay the authorizing  
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18 qualified operator to the authorizing permittee shall be the gross  
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20 gross receipts, the authorized expenses provided for under AS 05.15.-  
21 160(a) and the prizes awarded at the activity.

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23 who is a bona fide member in good standing of the qualified organiza-  
24 tion or a person designated by the municipality, to be its agent in  
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27 the activity, including the amounts of gross receipts, authorized  
28 expenses and prizes awarded. The commissioner may order the produc-  
29 tion of the books and records of a qualified operator that are not

1 voluntarily made available to the representative under regulations  
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3 (e) If the department finds that a qualified operator has in-  
4 curred expenses that are not authorized under AS 05.15.160(a), or has  
5 incurred expenses in excess of the amount authorized under AS 05.15.-  
6 160(b), or has paid an authorizing permittee less than the minimum  
7 amount of net proceeds provided for under AS 05.15.160(c), the depart-  
8 ment shall order the qualified operator to refund to the authorizing  
9 permittee the amount of the unauthorized expenses or the difference  
10 between the minimum amount of net proceeds under AS 05.15.160(b) and  
11 the amount of the net proceeds actually paid, whichever is greater.  
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15 the activity and the date the refund is made.

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18 machines, or other objects used, designed, or intended primarily for  
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24 for the nonpayment of taxes under AS 43.05.220(a) where a permittee  
25 has failed to timely pay a license fee required under AS 05.15.020(b),  
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29 ity reduced by the license fee based on the gross receipts, the

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8 (25) "commissioner" means the commissioner of revenue;

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11 tion or qualified operator that has been issued a permit to conduct  
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14 organization that has been authorized by the commissioner to operate  
15 the activities authorized under this chapter on behalf of another  
16 permittee.

17 \* Sec. 15. This Act takes effect July 1, 1984.



Official Business

# Alaska State Legislature

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811

Ser. Ferguson's  
Office

2nd Proposed CS for SB549  
Senate Finance Committee  
May 18, 1984

When the Senate Finance Committee last considered the proposed Committee Substitute for SB549, three concerns were raised.

1) Sen. Faiks was concerned about the games of chance and skill run by carnivals. Because of the complexity of the problems in this area, Sen. Faiks has suggested that the carnival issue not be addressed in this legislation. The Department of Revenue has offered its assistance to assist with a separate bill next year dealing with those issues.

2) Sen. Sackett and other senators were concerned with Section 11 which would have authorized the Commissioner to approve the use of new types of technology in permitted games. That section has been eliminated from this committee substitute

3) Sen. Bennett was concerned with providing limits on the geographical area in which a permittee would be permitted to operate. Sections 3 and 14 of this bill have been revised to deal with that concern. A simple geographical limit was not felt to be practical, because under current corporate law, the permittee can choose or change where they want their official corporate address. Section 3 was revised to require any permittee applying for an initial permit for bingo, pull tabs or special draw games to obtain a resolution from the local assembly or city council approving the operation of the games within their municipal boundaries.

Section 14 grandfathers permittees currently operating games covered by this section. The requirement to obtain an approving resolution would not apply to book raffles or ice classics.



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State Capitol  
Juneau, Alaska 99811

Sen. Ferguson's  
Office

2nd Proposed CS for SB549  
Senate Finance Committee  
May 18, 1984

When the Senate Finance Committee last considered the proposed Committee Substitute for SB549, three concerns were raised.

1) Sen. Faiks was concerned about the games of chance and skill run by carnivals. Because of the complexity of the problems in this area, Sen. Faiks has suggested that the carnival issue not be addressed in this legislation. The Department of Revenue has offered its assistance to assist with a separate bill next year dealing with those issues.

2) Sen. Sackett and other senators were concerned with Section 11 which would have authorized the Commissioner to approve the use of new types of technology in permitted games. That section has been eliminated from this committee substitute

3) Sen. Bennett was concerned with providing limits on the geographical area in which a permittee would be permitted to operate. Sections 3 and 14 of this bill have been revised to deal with that concern. A simple geographical limit was not felt to be practical, because under current corporate law, the permittee can choose or change where they want their official corporate address. Section 3 was revised to require any permittee applying for an initial permit for bingo, pull tabs or special draw games to obtain a resolution from the local assembly or city council approving the operation of the games within their municipal boundaries.

Section 14 grandfathers permittees currently operating games covered by this section. The requirement to obtain an approving resolution would not apply to book raffles or ice classics.



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#### Why SB 549 was Introduced

Bingo and other games of chance and skill are expected to gross over 35 million dollars this year for various Alaskan charitable and civic organizations. This activity is monitored by one accounting clerk in the Department of Revenue. Unfortunately, practices which are clearly contrary to existing law have become commonplace in recent years.

Due to the severe cutbacks in federal aid, many social organizations have become increasingly dependent upon the funds generated by Bingo and associated games to finance their programs. With this increasing dependence, some of these organizations took a look at the present state of bingo and became fearful, that unless the present abuses were corrected, there was a danger of a backlash which would deprive them of this source of revenue.

This legislation brings the law up to date, it provides for adequate enforcement and auditing and a means to pay for that activity and it guarantees a proper portion of the gross receipts will wind up as proceeds to the programs of the permittee. This bill is supported by the Department of Revenue and by the Cook Inlet Native Association.

Update of Department of Revenue  
Sectional of Draft Legislation  
to Reflect Changes in CS

Senator Ferguson's Office  
3 May 1984

## SECTIONAL ANALYSIS OF CSSE 549

### An Act Relating to Games of Chance and Skill

#### SECTION 1.

This section repeals the present \$20 application fee and one percent of net proceeds license fee and replaces it with a \$50 fee for most applicants and a one and one-half percent fee on gross receipts. The new section also provides for a permit to be given to qualified operators at a fee of \$200. The increased fee is to provide a source of funds which may be appropriated for the purposes of education and enforcement of the chapter. The operator would be liable for the gross receipts fee on activities conducted for another group. Operators would be required to have bonding equal to ten percent of the calendar year's estimated prizes and proceeds.

#### SECTION 2.

This section authorizes boroughs and organized municipalities outside of boroughs to impose a one-half percent license fee which would be collected by the State and refunded to those local governments. Organized cities within boroughs would share in the fee authorized by the borough but cannot tax the activities separately.

#### SECTION 3.

This section requires that notice of the location of proposed activities be given to the city or borough nearest to the proposed location. There are also special notice requirements for changing locations. A local government could protest the qualifications of an organization or may protest on the grounds that the proposed activity would not be in the best interests of the public. The department may restrict the areas of the state in which activities may be conducted based on protests received from cities or boroughs.

SECTIONAL ANALYSIS OF CSSB 549 -- Continued

SECTION 4.

This section gives the commissioner regulatory powers to carry out the department's responsibilities in the chapter and to protect the public.

SECTION 5.

This amendment would take out the option for the commissioner to charge permittees for examinations. This provision was removed in anticipation that operating funding for enforcement would be appropriated out of the general fund from the new license fees.

SECTION 6.

This section contains the reporting requirements for groups conducting their own activities. Monthly reports would be required for months in which activities were conducted. An annual summary and payment of the additional license fee would be due by January 31 of the year following the year of the activities.

SECTION 7.

This section requires reports for activities conducted by qualified operators. Qualified operators must file monthly reports disclosing gaming operations and an annual summary along with payment of the additional license fee. Authorizing permittees, those using qualified operators, would file an annual report reporting the amounts of net proceeds received from the activities. The filings must be made under penalty of perjury. The commissioner may grant filing extensions, but not payment extensions. If an organization is delinquent in its filing or payment, its activities are automatically suspended during the period of the delinquency.

SECTION 8.

This amendment to AS 05.15.160(a) provides for payments for personal services to an employee of a qualified operator is an authorized expense. Also, payments to a consultant are authorized expenses so long as the consultant is not directly involved in the operation of the activity.

SECTION 9.

This section adds two subsections to AS 05.15.160. Subsection (b) limits total annual authorized expenses to 25 percent of the gross receipts. Subsection (c)

## SECTIONAL ANALYSIS OF CSSB 549 -- Continued

requires that no less than 25 percent of the gross receipts be designated as net proceeds.

### SECTION 10.

These are special rules for activities conducted by operators. Subsection (a) limits a qualified operator to conducting activities for only one authorizing permittee in any 24 hour period. Subsection (b) requires qualified operators to pay the net proceeds to the authorizing permittee within 15 days from the date of the activity conducted for that permittee. Subsection (c) explains the computation of the net proceeds to be paid to the authorizing permittee. Subsection (d) requires the designation of a representative by the authorizing permittee to serve as the liaison between the organization and the operator. The representative would have full access to the books and records related to the activity conducted by the operator for the organization. Subsection (e) requires the operator to pay additional amounts to the authorizing permittee if the department finds that unauthorized expenses have been paid or less than 25 percent of the gross receipts have been paid as net proceeds.

### SECTION 11.

This change in AS 05.15.180(a) would allow the commissioner to designate instruments, machines or other objects which could be used in the operation of activities authorized under the chapter.

### SECTION 12.

This section gives the commissioner the option of assessing a failure to pay penalty for the nonpayment of license fees where the failure to pay is without reasonable cause.

### SECTION 13.

This section redefines "net proceeds" in conjunction with the changes made in AS 05.15.160(a) made during the last session and those proposed in the bill.

### SECTION 14.

The definitions of "authorizing permittee", "permittee" and "qualified operator" would be added to the definition section of AS 05.15.

SECTIONAL ANALYSIS OF CSSB 549 -- Continued

SECTION 15.

This effective date provision would have the Act be effective July 1, 1984.

THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

**CORRECTION**

SECTIONAL ANALYSIS OF CSSB 549 -- Continued

SECTION 15.

This effective date provision would have the Act be effective Ju. 1, 1984.

Changes made to SB 549  
by the Committee Substitute

The Finance Committee substitute for SB 549 makes four changes to the original bill. These changes are detailed below.

Page 1 Line 18 - The bonding requirement for qualified operators is reduced to an amount equal to ten percent of the estimated proceeds and prizes for the calendar year. With the reporting system this legislation sets up, this level of bonding is felt to provide a proper amount of protection without being prohibitively expensive.

Page 1 Line 23 - The percentage of gross receipts paid to the state is reduced from 3% to 1½%. According to estimates by the Department of Revenue, this percentage will generate approximately \$527,250 next year. This amount is sufficient to cover the Department of Revenue's fiscal note of \$463,200.

Page 2 Line 4 - The percentage of gross receipts that local governments may establish a license fee not to exceed, has been reduced from 1% to ½%. This is felt to be sufficient to cover any additional burden that games of chance and skill may impose on local governments.

Page 8 Line 25 - A typo in a statute reference has been corrected.

The Committee Substitute, making these four changes, is supported by the original sponsor, by the Department of Revenue and by the Cook Inlet Native Association.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date 5/3/84

**REQUEST**

Bill/Resolution No: CSSB549 (Finance)  
 Title: An Act Relating to Games of Chance & Skill & Provide for effective date  
 Sponsor: Community & Regional Affairs  
 Requestor: Senate Finance  
 Date of Request: 5/3/84

**FISCAL DETAIL**

Agency Affected: Revenue  
 Program Category Affected: Revenue Collection & Management  
 BRU, Program or Subprogram(s) Affected: Public Services Division BRU

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	-	290.3	304.8	320.1	336.1	352.9
200 TRAVEL	-	48.0	40.0	42.0	44.1	46.3
300 CONTRACTUAL	-	108.1	60.9	60.9	60.9	60.9
400 SUPPLIES	-	4.0	4.2	4.4	4.6	4.8
500 EQUIPMENT	-	12.8	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	463.2	409.9	427.4	445.7	464.9
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	550.3	597.8	654.2	715.9	783.4

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-	463.2	409.9	427.4	445.7	464.9
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-

**POSITIONS:**

FULL-TIME	-	8	8	8	8	8
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

See revenue figures above.

**ANALYSIS:** See attached page.

Prepared By: Martin J. Richard  
 Division: Public Services

Phone: 465-2392  
 Date: 5/3/84

Approved by Commissioner: \_\_\_\_\_  
 Agency: Department of Revenue

Date: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CSSB 549 (Finance)  
Public Services Division BRU  
Fiscal Note Analysis

Administration of Games of Chance and Contests of Skill (AS 05.15) rests with the Public Services Division. Essentially, no field enforcement has been employed in past years. Gambling in Alaska has grown substantially in recent years with an even more accelerating growth expected. There is a definite need to provide for some control before it reaches a level that would prohibit any control.

The change in fee structure provided for in this legislation would allow funds for an educational enforcement program. The field investigators would review gaming operations holding permits to ensure proper operation. The tax examiners will be used to issue permits and review financial statements ensuring proper use of funds derived from gaming.

100 PERSONAL SERVICES

1	Investigator III	(\$3249 @ 12 mos.)	\$ 50,159
3	Investigator II	(\$2573 @ 36 mos.)	120,434
3	Tax Examiner II	(\$1973 @ 36 mos.)	94,446
1	Clerk Typist III	(\$1553 @ 12 mos.)	<u>25,273</u>

Total Annual Wages & Benefits \$290,312

200 TRAVEL

Estimate \$12,000 per field Investigator for mileage,  
travel and per diem. 48,000

300 CONTRACTUAL

4	Terminals, Printer and Central Processing Unit allocation		\$ 57,876
	Cost of initial programing and set up		25,000
	Printing cost for forms etc		6,000
	Office space rent		<u>19,200</u>

Total Annual Contractual Obligations 108,076

400 SUPPLIES

Miscellaneous stationery and office supplies 4,000

500 EQUIPMENT

Office equipment (desk, chairs, filing cabinets etc.) 12,800

Total \$463,188

Offered: 5/3/84  
Referred: Community and Regional  
Affairs and Finance

Original Sponsor: Community and Regional  
Affairs Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 549 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to games of chance and contests of  
7 skill; and providing for an effective date."

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

9 \* Section 1. AS 05.15.020 is repealed and reenacted to read:

10 Sec. 05.15.020. ANNUAL PERMIT AND FEE. (a) An activity permit-  
11 ted under this chapter may not be conducted unless an annual permit  
12 issued by the department is first obtained and a fee of \$50 is paid to  
13 the department.

14 (b) A qualified operator may conduct an activity permitted under  
15 this chapter for a municipality or qualified organization if an annual  
16 operator's permit issued by the department is first obtained, a fee of  
17 \$200 is paid to the department and a bond or other security acceptable  
18 to the department is filed with the department for ten percent of the  
19 amount of prizes and net proceeds estimated to be paid for the calen-  
20 dar year. The operator's permit is in addition to the permit required  
21 to be obtained by the municipality or qualified organization on whose  
22 behalf the operator conducts the activity.

23 (c) An additional fee of one and one-half [THREE] percent of the  
24 gross receipts from an activity permitted under this chapter shall be  
25 paid to the department by each municipality or qualified organization  
26 annually except that a qualified operator shall be liable for the  
27 additional fee for activities conducted by the qualified operator on  
28 behalf of a municipality or qualified organization.

29 \* Sec. 2. AS 05.15 is amended by adding a new section to read:

1           Sec. 05.15.025. LICENSE FEES COLLECTED ON BEHALF OF A LOCAL  
2 GOVERNMENT. (a) A borough or organized municipality outside of a  
3 borough may elect, by passage of an appropriate ordinance, to impose  
4 an additional license fee, not to exceed one-half of one percent, on  
5 the gross receipts of an activity authorized under this chapter con-  
6 ducted within its boundaries. A borough or organized municipality  
7 outside of a borough that elects to impose the additional license fee  
8 shall file written notice of the election with the department on or  
9 before December 1 of the year preceding the year an election under  
10 this section is to become effective. The notice may not be rescinded  
11 for a subsequent calendar year unless a rescission notice is received  
12 by the department on or before January 1 of the year for which the  
13 license fee is rescinded.

14           (b) The additional license fee shall be collected and adminis-  
15 tered by the department in the same manner as provided for the addi-  
16 tional fee in AS 05.15.020(c).

17           (c) The department shall refund money collected under this  
18 section to the borough or organized municipality outside of a borough  
19 for which the money was collected, as determined by the location of  
20 the activity authorized under this chapter.

21           (d) Money received by an organized borough under this section  
22 shall be allocated by the borough by ordinance for city, area outside  
23 city and service area purposes within the borough.

24 \* Sec. 3. AS 05.15.030 is repealed and reenacted to read:

25           Sec. 05.15.030. NOTIFICATION OF LOCAL GOVERNMENTS AND PROTESTS.

26           (a) At the time of filing application the applicant shall notify the  
27 city or borough nearest to the location of the proposed activity of  
28 the application and the location at which the proposed activity will  
29 be conducted. If the permittee relocates within the same city or

1 borough the permittee shall notify the department and the city or  
2 borough within 30 days of its move to the new location. If the per-  
3 mittee intends to conduct an activity in an additional or different  
4 city or borough, the permittee shall notify the department and the  
5 city or borough nearest to the new location at least 30 days before  
6 conducting an activity at the new location.

7 (b) A local government may protest the conduct of the activity  
8 in its jurisdiction by resolution stating the reasons for the protest  
9 filed with the department; protests are limited to the lack of quali-  
10 fications prescribed by this chapter or a finding that the proposed  
11 activity would not be in the best interests of the public. This  
12 resolution is only a recommendation by the city that may be considered  
13 by the commissioner in the commissioner's determination to issue or  
14 refuse to issue a permit. The department may limit the locations in  
15 which activities authorized under this chapter may be conducted.

16 \* Sec. 4. AS 05.15.060 is repealed and reenacted to read:

17 Sec. 05.15.060. REGULATIONS. In accordance with the Administra-  
18 tive Procedure Act (AS 44.62), the commissioner of revenue shall adopt  
19 regulations necessary to carry out this chapter covering but not  
20 limited to the control and issuance of permits, authorized expenses,  
21 investigations of permittees, recordkeeping and accounting, prizes,  
22 equipment, audits of authorized activities, suspension or revocation  
23 of permits and other matters that the commissioner considers necessary  
24 to carry out this chapter or protect the best interest of the public.

25 \* Sec. 5. AS 05.15.070 is amended to read:

26 Sec. 05.15.070. COMMISSIONER OF REVENUE MAY EXAMINE PERMITTEES.  
27 The commissioner may examine or have examined the books and records of  
28 a permittee. [THE COMMISSIONER MAY REQUIRE THE PERMITTEE TO PAY THE  
29 REASONABLE COST OF THE EXAMINATION.] The commissioner may issue

1 subpoena for the attendance of witnesses and the production of books,  
2 records, and other documents.

3 \* Sec. 6. AS 05.15.080 is repealed and reenacted to read:

4 Sec. 05.15.080. REPORTS REQUIRED AND PAYMENT OF FEE BY MUNIC-  
5 IPALITIES AND QUALIFIED ORGANIZATIONS. (a) A municipality or qual-  
6 ified organization conducting an activity authorized under this chap-  
7 ter shall file a report with the department no later than the last  
8 business day of the month following the month in which an activity was  
9 conducted. The report must include the type of activity conducted,  
10 the date and location of the activity, the amount of gross receipts,  
11 the amount of authorized expenses, the value of prizes awarded, the  
12 amount of net proceeds and other information the commissioner may  
13 require by regulation.

14 (b) A municipality or qualified organization conducting an  
15 activity authorized under this chapter shall file an annual report  
16 with the department no later than January 31 of the year following the  
17 year in which activities were conducted, accompanied by the payment of  
18 the additional fee as required under AS 05.15.020(c). The report must  
19 list the types of activities conducted, and, for each activity, the  
20 total amount of gross receipts, the total amount of authorized expen-  
21 ses, the total value of prizes, and the total amount of net proceeds.  
22 The report must also include the disposition or intended disposition  
23 of the net proceeds.

24 \* Sec. 7. AS 05.15 is amended by adding new sections to read:

25 Sec. 05.15.085. REPORTS REQUIRED AND PAYMENT OF FEE BY QUALIFIED  
26 OPERATORS. (a) A qualified operator shall file a report with the  
27 department no later than the last business day of the month following  
28 the month in which an activity was conducted. The report shall be  
29 divided into sections for each municipality and qualified organization

1 on whose behalf an activity was conducted and must include the date  
2 and location of each activity, the type of activity conducted, the  
3 amount of gross receipts, the amount of authorized expenses, the value  
4 of prizes awarded, the amount of net proceeds paid to the municipality  
5 or qualified organization on whose behalf the activity was conducted  
6 and other information the commissioner may require by regulation.

7 (b) A qualified operator shall file an annual report with the  
8 department no later than January 31 of the year following the year in  
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10 additional fee as required under AS 05.15.020(c). The report must  
11 list the types of activities conducted, the municipalities and qual-  
12 ified organizations on whose behalf the activities were conducted, the  
13 total gross receipts, the total authorized expenses, the total prizes  
14 and the total net proceeds turned over to each municipality and qual-  
15 ified organization.

16 (c) A municipality or qualified organization that authorizes a  
17 qualified operator to conduct activities authorized under this chapter  
18 shall file an annual report with the department no later than Janu-  
19 ary 31 of the year following the year in which the activities were  
20 conducted. The report must list each activity conducted, the autho-  
21 rized representative for the municipality or qualified organization,  
22 the qualified operator conducting the activity, the date and location  
23 of each activity and the net proceeds received from the qualified  
24 operator for the activity.

25 Sec. 05.15.086. GENERAL PROVISIONS RELATING TO THE FILING OF  
26 REPORTS AND PAYMENT OF LICENSE FEES. (a) The license applications  
27 and reports required under this chapter shall be filed under penalty  
28 of perjury and signed by a bona fide member in good standing of the  
29 qualified organization or a person authorized to sign on behalf of a

1 municipality.

2 (b) The commissioner may grant an extension for the filing of a  
3 report required under this chapter upon a showing by the permittee of  
4 reasonable cause for delay. The extension may not be granted in  
5 excess of 30 days and the report will not be considered delinquent  
6 during the period of the extension. An extension of time for the  
7 payment of the license fee is prohibited.

8 (c) A permittee is not authorized to conduct an activity under  
9 this chapter during any period in which a report or license fee is  
10 delinquent.

11 (d) A delinquent license fee shall bear interest at the rate  
12 provided for in AS 43.05.225.

13 \* Sec. 8. AS 05.15.160 is amended to read:

14 Sec. 05.15.160. AUTHORIZED EXPENSES. An [NO] item of expense  
15 may not be incurred or paid in connection with the operation of an  
16 activity under a permit issued under this chapter except for bona fide  
17 expenses reasonably necessary for

18 (1) goods, wares, and merchandise necessary for the opera-  
19 tion of the activity;

20 (2) personal services rendered that are not directly or  
21 indirectly involved with the operation of the activity; or

22 (3) personal services involved with the operation of the  
23 activity provided the services are performed by an employee of the  
24 municipality, qualified organization, qualified operator or a consul-  
25 tant hired by the municipality or qualified organization conducting  
26 the activity, provided the consultant is not directly involved in the  
27 operation of the activity [AND THE COMPENSATION IS NOT RELATED TO THE  
28 RECEIPTS FROM THE ACTIVITY].

29 \* Sec. 9. AS 05.15.160 is amended by adding new subsections to read:

1 (b) The annual authorized expenses under (a) of this section may  
2 not exceed 25 percent of the annual gross receipts from activities  
3 authorized under this chapter.

4 (c) The annual net proceeds for a qualified organization from  
5 activities authorized under this chapter may not be less than 25  
6 percent of the annual gross receipts.

7 \* Sec. 10. AS 05.15 is amended by adding a new section to read:

8 Sec. 05.15.165. QUALIFIED OPERATORS. (a) A qualified operator  
9 may not operate an activity for more than one authorizing permittee in  
10 any 24 hour period.

11 (b) A qualified operator is required to pay the authorizing  
12 permittee the net proceeds from an activity within 15 calendar days  
13 from the date of the activity. The payment shall be made by check and  
14 the qualified operator shall obtain a signed receipt from the autho-  
15 rizing permittee. The authorizing permittee shall keep a copy of the  
16 receipt for its records.

17 (c) The net proceeds of an activity that shall be paid by the  
18 qualified operator to the authorizing permittee shall be the gross  
19 receipts from the activity reduced by the license fee based on the  
20 gross receipts, the authorized expenses provided for under AS 05.15.-  
21 160(a) and the prizes awarded at the activity.

22 (d) An authorizing permittee shall designate a representative,  
23 who is a bona fide member in good standing of the qualified organiza-  
24 tion or a person designated by the municipality, to be its agent in  
25 working with the qualified operator. The representative shall have  
26 access to all books and records of the qualified operator relevant to  
27 the activity, including the amounts of gross receipts, authorized  
28 expenses and prizes awarded. The commissioner may order the produc-  
29 tion of the books and records of a qualified operator that are not  
30

voluntarily made available to the representative under regulations adopted by the department.

(e) If the department finds that a qualified operator has incurred expenses that are not authorized under AS 05.15.160(a), or has incurred expenses in excess of the amount authorized under AS 05.15.160(b), or has paid an authorizing permittee less than the minimum amount of net proceeds provided for under AS 05.15.160(c), the department shall order the qualified operator to refund to the authorizing permittee the amount of the unauthorized expenses or the difference between the minimum amount of net proceeds under AS 05.15.160(b) and the amount of the net proceeds actually paid, whichever is greater. The qualified operator shall pay the authorizing permittee interest on the amount ordered to be paid at the rate of 1.5 percent a month for each month or fraction of a month between the date of the operation of the activity and the date the refund is made.

\* Sec. 11. AS 05.15.180(a) is repealed and reenacted to read:

(a) This chapter does not authorize the use of instruments, machines, or other objects used, designed, or intended primarily for gaming or gambling unless specifically authorized under regulations adopted by the commissioner and used in the operation of activities ~~authorized under this chapter.~~

\* Sec. 12. AS 05.15.200 is amended by adding a new subsection to read:

(c) The commissioner may assess a penalty in the manner provided for the nonpayment of taxes under AS 43.05.220(a) where a permittee has failed to timely pay a license fee required under AS 05.15.020(c) [(B)], unless it is shown that the failure was due to reasonable cause.

\* Sec. 13. AS 05.15.210(15) is repealed and reenacted to read:

(15) "net proceeds" means the gross receipts from the

# CORRECTION

THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

1 voluntarily made available to the representative under regulations  
2 adopted by the department.

3 (e) If the department finds that a qualified operator has in-  
4 curred expenses that are not authorized under AS 05.15.160(a), or has  
5 incurred expenses in excess of the amount authorized under AS 05.15.-  
6 160(b), or has paid an authorizing permittee less than the minimum  
7 amount of net proceeds provided for under AS 05.15.160(c), the depart-  
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9 permittee the amount of the unauthorized expenses or the difference  
10 between the minimum amount of net proceeds under AS 05.15.160(b) and  
11 the amount of the net proceeds actually paid, whichever is greater.  
12 The qualified operator shall pay the authorizing permittee interest on  
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26 [(B)], unless it is shown that the failure was due to reasonable  
27 cause.

28 \* Sec. 13. AS 05.15.210(15) is repealed and reenacted to read:

29 (15) "net proceeds" means the gross receipts from the

1 activity reduced by the license fee based on the gross receipts, the  
2 authorized expenses provided for under AS 05.15.160(a) and the prizes  
3 awarded at the activity;

4 \* Sec. 14. AS 05.15.210 is amended by adding new subsections to read:

5 (24) "authorizing permittee" means a municipality or qual-  
6 ified organization that has authorized a qualified operator to conduct  
7 activities authorized under a permit issued by the commissioner under  
8 this chapter on its behalf;

9 (25) "commissioner" means the commissioner of revenue;

10 (26) "department" means the Department of Revenue;

11 (27) "permittee" means a municipality, qualified organiza-  
12 tion or qualified operator that has been issued a permit to conduct  
13 the activities authorized under this chapter;

14 (28) "qualified operator" means a municipality or qualified  
15 organization that has been authorized by the commissioner to operate  
16 the activities authorized under this chapter on behalf of another  
17 permittee.

18 \* Sec. 15. This Act takes effect July 1, 1984.  
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ALASKA DEPARTMENT OF REVENUE  
SB 549 and Proposed CSSB 549(Finance)

Additional Information Requested by  
The Senate Finance Committee

May 7, 1984

SB 549 and Proposed CSSB 549 (Finance)  
Summary of Changes To Present Law

Section 1 would repeal and reenact AS 05.15.020.

Present Law: -Annual permit required for activities  
-\$20 application fee  
-Additional fee of 1% of net proceeds paid by permit holder  
-No provisions for an operator's permit

Proposed Changes: -Annual permit required for activities  
-\$50 application fee for permit  
-\$200 application fee for operator's permit  
-Posting of bond or other security by operator  
-Additional fee of 3% (SB 549) or 1.5% (CSSB 549) of gross receipts paid by permittee operating own games or by operator

Section 2 adds a new section, AS 05.15.025

Present Law: -No provision for a license fee by local governments

Proposed Changes: -Boroughs and organized cities outside of boroughs could impose a fee of up to 1% (SB 549) or 1/2% (CSSB 549)  
-Department would collect the fee

Section 3 repeals and reenacts AS 05.15.030.

Present Law: -Notification of local governments required  
-Local governments can protest on the basis of the applicants lack of qualifications

Proposed Changes: -Adds that a local government may protest an application which is not in the best interests of the public  
-Commissioner could restrict locations of games

Section 4 repeals and reenacts AS 05 15.060.

No substantive changes between current and proposed law. Repeal and reenactment proposed only to simplify the language.

Section 5 deletes a portion of AS 05.15.070.

Present Law: -Commissioner may charge permittees cost of the examination

Proposed Changes: Deletes the power to charge for examination

Section 6 repeals and reenacts AS 05.15.080.

Present Law: -Annual report by January 31 to city or borough clerk nearest to location of activity

-Reports income, authorized expenses and disbursements of net proceeds

Proposed Changes: -Monthly reports to the state on activities conducted by organizations

-Annual report to State by January 31 of summary of prior years activities

-Fee to be paid with annual report

Section 7 adds two new sections, AS 05.15.085 and AS 05.15.086.

Present law contains no provisions for games conducted by operators.

Proposed Changes: AS 05.15.085

-This is a new section for reports on games conducted by operators

-Monthly reports to State required on activities conducted for other organizations

-Operators to file annual reconciliation by January 31 of the succeeding year and pay the gross receipts fee

-Organizations using operators must file an annual report by January 31 of the succeeding year

AS 05.15.086

-All applications and reports to be file under penalty of perjury

-Reports must be signed by a bona fide member in good standing of the permittee or operator

-Commissioner may grant filing extensions but not extensions for the payment of fees

-Automatic suspension of activities if a report or fee is delinquent

-Delinquent fees bear interest at the rate provided for delinquent taxes

Section 8 amends AS 05.15.160.

Present Law: -Payments to employees of operators are not authorized expenses

-Payments to consultants cannot be related to the receipts of the authorized activity

Proposed Changes: -Payments to employees of qualified operators would be authorized expenses

-Consultants could be paid out of the receipts of an activity

Section 9 adds two new subsections to AS 05.15.160.

Present Law: -Current regulations limit Bingo prizes to \$1,000 per game not to exceed \$5,000 per session

-Current regulations limit annual prizes for raffles and lotteries to \$200,000

-Present law sets no limit on the amount of authorized expenses which may be incurred

Proposed Changes: -Limit annual authorized expenses to 25% of gross receipts

-Annual net proceeds may not be less than 25% of the gross receipts

Section 10 adds a new section, AS 05.15.165

Present law contains no provisions for games conducted by operators.

Proposed Changes: -Qualified operators may operate for only one authorizing permittee in any 24 hour period

-The authorizing permittee must be paid its net proceeds within 15 days of the activity

-The operator must pay to the authorizing permittee the gross receipts reduced by the amount of the gross receipts fee, authorized expenses and prizes

-Authorizing permittee must designate a representative which would have access to the operator's books for its activities

-Department may order an operator to provide its books to an authorizing permittee

-The Department shall order an operator to pay to the authorizing permittee the amounts of unauthorized expenses incurred or the difference between the net proceeds paid and 25% of the gross receipts, whichever is greater

-Interest shall be added to the payments made to an authorizing permittee under order from the Department at the rate of 1.5% per month for each month or fraction of a month during which the money is not paid

Section 11 repeals and reenacts AS 05.15.180(a).

Present Law: -Except for Monte Carlo-type events, playing cards, dice, roulette wheels, coin-operated instruments or machines, or other objects or

instruments used, deigned, or intended primarily for gaming or gambling or any other method or implement not expressly authorized by the commissioner may not be used in authorized activities

Proposed Changes: -Commissioner could designate by regulation instruments, machines or other objects which may be used in the conduct of activities under the chapter

Section 12 adds a new subsection to AS 05.15.200.

Present Law: -Only penalty for the non-payment of license fees is a suspension or revocation of the permit

Proposed Change: -A penalty may be assessed by the commissioner which is similar to the failure to pay penalty for taxes (5% for each 30 day period or fraction thereof) during which the fee is delinquent

Section 13 repeals and reenacts AS 05.15.210(15).

Present Law: -"Net proceeds" is defined as the gross receipts less expenses, charges, fees, and deductions which are specifically authorized under the chapter

Proposed Change: -"Net proceeds" is defined simply to be gross receipts reduced by the license fee based on the gross receipts, authorized expenses defined in AS 05.15.160(a) and the prizes awarded at the activity

Section 14 adds 5 new subsections to AS 05.15.210.

Present Law: -There are no definitions for "authorizing permittee", "commissioner", "department", "permittee" or "qualified operator".

Proposed Changes: -The above terms would be defined

Section 15 is the effective date clause.

SB 549 and Proposed CSSB 549 (Finance)  
Differences

The proposed committee substitute differs from SB 549 in the following 4 ways:

- \$1. The amount of bonding or other security in the proposed AS 05.15.020(b) would be reduced from the annual full amount of estimated prizes and net proceeds (SB 549) to 10% of that amount (CSSB 549).
- \$1. The additional license fee based on gross receipts in the proposed AS 05.15.020(c) would be reduced from 3% (SB 549) to 1 1/2% (CSSB 549).
- \$2. The ceiling on the fee which may be adopted by a borough or organized city outside of a borough in the proposed AS 05.15.025(a) would be reduced from 1% (SB 549) to 1/2% (CSSB 549).
- \$12. A clerical error would be corrected in the proposed AS 05.15.200(c) so that the failure to pay penalty would apply to the non-payment of the additional fee in AS 05.15.020(c) (CSSB 549) rather than the operator's permit fee in AS 05.15.020(b) (SB 549).

SB549 and Proposed CSSB549 (Finance)  
Games of Chance & Contests of Skill  
Alaska Department of Revenue  
May 5, 1984

The following is a list of games or contests that may be authorized by permittees under AS 05.15:

- Bingo
- Raffle
- Lottery
- Ring-toss Game
- Penny Pitch
- Fish Pond
- Duck Pond
- String Game
- Baseball Game
- Dart Game
- Grab Bag
- Bean Guess
- Hamster Game
- Pull-tab Game
- Ice Classics
- Dog Musers' Contest
- Fish Derbies
- Contests of Skill
- Monte Carlo or Casino Nights

This list is not meant to be all inclusive, but rather is provided for example. Some games known by different names may be included depending on how they are conducted.

SB549 and Proposed CSSB549 (Finance)  
Expanded Fiscal Note Analysis  
Public Services Division BRU  
Alaska Department of Revenue  
May 5, 1984

The Department of Revenue administers AS 05.15 Games of Chance and Contests of Skill. Gambling authorized by a Revenue permit is legal. If the permittee is not operating the game as the law intends the Department needs to enforce the law by making the permittee operate the game correctly or revoking the permit. Once the permit is revoked it is up to the police authority having jurisdiction to close the game.

Currently a Range 12 Tax Examiner spends about half her time issuing permits, answering inquiries, and preparing the annual report to the Legislature for Games of Chance and Contests of Skill. This position also handles non-resident securities for companies wanting to do business in Alaska, this workload is growing. If a Gaming Section is created by the legislation this position will assist in preparing the annual report and devote the remainder of her time to non-resident securities. No other budget items exist directly for this program.

#### 100 Personal Services

The Gaming Section would be supervised by an Investigator III. This position would control the day to day activities of the investigators and examiners, draft regulations, answer policy and procedure inquiries, and act as a liaison to the Criminal Investigations Bureau of the Alaska State Troopers. This position will report directly to the Director of Public Services.

Three Investigator II's would be employed to concentrate on field work. This field work will consist of explaining the Rules and Regulations to permittees and operators, reviewing the operation of games, field examinations of financial records, follow-up on complaints and referrals to local police authorities.

Three Tax Examiners would be employed to examine monthly reports and annual reconciliations, review security or bonding documents, perform financial analysis on WANG, issue permits, answer correspondence, follow-up on minor complaints, and assist field investigators on third party confirmations.

The Clerk Typist will support the Section by making travel arrangements, typing correspondence, and performing other clerical type functions.

The investigator series was used for field personnel since the emphasis of the program is educational and investigative. The examination of the financial records should not be of the complexity to require an extensive audit background.

#### 200 Travel

In the first year travel is estimated at \$48,000 then drops to \$40,000 in the second year. During the first year the staff will concentrate on educational visits to gaming operations and informational seminars on gambling in Alaska. The examinations of permittees and operators is not a revenue raising operation, but rather a public protection effort.

We have received many complaints on game operations and requests for review of financial records that could not be followed up on due to lack of staff and travel funds.

#### 300 Contractual

Funds are requested here for WANG work stations, a printer, and CPU allocation. The financial reports filed will be data captured for financial analysis. Initial programming and setup for the gaming computer programs is estimated to cost approximately \$25,000. Maintenance of these programs can be handled by existing data processing staff.

Printing costs are estimated at \$6,000. Forms must be prepared for the monthly reports and the annual reconciliations. Pamphlets containing the current statutes and regulations must be printed. An explanation of proper accounting procedures for the permittee and operator can be prepared in booklet form.

\$19,200 is requested for office space to house the Gaming Section.

#### 400 Supplies

Miscellaneous office supplies are needed for the operation of the Gaming Section in the amount of \$4,000.

#### 500 Equipment

Miscellaneous office equipment is needed for the Gaming Section. This includes desks, chairs, filing cabinets, etc. Estimated cost is \$12,800.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date 4/23/84

REQUEST

Bill/Resolution No: SB 549  
 Title: An Act Relating to Games of Chance  
 & Skill & Provide for effective date  
 Sponsor: Community & Regional Affairs  
 Requestor: Senate Finance  
 Date of Request: 4/19/84

FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Revenue  
 Collection & Management  
 BRU, Program or Subprogram(s) Affected:  
Public Services Division BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<u>OPERATING</u>						
100 PERSONAL SERVICES	-	290.3	304.8	320.1	336.1	352.9
200 TRAVEL	-	48.0	40.0	42.0	44.1	46.3
300 CONTRACTUAL	-	108.1	60.9	60.9	60.9	60.9
400 SUPPLIES	-	4.0	4.2	4.4	4.6	4.8
500 EQUIPMENT	-	12.8	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<u>TOTAL OPERATING</u>	-	463.2	409.9	427.4	445.7	464.9
<u>CAPITAL</u>	-	-	-	-	-	-
<u>REVENUE</u>	-	1054.5	1153.9	1262.7	1381.8	1512.1

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	463.2	409.9	427.4	445.7	464.9
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<u>TOTAL</u>	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	8	8	8	8	8
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

See revenue figures above.

ANALYSIS: See attached page.

Prepared By: Martin J. Richard  
 Division: Public Services

Phone: 465-2392

Date: 4/23/84

Approved by Commissioner: Milt Barber  
 Agency: Department of Revenue

Date: 4-23-84

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

SB 549  
Public Services Division BRU  
Fiscal Note Analysis

Administration of Games of Chance and Contests of Skill (AS 05.15) rests with the Public Services Division. Essentially, no field enforcement has been employed in past years. Gambling in Alaska has grown substantially in recent years with an even more accelerating growth expected. There is a definite need to provide for some control before it reaches a level that would prohibit any control.

The change in fee structure provided for in this legislation would allow funds for an educational enforcement program. The field investigators would review gaming operations holding permits to ensure proper operation. The tax examiners will be used to issue permits and review financial statements ensuring proper use of funds derived from gaming.

100 PERSONAL SERVICES

1	Investigator III	(\$3249 @ 12 mos.)	\$ 50,159
3	Investigator II	(\$2573 @ 36 mos.)	120,434
3	Tax Examiner II	(\$1973 @ 36 mos.)	94,446
1	Clerk Typist III	(\$1553 @ 12 mos.)	<u>25,273</u>

Total Annual Wages & Benefits \$290,312

200 TRAVEL

Estimate \$12,000 per field Investigator for mileage,  
travel and per diem. 48,000

300 CONTRACTUAL

4	Terminals, Printer and Central Processing Unit allocation		\$ 57,876
	Cost of initial programing and set up		25,000
	Printing cost for forms etc		6,000
	Office space rent		<u>19,200</u>

Total Annual Contractual Obligations 108,076

400 SUPPLIES

Miscellaneous stationery and office supplies 4,000

500 EQUIPMENT

Office equipment (desk, chairs, filing cabinets etc.) 12,800

Total \$463,188

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date 4/23/84

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PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

See revenue figures above.

ANALYSIS: See attached page.

Prepared By: Martin J. Richard  
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Office equipment (desk, chairs, filing cabinets etc.) 12,800

Total \$463,188

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

4/18/84

Date \_\_\_\_\_

Mr. President

The Committee on C&RA considered SB 549

games of chance and contests of skill; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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Chairman

Chairman recommendation

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

5/28/64

Date: 5-29-64

The Committee on FINANCE has had CSSB 549(R1a)

"An Act relating to games of chance and contests of skill; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note 9/20/64  
 Zero Fiscal Note Attached
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Cecil B. Edwards

W. H. ...

...

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

W. H. ...

...

...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Cecil B. Edwards

\_\_\_\_\_

CHAIRMAN

SENATE  
JOURNAL SUPPLEMENT

5/18/84

No. 87

STATE OF ALASKA 1984 LEGISLATIVE SESSION      CSSB  
FISCAL NOTE      549  
(FIN)

<b>REQUEST</b> Bill/Resolution No: <u>CSSB549 (Finance)</u> Title: <u>An Act Relating to Games of Chance &amp; Skill &amp; Provide for effective date</u> Sponsor: <u>Community &amp; Regional Affairs</u> Requestor: <u>Senate Finance</u> Date of Request: <u>5/3/84</u>	<b>FISCAL DETAIL</b> Agency Affected: <u>Revenue</u> Program Category Affected: <u>Revenue Collection &amp; Management</u> BRU, Program or Subprogram(s) Aff: <u>Public Services Division BRU</u>
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**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>					
100 PERSONAL SERVICES	290.3	304.8	320.1	336.1	352.9
200 TRAVEL	48.0	40.0	42.0	44.1	46.3
300 CONTRACTUAL	108.1	60.9	60.9	60.9	60.9
400 SUPPLIES	4.0	4.2	4.4	4.6	4.8
500 EQUIPMENT	12.0	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-
300 MISCELLANEOUS	-	-	-	-	-
<b>TOTAL OPERATING</b>	<b>463.2</b>	<b>409.9</b>	<b>427.4</b>	<b>445.7</b>	<b>464.9</b>
<b>CAPITAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>REVENUE</b>	<b>550.3</b>	<b>597.8</b>	<b>654.2</b>	<b>715.9</b>	<b>783.4</b>

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	463.2	409.9	427.4	445.7	464.9
FEDERAL FUNDS	-	-	-	-	-
OTHER	-	-	-	-	-
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**POSITIONS:**

FULL-TIME	8	8	8	8	8
PART-TIME	-	-	-	-	-
TEMPORARY	-	-	-	-	-

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

See revenue figures above.

**ANALYSIS:** See attached page.

Prepared by: Martin J. Richard  
 Division: Public Services

Phone: 465-2392

Date: 5/3/84

Approved by Commissioner: [Signature]  
 Agency: Department of Revenue

Date: 5/13/84

CSSB  
549  
(FIN)

ANALYSIS:

Administration of Games of Chance and Contests of Skill (AS 05.15) rests with the Public Services Division. Essentially, no field enforcement has been employed in past years. Gambling in Alaska has grown substantially in recent years with an even more accelerating growth expected. There is a definite need to provide for some control before it reaches a level that would prohibit any control.

The change in fee structure provided for in this legislation would allow funds for an educational enforcement program. The field investigators would review gaming operations holding permits to ensure proper operation. The tax examiners will be used to issue permits and review financial statements, ensuring proper use of funds derived from gaming.

CSSB 549 (Finance)  
Public Services Division BRU  
Fiscal Note Analysis

Administration of Games of Chance and Contests of Skill (AS 05.15) rests with the Public Services Division. Essentially, no field enforcement has been employed in past years. Gambling in Alaska has grown substantially in recent years with an even more accelerating growth expected. There is a definite need to provide for some control before it reaches a level that would prohibit any control.

The change in fee structure provided for in this legislation would allow funds for an educational enforcement program. The field investigators would review gaming operations holding permits to ensure proper operation. The tax examiners will be used to issue permits and review financial statements ensuring proper use of funds derived from gaming.

100 PERSONAL SERVICES

1	Investigator III	(\$3249 @ 12 mos.)	\$ 50,159
3	Investigator II	(\$2573 @ 36 mos.)	120,434
3	Tax Examiner II	(\$1973 @ 36 mos.)	94,446
1	Clerk Typist III	(\$1553 @ 12 mos.)	<u>25,273</u>

Total Annual Wages & Benefits \$290,312

200 TRAVEL

Estimate \$12,000 per field Investigator for mileage, travel and per diem. 48,000

300 CONTRACTUAL

4	Terminals, Printer and Central Processing Unit allocation	\$ 57,876
	Cost of initial programing and set up	25,000
	Printing cost for forms etc	6,000
	Office space rent	<u>19,200</u>

Total Annual Contractual Obligations 108,076

400 SUPPLIES

Miscellaneous stationery and office supplies 4,000

500 EQUIPMENT

Office equipment (desk, chairs, filing cabinets etc.) 12,800

Total \$463,188

Offered: 5/24/84

Original sponsor: Community and Regional  
Affairs Committee

1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 549 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to games of chance and contests of  
7 skill; and providing for an effective date."

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

9 \* Section 1. AS 05.15.020 is repealed and reenacted to read:

10 Sec. 05.15.020. ANNUAL PERMIT AND FEE. (a) An activity permit-  
11 ted under this chapter may not be conducted unless an annual permit  
12 issued by the department is first obtained and a fee of \$50 is paid to  
13 the department.

14 (b) A qualified operator may conduct an activity permitted under  
15 this chapter for a municipality or qualified organization if an annual  
16 operator's permit issued by the department is first obtained, a fee of  
17 \$200 is paid to the department and a bond or other security acceptable  
18 to the department is filed with the department for 10 percent of the  
19 amount of prizes and net proceeds estimated to be paid for the  
20 calendar year. The operator's permit is in addition to the permit  
21 required to be obtained by the municipality or qualified organization  
22 on whose behalf the operator conducts the activity.

23 (c) An additional fee of one and one-half percent of the gross  
24 receipts from an activity permitted under this chapter shall be paid  
25 to the department by each municipality or qualified organization  
26 annually except that a qualified operator shall be liable for the  
27 additional fee for activities conducted by the qualified operator on  
28 behalf of a municipality or qualified organization.

29 \* Sec. 2. AS 05.15 is amended by adding a new section to read:

1           Sec. 05.15.025. LICENSE FEES COLLECTED ON BEHALF OF A LOCAL  
2 GOVERNMENT. (a) A borough or organized municipality outside of a  
3 borough may elect, by passage of an appropriate ordinance, to impose  
4 an additional license fee, not to exceed one-half of one percent, on  
5 the gross receipts of an activity authorized under this chapter con-  
6 ducted within its boundaries. A borough or organized municipality  
7 outside of a borough that elects to impose the additional license fee  
8 shall file written notice of the election with the department on or  
9 before December 1 of the year preceding the year an election under  
10 this section is to become effective. The notice may not be rescinded  
11 for a subsequent calendar year unless a rescission notice is received  
12 by the department on or before January 1 of the year for which the  
13 license fee is rescinded.

14           (b) The additional license fee shall be collected and adminis-  
15 tered by the department in the same manner as provided for the addi-  
16 tional fee in AS 05.15.020(c).

17           (c) The department shall refund money collected under this  
18 section to the borough or organized municipality outside of a borough  
19 for which the money was collected, as determined by the location of  
20 the activity authorized under this chapter.

21           (d) Money received by an organized borough under this section  
22 shall be allocated by the borough by ordinance for city, area outside  
23 city and service area purposes within the borough.

24 \* Sec. 3. AS 05.15.030 is repealed and reenacted to read:

25           Sec. 05.15.030. NOTIFICATION OF LOCAL GOVERNMENTS, REQUIRED  
26 APPROVALS, AND PROTESTS. (a) At the time of filing an initial or  
27 renewal application the applicant shall notify the city or borough  
28 nearest to the location of the proposed activity of the application  
29 and the location at which the proposed activity will be conducted.

1 (b) A local government is required to approve by resolution an  
2 initial permit application for conducting bingo games, selling pull-  
3 tabs, or holding special-draw games in its jurisdiction. The commis-  
4 sioner shall define special-draw games in regulations adopted under  
5 the Administrative Procedure Act (AS 44.62). The approval, which may  
6 be granted at the discretion of the governing body, shall accompany  
7 the initial license application to the commissioner. The commissioner  
8 may not issue a permit for an activity in a jurisdiction which has not  
9 approved the activity as required under this subsection.

10 (c) A local government may protest the conduct of an activity in  
11 its jurisdiction, including the renewal of a permit for which initial  
12 approval was required under (b) of this section, by filing with the  
13 commissioner a resolution stating the reasons for the protest. Pro-  
14 tests are limited to the lack of qualifications prescribed by this  
15 chapter or a finding that the proposed activity would not be in the  
16 best interests of the public. This resolution is only a recommenda-  
17 tion by the city that may be considered by the commissioner in the  
18 commissioner's determination to issue or refuse to issue a permit.

19 (d) If a permittee relocates within the same city or borough for  
20 which approval has been granted, the permittee shall notify the de-  
21 partment and the city or borough within 30 days of its move to the new  
22 location.

23 (e) If a permittee intends to conduct an activity in a city or  
24 borough in addition to a jurisdiction for which approval has been  
25 granted, the permittee shall file an application with the department  
26 and shall notify the city or borough nearest to the new location  
27 before conducting the activity at the new location. An activity may  
28 not be conducted in the additional or new jurisdiction before approval  
29 by the commissioner.

1 (f) The commissioner may limit the locations in which activities  
2 under this chapter may be conducted as required to protect the best  
3 interest of the public.

4 \* Sec. 4. AS 05.15.060 is repealed and reenacted to read:

5 Sec. 05.15.060. REGULATIONS. In accordance with the Administra-  
6 tive Procedure Act (AS 44.62), the commissioner of revenue shall adopt  
7 regulations necessary to carry out this chapter covering but not  
8 limited to the control and issuance of permits, authorized expenses,  
9 investigations of permittees, recordkeeping and accounting, prizes,  
10 equipment, audits of authorized activities, suspension or revocation  
11 of permits and other matters that the commissioner considers necessary  
12 to carry out this chapter or protect the best interest of the public.

13 \* Sec. 5. AS 05.15.070 is amended to read:

14 Sec. 05.15.070. COMMISSIONER OF REVENUE MAY EXAMINE PERMITTEES.  
15 The commissioner may examine or have examined the books and records of  
16 a permittee. [THE COMMISSIONER MAY REQUIRE THE PERMITTEE TO PAY THE  
17 REASONABLE COST OF THE EXAMINATION.] The commissioner may issue  
18 subpoenas for the attendance of witnesses and the production of books,  
19 records, and other documents.

20 \* Sec. 6. AS 05.15.080 is repealed and reenacted to read:

21 Sec. 05.15.080. REPORTS REQUIRED AND PAYMENT OF FEE BY MUNIC-  
22 IPALITIES AND QUALIFIED ORGANIZATIONS. (a) A municipality or qual-  
23 ified organization conducting an activity authorized under this chap-  
24 ter shall file a report with the department no later than the last  
25 business day of the month following the month in which an activity was  
26 conducted. The report must include the type of activity conducted,  
27 the date and location of the activity, the amount of gross receipts,  
28 the amount of authorized expenses, the value of prizes awarded, the  
29 amount of net proceeds and other information the commissioner may

1 require by regulation.

2 (b) A municipality or qualified organization conducting an  
3 activity authorized under this chapter shall file an annual report  
4 with the department no later than January 31 of the year following the  
5 year in which activities were conducted, accompanied by the payment of  
6 the additional fee as required under AS 05.15.020(c). The report must  
7 list the types of activities conducted, and, for each activity, the  
8 total amount of gross receipts, the total amount of authorized ex-  
9 penses, the total value of prizes, and the total amount of net pro-  
10 ceeds. The report must also include the disposition or intended  
11 disposition of the net proceeds.

12 \* Sec. 7. AS 05.15 is amended by adding new sections to read:

13 Sec. 05.15.085. REPORTS REQUIRED AND PAYMENT OF FEE BY QUALIFIED  
14 OPERATORS. (a) A qualified operator shall file a report with the  
15 department no later than the last business day of the month following  
16 the month in which an activity was conducted. The report shall be  
17 divided into sections for each municipality and qualified organization  
18 on whose behalf an activity was conducted and must include the date  
19 and location of each activity, the type of activity conducted, the  
20 amount of gross receipts, the amount of authorized expenses, the value  
21 of prizes awarded, the amount of net proceeds paid to the municipality  
22 or qualified organization on whose behalf the activity was conducted  
23 and other information the commissioner may require by regulation.

24 (b) A qualified operator shall file an annual report with the  
25 department no later than January 31 of the year following the year in  
26 which activities were conducted, accompanied by the payment of the  
27 additional fee as required under AS 05.15.020(c). The report must  
28 list the types of activities conducted, the municipalities and qual-  
29 ified organizations on whose behalf the activities were conducted, the

1 total gross receipts, the total authorized expenses, the total prizes  
2 and the total net proceeds turned over to each municipality and qual-  
3 ified organization.

4 (c) A municipality or qualified organization that authorizes a  
5 qualified operator to conduct activities authorized under this chapter  
6 shall file an annual report with the department no later than  
7 January 31 of the year following the year in which the activities were  
8 conducted. The report must list each activity conducted, the autho-  
9 rized representative for the municipality or qualified organization,  
10 the qualified operator conducting the activity, the date and location  
11 of each activity and the net proceeds received from the qualified  
12 operator for the activity.

13 Sec. 05.15.086. GENERAL PROVISIONS RELATING TO THE FILING OF  
14 REPORTS AND PAYMENT OF LICENSE FEES. (a) The license applications  
15 and reports required under this chapter shall be filed under penalty  
16 of perjury and signed by a bona fide member in good standing of the  
17 qualified organization or a person authorized to sign on behalf of a  
18 municipality.

19 (b) The commissioner may grant an extension for the filing of a  
20 report required under this chapter upon showing by the permittee of  
21 reasonable cause for delay. The extension may not be granted in  
22 excess of 30 days and the report will not be considered delinquent  
23 during the period of the extension. An extension of time for the  
24 payment of the license fee is prohibited.

25 (c) A permittee is not authorized to conduct an activity under  
26 this chapter during any period in which a report or license fee is  
27 delinquent.

28 (d) A delinquent license fee shall bear interest at the rate  
29 provided for in AS 43.05.225.

1 \* Sec. 8. AS 05.15.160 is amended to read:

2 Sec. 05.15.160. AUTHORIZED EXPENSES. An [NO] item of expense  
3 may not be incurred or paid in connection with the operation of an  
4 activity under a permit issued under this chapter except for bona fide  
5 expenses reasonably necessary for

6 (1) goods, wares, and merchandise necessary for the opera-  
7 tion of the activity;

8 (2) personal services rendered that are not directly or  
9 indirectly involved with the operation of the activity; or

10 (3) personal services involved with the operation of the  
11 activity provided the services are performed by an employee of the  
12 municipality, qualified organization, qualified operator or a consul-  
13 tant hired by the municipality or qualified organization conducting  
14 the activity, provided the consultant is not directly involved in the  
15 operation of the activity [AND THE COMPENSATION IS NOT RELATED TO THE  
16 RECEIPTS FROM THE ACTIVITY].

17 \* Sec. 9. AS 05.15.160 is amended by adding new subsections to read:

18 (b) The annual authorized expenses under (a) of this section may  
19 not exceed 25 percent of the annual gross receipts from activities  
20 authorized under this chapter.

21 (c) The annual net proceeds for a qualified organization from  
22 activities authorized under this chapter may not be less than 25  
23 percent of the annual gross receipts.

24 \* Sec. 10. AS 05.15 is amended by adding a new section to read:

25 Sec. 05.15.165. QUALIFIED OPERATORS. (a) A qualified operator  
26 may not operate an activity for more than one authorizing permittee in  
27 any 24 hour period.

28 (b) A qualified operator is required to pay the authorizing  
29 permittee the net proceeds from an activity within 15 calendar days

1 from the date of the activity. The payment shall be made by check and  
2 the qualified operator shall obtain a signed receipt from the autho-  
3 rizing permittee. The authorizing permittee shall keep a copy of the  
4 receipt for its records.

5 (c) The net proceeds of an activity that shall be paid by the  
6 qualified operator to the authorizing permittee shall be the gross  
7 receipts from the activity reduced by the license fee based on the  
8 gross receipts, the authorized expenses provided for under AS 05.15.-  
9 160(a) and the prizes awarded at the activity.

10 (d) An authorizing permittee shall designate a representative,  
11 who is a bona fide member in good standing of the qualified organiza-  
12 tion or a person designated by the municipality, to be its agent in  
13 working with the qualified operator. The representative shall have  
14 access to all books and records of the qualified operator relevant to  
15 the activity, including the amounts of gross receipts, authorized  
16 expenses and prizes awarded. The commissioner may order the produc-  
17 tion of the books and records of a qualified operator that are not  
18 voluntarily made available to the representative under regulations  
19 adopted by the department.

20 (e) If the department finds that a qualified operator has in-  
21 curred expenses that are not authorized under AS 05.15.160(a), or has  
22 incurred expenses in excess of the amount authorized under AS 05.15.-  
23 160(b), or has paid an authorizing permittee less than the minimum  
24 amount of net proceeds provided for under AS 05.15.160(c), the depart-  
25 ment shall order the qualified operator to refund to the authorizing  
26 permittee the amount of the unauthorized expenses or the difference  
27 between the minimum amount of net proceeds under AS 05.15.160(b) and  
28 the amount of the net proceeds actually paid, whichever is greater.  
29 The qualified operator shall pay the authorizing permittee interest on

1 the amount ordered to be paid at the rate of 1.5 percent a month for  
2 each month or fraction of a month between the date of the operation of  
3 the activity and the date the refund is made.

4 (f) The name of the qualified operator and the name of each  
5 authorizing permittee on whose behalf an activity is being conducted  
6 shall be disclosed in all advertising. The qualified operator shall  
7 post its operator's permit and a copy of the permit of the authorizing  
8 permittee at the location of the activity conducted by the qualified  
9 operator.

10 \* Sec. 11. AS 05.15.200 is amended by adding a new subsection to read:

11 (c) The commissioner may assess a penalty in the manner provided  
12 for the nonpayment of taxes under AS 43.05.220(a) where a permittee  
13 has failed to timely pay a license fee required under AS 05.15.020(c),  
14 unless it is shown that the failure was due to reasonable cause.

15 \* Sec. 12. AS 05.15.210(15) is repealed and reenacted to read:

16 (15) "net proceeds" means the gross receipts from the activ-  
17 ity reduced by the license fee based on the gross receipts, the au-  
18 thorized expenses provided for under AS 05.15.160(a) and the prizes  
19 awarded at the activity;

20 \* Sec. 13. AS 05.15.210 is amended by adding new subsections to read:

21 (24) "authorizing permittee" means a municipality or qual-  
22 ified organization that has authorized a qualified operator to conduct  
23 activities authorized under a permit issued by the commissioner under  
24 this chapter on its behalf;

25 (25) "commissioner" means the commissioner of revenue;

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

27 (27) "permittee" means a municipality, qualified organiza-  
28 tion or qualified operator that has been issued a permit to conduct  
29 the activities authorized under this chapter;

1                   (28) "qualified operator" means a municipality or qualified  
2                   organization that has been authorized by the commissioner to operate  
3                   the activities authorized under this chapter on behalf of another  
4                   permittee.

5       \* Sec. 14. An organization which was conducting bingo games, selling  
6       pulltabs, or holding special-draw games before the effective date of this  
7       Act is not required to have its existing location or locations approved by  
8       a local government under AS 05.15.030(b).

9       \* Sec. 15. This Act takes effect July 1, 1984.

AMENDMENT

by Bettisworth, Lindauer  
Ward, Furnace  
Grussendorf

TO: CS FOR SENATE BILL NO. 549 (RULES)

Add new sections 15 and 16 and renumber subsequent sections:

Sec. 15 AS 05.15.210 (15) is repealed and reenacted as follows:

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

Sec. 16 AS 05.15.210 (21) is repealed and reenacted as follows:

"political organization" means an organization or club organized under or formally affiliated with a candidate or potential candidate, or a political party as defined in AS 15.60.010.

Renumber subsequent sections accordingly.

Senator Ferguson's Office  
5/28/84

CS for SB549 (Rules)

Bingo and other games of chance and skill are expected to gross over 35 million dollars this year for various Alaskan charitable and civic organizations. Due to the severe cutbacks in federal aid, many of these organizations have found themselves increasingly dependent upon the funds generated by bingo and associated games to finance their programs.

Unfortunately, outdated laws and a lack of enforcement personnel have led to illegal and improper practices becoming commonplace in recent years. Because of this, representatives of the Cook Inlet Native Association approached the Legislature and the Department of Revenue. They were fearful that if these abuses were not corrected, some scandal might cause the legislature to totally eliminate bingo as a source of funds for civic and charitable programs.

This legislation is an effort to provide workable rules for charitable gambling in Alaska and to eliminate the abuses now occurring. It will neither increase or decrease the number of organizations eligible for permits. It does not put undue hardship on the small bingo games run by churches or by the neighborhood American Legion.

It will bring the law up to date and help ensure that the proceeds of charitable gambling in Alaska are actually used to benefit the programs of the nonprofit organizations as the Legislature intended. It provides for adequate enforcement and auditing and, by means of a 1½% gross receipts tax, repays the state for that activity. It helps reduce the opportunity for criminal involvement or fraud. It requires bingo operators to publically list what organization operates and benefits from a game and it requires some simple bookkeeping measures to help ensure the honesty of the games. This bill would also establish some means of local control.

In the Senate, this bill had extensive hearings in the Finance Committee and an additional hearing in the Rules Committee. CSSB 549(Rules) passed the Senate 15 to 3. The House State Affairs Committee held its hearing on this bill Saturday. There has been no testimony in opposition to this legislation in any hearing. This legislation, in its current version, is supported by the Department of Revenue and by the organizations which first asked for reform of the existing laws.

ALASKA DEPARTMENT OF REVENUE

POSITION PAPER

SB 549 and proposed CSSB 549 (Finance)—An Act relating to games of chance and contests of skill; and providing for an effective date.

The Department of Revenue has assisted the Community and Regional Affairs Committee in drafting these Bills and supports the legislation. If passed, the legislation would allow qualified operators to conduct games and contests on behalf of other organizations. The accompanying fiscal note would fund a licensing and enforcement program in the Department of Revenue to ensure the lawful disposition of the proceeds from the activities and that games are operated legally and fairly.

THERE ARE NO PROVISIONS IN THE PRESENT LAW FOR AN OPERATOR TO CONDUCT AN ACTIVITY ON BEHALF OF ANOTHER PERMITTEE.

Permit holders are the only ones authorized to conduct activities under current law. If a permittee allows its permit to be used by another organization, the permit may be revoked. Payments to operators are not authorized expenses and therefore compound the illegality. Nevertheless, operators are openly operating in Alaska. The Department of Revenue is responsible for the enforcement of the games of chance and contests of skill provisions but does not have funding in its budget for this function.

EFFECT OF THE PASSAGE OF THIS LEGISLATION.

The proposed legislation would allow municipalities and qualified organizations to operate activities for other permit holders. Those operators which are currently operating illegally would be legalized providing they could qualify for their own permit as a municipality or qualified organization. All other operators would continue to be illegal.

The proposed legislation has several safeguards to protect the permittee using an operator. Examples are the provisions regarding accountability for expenses, payment within 15 days of the activity, the posting of a bond or other security, and payment with interest if the Department finds that the proper amount of net proceeds have not been paid by the operator.

The fiscal note attached to the Bill would provide a unit within the Public Services Division of the Department of Revenue which would monitor and enforce authorized gambling activity in the State. This unit would inspect gaming operations and audit the records to ensure compliance with the law.

2d CSSB 549 (Rules)  
Summary of Changes To Present Law

Section 1 would repeal and reenact AS 05.15.020.

Present Law: -Annual permit required for activities  
-\$20 application fee  
-Additional fee of 1% of net proceeds paid by permit holder  
-No provisions for an operator's permit

Proposed Changes: -Annual permit required for activities  
-\$50 application fee for permit  
-\$200 application fee for operator's permit  
-Posting of bond or other security by operator  
-Additional fee of 1.5% of gross receipts to be paid by permittee operating own games or by operator

Section 2 adds a new section, AS 05.15.025.

Present Law: -No provision for a license fee by local governments

Proposed Changes: -Boroughs and organized cities outside of boroughs could impose a fee of up to 1/2% of the gross receipts  
-Department would collect the fee

Section 3 repeals and reenacts AS 05.15.030.

Present Law: -Notification of local governments required  
-Local governments can protest only on the basis of the applicant's lack of qualifications

To compensate the general fund for the costs of the enforcement program, the proposed legislation provides for a 1.5% license fee on the gross receipts of the authorized activities. This fee would be paid by a permittee conducting its own activities or by the operator conducting activities for another permittee.

In addition to the fees due the State, the legislation would allow local governments to enact a local fee which may not exceed 0.5% of the gross receipts. Though not designated specifically in the legislation, a local government could use the revenue from its fee to defray additional municipal costs associated with gambling such as those for increased police protection and traffic control. The Department of Revenue would collect the fee for each municipality.

The proposed legislation would give a local government the opportunity to protest against a permit for an activity to be conducted within its jurisdiction if it found that the activity would not be in the best interests of the public. At the present time, local governments may only protest the lack of qualifications of the permit applicant. The Department of Revenue could limit the areas in the State in which an activity under a permit could be conducted.

For more information, please contact:

Alaska Department of Revenue  
Martin J. Richard, Director  
Division of Public Services  
Pouch SA  
Juneau, AK 99811

Telephone: 465-2392

2d CSSB 549 (Rules)  
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-Additional fee of 1% of net proceeds paid by permit holder  
-No provisions for an operator's permit

Proposed Changes: -Annual permit required for activities  
-\$50 application fee for permit  
-\$200 application fee for operator's permit  
-Posting of bond or other security by operator  
-Additional fee of 1.5% of gross receipts to be paid by permittee operating own games or by operator

Section 2 adds a new section, AS 05.15.025.

Present Law: -No provision for a license fee by local governments

Proposed Changes: -Boroughs and organized cities outside of boroughs could impose a fee of up to 1/2% of the gross receipts  
-Department would collect the fee

Section 3 repeals and reenacts AS 05.15.030.

Present Law: -Notification of local governments required  
-Local governments can protest only on the basis of the applicant's lack of qualifications