

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3312

199



SENATOR KIM ELTON

SB 57 – Channel Islands Marine Park

Sponsor Statement

SB 57 adds 14 islands adjacent to Juneau to the state's system of Marine Parks. They range from Lincoln and parts of Shelter Island, where Southeast residents hunt deer, to Indian and Suedla Islands, which are just big enough for a picnic.

By adding these gems to the Marine Park system, the state makes it possible for local outdoor groups to partner with the Division of Parks and Outdoor Recreation to build amenities and improvements for the benefit of the general public. Cabins, outhouses, picnic areas, and boat ramps can be built by recreation and hunting groups at minimal cost to the state. The bill also ensures the Marine Parks cannot be closed to hunting, protecting this piece of Alaska's outdoor heritage.

Access to recreational areas is also an important component of Southeast Alaska's economy. Recreational guides, boat rental companies, and purveyors of outdoor clothing and accessories all benefit financially from expanding the Marine Park, as do the Alaskans who enjoy expanded access to hunting, fishing, and recreation.

Developed in consultation with the division of parks, SB 57 excludes private landholdings from addition to the Marine Parks. It is supported by local tourism companies, the Juneau Parks and Recreation Advisory Committee, and the Juneau Area State Parks Advisory Committee.

I respectfully ask for your support.

ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1192 • (907) 465-1947 • FAX (907) 465-2108

SENATOR_KIM_ELTON@LEGIS.STATE.AK.US

FISCAL NOTE

Replaced

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 57(RES)
(S) Publish Date: 5/8/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
Title MARINE PARKS ADDITIONS/HUNTING ALLOWED RDU Parks and Recreation Management
Component Parks Management
Sponsor Senator Elton
Requester Senate Resources Committee Component No. 452

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	11.5	11.5	11.5	11.5	11.5	11.5
Travel						
Contractual	2.0	2.0	2.0	2.0	2.0	2.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment	0.3	0.3	0.3	0.3	0.3	0.3
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	14.8	14.8	14.8	14.8	14.8	14.8

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	14.8	14.8	14.8	14.8	14.8	14.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	14.8	14.8	14.8	14.8	14.8	14.8

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The costs associated with the management of this new state marine park include funding for seasonal staffing to keep the area's camping beaches clean and safe, contractual funds for chartering boats to service the site, and miscellaneous supplies.

Prepared by: Chris Degernes, Acting Director
Division Parks and Outdoor Recreation
Approved by: Tom Irwin, Commissioner
Agency Natural Resources

Phone (907) 269-8702
Date/Time 4/30/2007
Date 4/30/2007



SENATOR KIM ELTON

MEMORANDUM

February 19, 2008

To: Representative Kevin Meyer, Co-Chair
House Finance Committee

From: Kim Elton

Re: Sectional Analysis, SB 57

Sec. 1 of the bill makes legislative findings describing the purpose and benefits of marine parks. It ensures consistent Fish and Game management of uplands, tidelands, and submerged parklands for public use.

Sec. 2 prevents the Department of Natural Resources from prohibiting fishing, hunting or trapping in any marine park unit in the state.

Sec. 3 adds the portions of Shelter Island not already in private ownership to the marine parks. A small piece of Shelter Island is currently in marine park status. Privately owned portions of the island are not included.

Sec. 4 adds thirteen islands or portions of islands to the marine parks. The names of the islands are listed in the section. A small privately owned parcel is identified for exclusion.

ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1152 • (907) 465-4947 • FAX (907) 465-2108
SENATOR KIM ELTON@LEGIS.STATE.AK.US

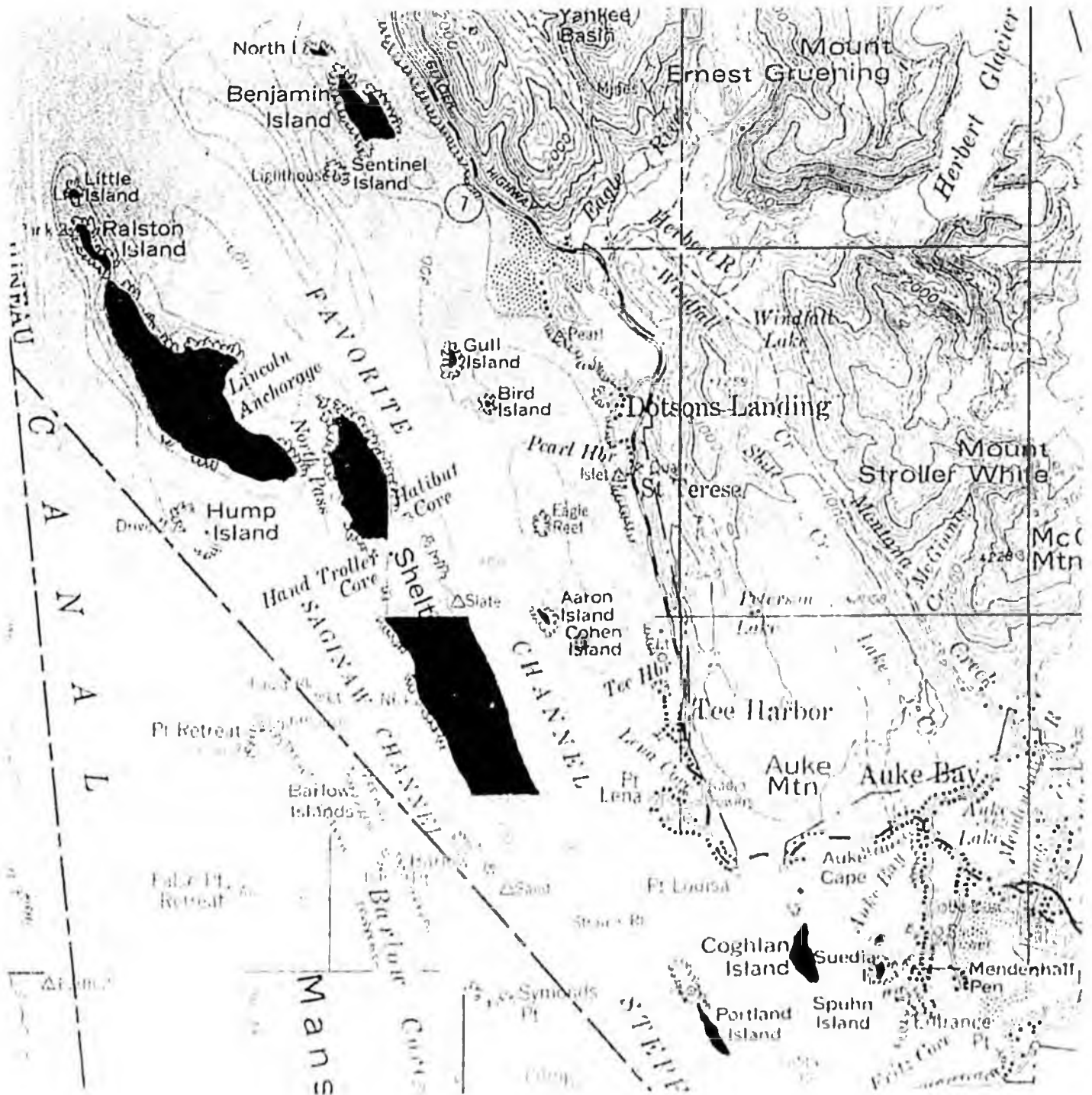
Major Changes in SB 57

Changes in Senate Resources:

- Added fishing and trapping to the list of activities DNR cannot prohibit in marine parks.
- Made a conforming title change.
- Narrowed the underwater portion of marine parks to the 10 fathom bathymetric line, instead of 20.

Copied from
US Geological Survey map
Juneau, Alaska

Marine Park





Post Office Box 20761 • Juneau, Alaska 99802

Telephone: (907) 789-2399 • Fax: (907) 586-6020

RESOLUTION OF THE TERRITORIAL SPORTSMAN INC.

WHEREAS, the Marine Park Bill, HB 94 protects the rights of people who hunt and trap on Marine Park lands, and

WHEREAS, there are thousands of people in Juneau who own boats to access these Marine Park Lands, and

WHEREAS, these lands are currently being used by people for hunting, trapping camping and picnicking, and

WHEREAS, the Marine Park will be expanded to include additional land on Shelter Island and 14 other islands,

NOW, THEREFORE, be it resolved that the Territorial Sportsmen support the Marine Park bill and urge the legislature to pass it bills and request that Governor Palin sign the legislation.

A handwritten signature in black ink, appearing to read "Drake Peterson", written over a horizontal line.

Drake Peterson, President
Territorial Sportsmen, Inc.

February 23, 2007

Southeast Alaska Land Trust



Stewarding Lands You Cherish

Phone: (907) 586-3100
Fax: (907) 586-3125
119 Seward Street, Suite 15
Juneau, Alaska 99801
SoutheastAlaskaLandTrust.org

February 28, 2007

Senator Kim Elton
State Capitol
Room 506
Juneau, AK 99801-1182

Board of Directors

Frank Rue
President

Jon Tillinghast
Vice President

Jan Conlitz,
Secretary

Patricia Harris,
Treasurer

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Clayton Hawkes
Deborah Marshall
Jim Powell
Bob Rehfeld
Judy Sherburne
Sam Skaggs
Tom Stewart
Tony Strong
Bart Watson
Lisa Weissler

Staff

Diane Mayer
Executive Director

Re: Senate Bill 57

Dear Senator Elton,

On behalf of the Southeast Alaska Land Trust's Board of Directors and our entire membership, I want to thank you for sponsoring SB 57 to properly classify the State-owned islands adjacent to Juneau as State Marine Park.

Each year residents and visitors alike enjoy the use of these islands for hunting, subsistence, recreation and open space. These green emeralds bring a unique quality and character to our commercial ocean-going tours and provide locals with safe, accessible marine destinations for family picnics and remote camping experiences.

Naming the 14 small islands and areas of the larger Shelter Island to the Marine Park System brings a positive recognition to their highest and best use for Juneau's business and pleasure. With the fate of the islands finally established in law, the State can move forward and partner with private and non-profit entities to provide the amenities needed for managing their existing uses and increasing popularity.

The Southeast Alaska Land Trust appreciates your vision and commitment to growing our economy in accord with the natural assets that attract people to this place year after year. You have our whole-hearted support for SB 57.

Sincerely,

Diane Mayer
Executive Director

cc: Representative Beth Kerttula
Representative Andrea Doll



9097 Glacier Hwy, Suite 200, Juneau, Alaska 99801 (907) 790-4990 Fax (907) 790-4999

February 28, 2007


Senator Kim Elton
State Capitol, Room 506
Juneau, AK 99801-1182

Dear ~~Senator Elton:~~ ^{Kim,}

We support passage of HB 94, the Marine Park Island Bill. While it is true that Goldbelt no longer operates cruise tours in the area of these proposed island parks, we feel that preservation of these islands would allow continued enjoyment by residents and visitors alike. Moreover, we and our partners are considering reinstating the tours in the area, so they remain important parts of our future plans.

I would be happy to discuss our views should you find that helpful.

Sincerely,
Goldbelt, Incorporated


Robert Martin, Jr., PE
Vice President of Operations

Reinwand Family Living Trust

P.O. Box 32291
Juneau, Alaska 99803

March 19, 2007

Senator Kim Elton
Alaska State Senate
Alaska State Legislature
Office 506 – State Capitol
Juneau, Alaska 99801-1182

Dear Senator Elton:

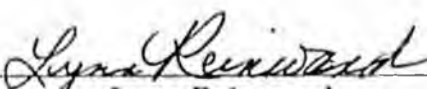
Our family owns 6-acres of private property which is located at Hand Trollers Cove on the northwest end of Shelter Island. We have owned this property since 1994. Our property is formally designated as U.S. Survey 356 and is located within the boundaries of Shelter Island State Marine Park. Our property is one of two parcels of private property located with this park and was formerly a fish trap site.

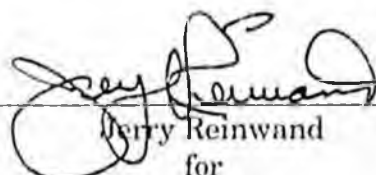
Our family supports your legislation—S.B. 57—to expand the boundaries of Shelter Island State Marine Park and to add other state-owned islands to the State marine park system.

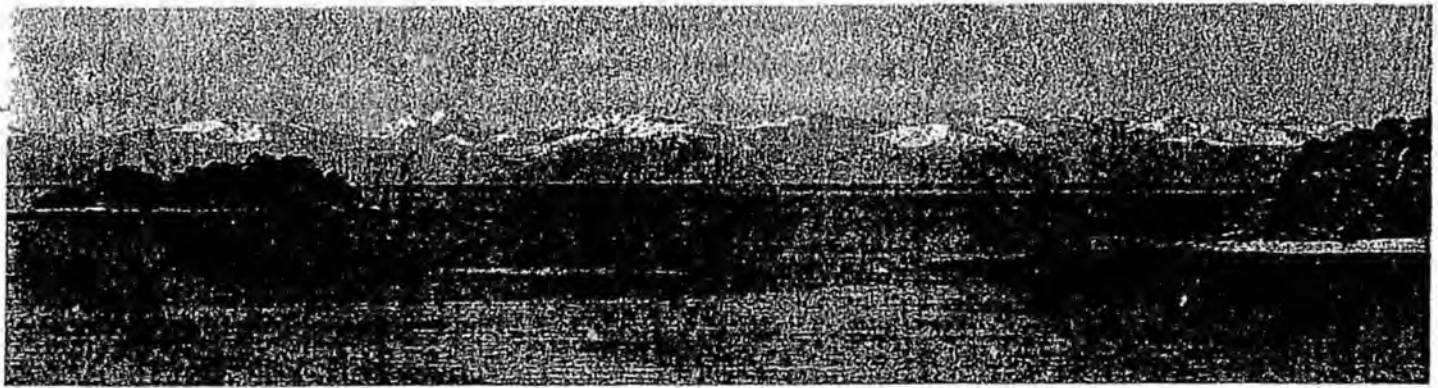
There are compelling reasons why S.B. 57 should be passed by the Legislature. When Shelter Island State Marine Park was created in 1983, the parcels of land proposed to be added to the park in S.B. 57 (portions of Section 5 and 9 and all of Sections 6 and 8) were owned by the Federal government and were then part of the Tongass National Forest. After the park was created, the State selected these lands and they are now in the ownership of the State. Therefore, it is entirely appropriate that these recently-acquired state lands should be added to the Shelter Island park.

As you know, the waters and land in and around the Shelter Island State Marine Park are heavily used by both Alaskans and tourists. This area is prime whale watching territory and is one of the best fishing locations in Southeast Alaska. It should be incorporated into the existing park' boundaries and we hope the Legislature will act expeditiously to pass S.B. 57.

Sincerely,


Lynn Reinwand
for
Reinwand Family Living Trust


Jerry Reinwand
for
Reinwand Family Living Trust



Juneau State Parks Advisory Board

Photo by A. W. Hanger

400 Willoughby Ave, Suite 500

PO Box 111071

Juneau, AK 99811-1071

(907) 465-4563

January 26, 2007

Representative Beth Kerttula

Representative Andrea Doll

Senator Kim Elton

Alaska State Legislature

State Capitol

Juneau, AK 99801-1182

Dear Representatives Kerttula and Doll and Senator Elton,

The Juneau State Parks Advisory Board unanimously and strongly supports the creation of the Juneau Channel Islands State Marine Park.

These islands, located in upper Stephens Passage and lower Lynn Canal, are currently managed under the auspices of the Alaska Department of Natural Resources, Division of Mining, Land, and Water. The Department through adoption of the Juneau State Land Plan classified the islands as Public Recreation lands, and they are passively managed as such. As you well know, the islands have especially high values for recreation: they are well known throughout the Juneau Borough, and are heavily used for camping, boating, fishing, hunting, picnicking, and wildlife viewing. Many of the islands are important for birds and wildlife. There are several haulouts that are used by Steller sea lions. Large concentrations of nesting sea birds can be found on some of the islands. Putting these islands into parks would be beneficial to all the people currently using them, to future generations and to wildlife.

Creating the Channel Islands State Marine Park would help formally recognize these islands for their important recreational values. The suggested change in law effectively transfers the management of the lands within the Department of Natural Resources. The Division of Parks and Outdoor Recreation would manage them instead of the Division of Mining, Land, and Water. The islands would still retain their public recreational status, but management will be much more effective under the Division of Parks.

Many significant improvements have been made to state recreational lands in the Juneau area that are managed by the Division of Parks and Outdoor Recreation. For example, public-use cabins

have been added at very little cost to the state through donations from the Juneau Territorial Sportsmen and the Taku Conservation Society. Trails and picnic areas have also been created or upgraded - again, at little or no cost to the state through grants made available to the Division of Parks or to Trail Mix, Juneau's trails stewardship organization.

We are excited for the possibility of the creation of this park. We would be happy to entertain any questions you may have, or provide more information. We look forward to working with you on this important goal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alice Rarig".

Alice Rarig
Chair, Juneau State Parks Advisory Board

Presented by: The Manager
Introduced: 03/13/2006
Draited by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2348

A Resolution Expressing Assembly Support for State
Legislation Which Would Add Certain Islands in Lynn Canal
to the Alaska Marine Park System.

WHEREAS, the Alaska State Legislature is considering Senate Bill 190 and House Bill 292, which would add several islands in Lynn Canal to the Alaska Marine Park System; and

WHEREAS, there is an increasing demand for recreational areas within the Borough, and some 4,800 boats registered in CBJ that might be used by residents and visitors to visit the Marine Park; and

WHEREAS, transferring these islands to the Department of Natural Resources, Division of Parks and Outdoor Recreation will keep them open to the public for hunting, fishing, camping, picnicking, and hiking.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. That the Assembly hereby expresses its support for SB 190 and HB 292, and urges their passage.

Section 2. That upon passage, the Assembly recommends to Governor Murkowski that ho sign into law legislation adding these islands to the Alaska Marine Park System in the Juneau area.

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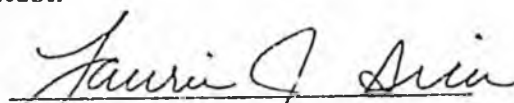
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Section 3. **Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this 13th day of March, 2006.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk



Post Office Box 20761 • Juneau, Alaska 99802

Telephone: (907) 789-2399 • Fax: (907) 586-6020

March 20, 2007

Senator Charlie Huggins
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senator Huggins:

The Territorial Sportsmen, Inc. would like to go on record as supporting SB 57 that expands the existing Alaska State Marine Parks Units in Southeast Alaska. This legislation also contains important language which assures that hunting, fishing and trapping activities conducted legally under state laws and regulations will be continued.

Attached is a Resolution adopted by the Territorial Sportsmen which strongly supports the expansion of the Alaska Marine Park System in northern Southeast Alaska.


The Territorial Sportsmen, Inc. is a Juneau based conservation and sportsmen organization dedicated to maintaining our outdoor resources and opportunities as Alaskans. Our organization has over 1200 members, mostly located in Juneau and surrounding communities. In the past, our members have opposed some large single purpose withdrawals like Parks and Preserves because of the tendency for the traditional activities like hunting, fishing, trapping and general outdoor recreation to be closed or severely restricted. Our support for the local State Marine Park system is, however, based on the close cooperative working relationship our organization has established with the regional staff members and their record of incorporating some of our goals and objectives into their plans.

The Marine Park Units are relatively small and are designed to enhance the public's use resources available within and near each unit. Our organization has entered into a cooperative public cabin building arrangement with the State Park Regional office which combines volunteer labor, local business support and limited legislative appropriations. This partnership has allowed us to construct public cabins on State Marine Park lands at a considerable savings to the State and for the maximum benefit of the user public. Not only are these types of facilities important to enhance the public's use of Alaska's outdoor opportunities, they serve as critical emergency shelters for the commercial and recreational boating public. These public use cabins are managed and reserved under the State Park reservation system. Our organization also helps to maintain specific remote cabins. An examination of the data compiled by the State Park System will show that these cabins are so popular that the user fees are adequately covering the annual maintenance costs to the state.

Because we feel that the establishment of additional Marine Park Units in this area will continue to be extremely beneficial to the general public, we strongly encourage the legislature to pass this legislation.

Thank you for considering our recommendations.

Sincerely,



Drake Peterson, President
Territorial Sportsmen, Inc.

Attachment

cc: Senator Elton
Governor Palin

SB

57

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/8/07

FURTHER:

DATE TURNED
IN TO OFFICE: 2/8/08

Finance Committee considered

SENATE BILL NO. 57

SB 57 MARINE PARKS ADDITIONS/HUNTING ALLOWED

"An Act relating to hunting in marine park units of the Alaska state park system, amending the area within designated marine park units of the Alaska state park system, and adding marine park units to the Alaska state park system."

and recommends:

- be replaced with SCS or CS SB 57 (Res)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:

- Same Title
- New Title

HOUSE BILL:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

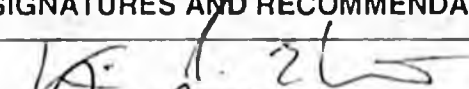

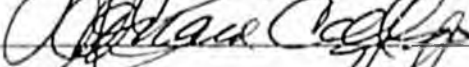


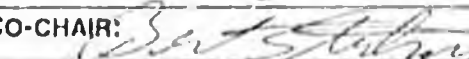
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DNR	1/15	✓			
DFG	12/19			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	E L Thomas	✓			
	Thomas	✓			
	Olson			✓	
	Dyson			✓	
CO-CHAIR:					
					
CO-CHAIR:					
				✓	

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 57(RES)
() Publish Date: _____

Identifier (file name): SB57CS(RES)-DFG-DWC-12-19-07 Dept. Affected: Fish and Game
Title: Marine Parks Additions/Hunting Allowed RDU: Wildlife Conservation
Component: Wildlife Conservation
Sponsor: Senator Kim Ellison
Requester: Senate Finance Committee Component Number: 473

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill will not have any fiscal impact on the Department of Fish and Game.

Prepared by: Doug Larson, Director
Division: Wildlife Conservation
Approved by: Tom Lawson, Director
Division of Administrative Services, Department of Fish and Game

Phone: 465-4191
Date/Time: 12/19/07 10:00 AM
Date: 12/19/2007

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB57(RES)
() Publish Date: _____

Identifier (file name): SB57CSRES-DNR-Parks-01-15-08 Dept. Affected: Natural Resources
Title: MARINE PARKS ADDITIONS/HUNTING ALLOWED RDU: Parks and Recreation Management
Component: Parks Management
Sponsor: Senator Elton
Requester: Senate Finance Component Number: 452

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	12.3	0.0	12.3	12.3	12.3	12.3	12.3	
Travel								
Contractual	2.2	0.0	2.2	2.2	2.2	2.2	2.2	
Supplies	1.1	0.0	1.1	1.1	1.1	1.1	1.1	
Equipment								
Land & Structures	0.3	0.0	0.3	0.3	0.3	0.3	0.3	
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	15.9	0.0	15.9	15.9	15.9	15.9	15.9	

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
-------------------------------	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	15.9	0.0	15.9	15.9	15.9	15.9	15.9
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	15.9	0.0	15.9	15.9	15.9	15.9	15.9

Estimate of any current year (FY2008) cost: 00

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The costs associated with the management of this new state marine park include funding for seasonal staffing to keep the area's camping beaches clean and safe, contractual funds for chartering boats to service the site, and miscellaneous supplies.

Prepared by: James King, Director
Division: Parks and Outdoor Recreation
Approved by: Tom Irwin, Commissioner
Natural Resources

Phone: (907) 269-8702
Date/Time: January 15, 2008
Date: January 15, 2008



SENATOR KIM ELTON

SB 57 – Channel Islands Marine Park

Sponsor Statement

SB 57 adds 14 islands adjacent to Juneau to the state's system of Marine Parks. They range from Lincoln and parts of Shelter Island, where Southeast residents hunt deer, to Indian and Suedla Islands, which are just big enough for a picnic.

By adding these gems to the Marine Park system, the state makes it possible for local outdoor groups to partner with the Division of Parks and Outdoor Recreation to build amenities and improvements for the benefit of the general public. Cabins, outhouses, picnic areas, and boat ramps can be built by recreation and hunting groups at minimal cost to the state. The bill also ensures the Marine Parks cannot be closed to hunting, protecting this piece of Alaska's outdoor heritage.

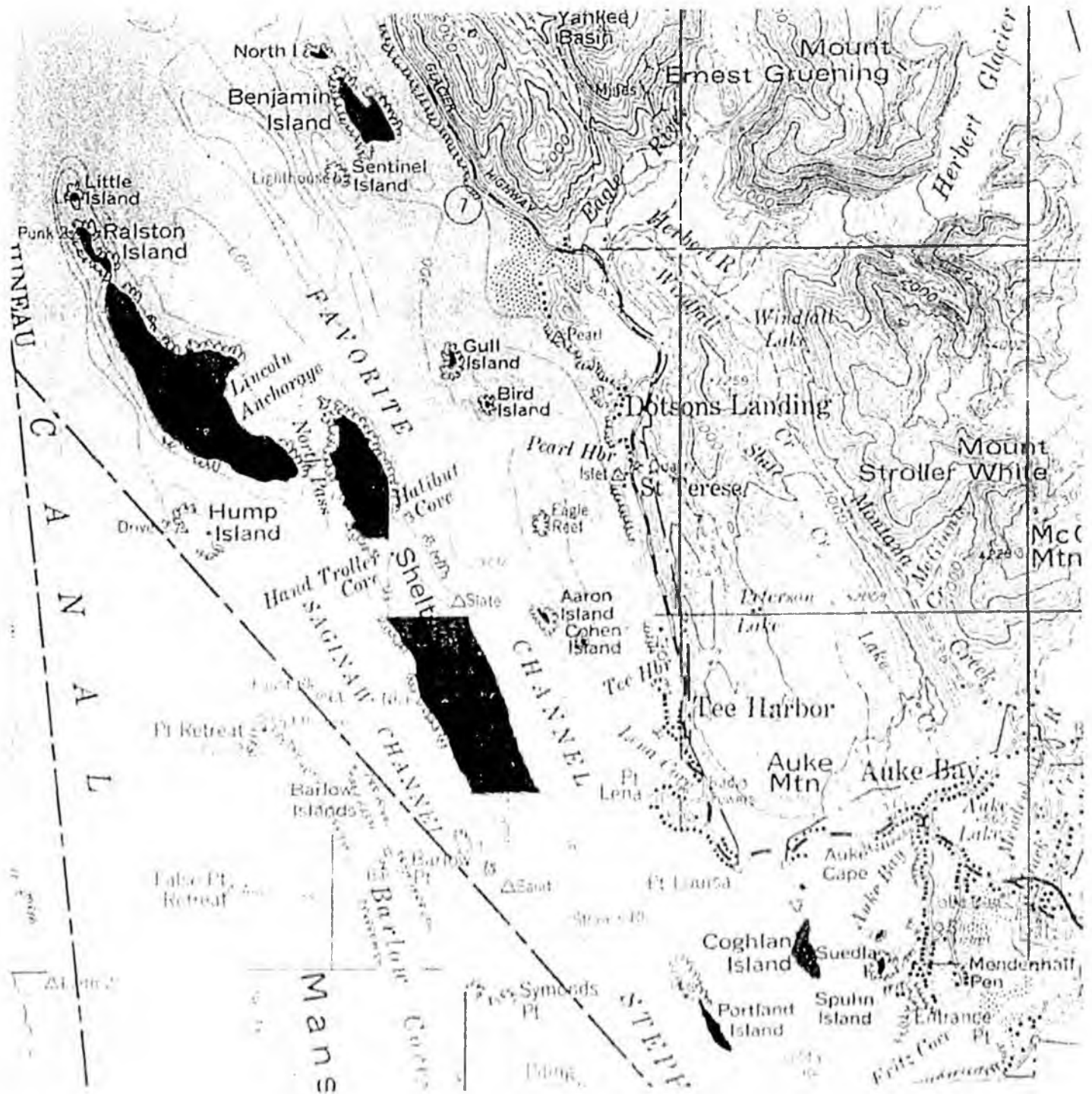
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Developed in consultation with the division of parks, SB 57 excludes private landholdings from addition to the Marine Parks. It is supported by local tourism companies, the Juneau Parks and Recreation Advisory Committee, and the Juneau Area State Parks Advisory Committee.

I respectfully ask for your support.

Copied from
US Geological Survey map
Juneau, Alaska

Marine Park





Juneau State Parks Advisory Board

Photo by A. W. Hanger

400 Willoughby Ave, Suite 500

PO Box 111071

Juneau, AK 99811-1071

(907) 465-4563

January 26, 2007

Representative Beth Kerttula

Representative Andrea Doll

Senator Kim Elton

Alaska State Legislature

State Capitol

Juneau, AK 99801-1182

Dear Representatives Kerttula and Doll and Senator Elton,

The Juneau State Parks Advisory Board unanimously and strongly supports the creation of the Juneau Channel Islands State Marine Park.

These islands, located in upper Stephens Passage and lower Lynn Canal, are currently managed under the auspices of the Alaska Department of Natural Resources, Division of Mining, Land, and Water. The Department through adoption of the Juneau State Land Plan classified the islands as Public Recreation lands, and they are passively managed as such. As you well know, the islands have especially high values for recreation: they are well known throughout the Juneau Borough, and are heavily used for camping, boating, fishing, hunting, picnicking, and wildlife viewing. Many of the islands are important for birds and wildlife. There are several haulouts that are used by Steller sea lions. Large concentrations of nesting sea birds can be found on some of the islands. Putting these islands into parks would be beneficial to all the people currently using them, to future generations and to wildlife.

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We are excited for the possibility of the creation of this park. We would be happy to entertain any questions you may have, or provide more information. We look forward to working with you on this important goal.

Sincerely,

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Alice Rarig
Chair, Juneau State Parks Advisory Board

Presented by: The Manager
Introduced: 03/13/2006
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2348

**A Resolution Expressing Assembly Support for State
Legislation Which Would Add Certain Islands in Lynn Canal
to the Alaska Marine Park System.**

WHEREAS, the Alaska State Legislature is considering Senate Bill 190 and House Bill 292, which would add several islands in Lynn Canal to the Alaska Marine Park System; and

WHEREAS, there is an increasing demand for recreational areas within the Borough, and some 4,800 boats registered in CBJ that might be used by residents and visitors to visit the Marine Park; and

WHEREAS, transferring these islands to the Department of Natural Resources, Division of Parks and Outdoor Recreation will keep them open to the public for hunting, fishing, camping, picnicking, and hiking.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. That the Assembly hereby expresses its support for SB 190 and HB 292, and urges their passage.

Section 2. That upon passage, the Assembly recommends to Governor Murkowski that he sign into law legislation adding these islands to the Alaska Marine Park System in the Juneau area.

///

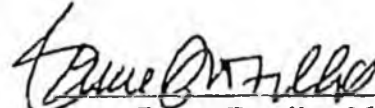
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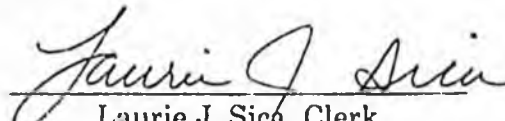
Section 3. **Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this 13th day of March, 2006.



Bruce Botelho, Mayor

Attest:



Laurie J. Sica, Clerk



Post Office Box 20761 • Juneau, Alaska 99802

Telephone: (907) 789-2399 • Fax: (907) 586-6020

March 20, 2007

Senator Charlie Huggins
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senator Huggins:

The Territorial Sportsmen, Inc. would like to go on record as supporting SB 57 that expands the existing Alaska State Marine Parks Units in Southeast Alaska. This legislation also contains important language which assures that hunting, fishing and trapping activities conducted legally under state laws and regulations will be continued.

Attached is a Resolution adopted by the Territorial Sportsmen which strongly supports the expansion of the Alaska Marine Park System in northern Southeast Alaska.


The Territorial Sportsmen, Inc. is a Juneau based conservation and sportsmen organization dedicated to maintaining our outdoor resources and opportunities as Alaskans. Our organization has over 1200 members, mostly located in Juneau and surrounding communities. In the past, our members have opposed some large single purpose withdrawals like Parks and Preserves because of the tendency for the traditional activities like hunting, fishing, trapping and general outdoor recreation to be closed or severely restricted. Our support for the local State Marine Park system is, however, based on the close cooperative working relationship our organization has established with the regional staff members and their record of incorporating some of our goals and objectives into their plans.

The Marine Park Units are relatively small and are designed to enhance the public's use resources available within and near each unit. Our organization has entered into a cooperative public cabin building arrangement with the State Park Regional office which combines volunteer labor, local business support and limited legislative appropriations. This partnership has allowed us to construct public cabins on State Marine Park lands at a considerable savings to the State and for the maximum benefit of the user public. Not only are these types of facilities important to enhance the public's use of Alaska's outdoor opportunities, they serve as critical emergency shelters for the commercial and recreational boating public. These public use cabins are managed and reserved under the State Park reservation system. Our organization also helps to maintain specific remote cabins. An examination of the data compiled by the State Park System will show that these cabins are so popular that the user fees are adequately covering the annual maintenance costs to the state.

Because we feel that the establishment of additional Marine Park Units in this area will continue to be extremely beneficial to the general public, we strongly encourage the legislature to pass this legislation.

Thank you for considering our recommendations.

Sincerely,


Drake Peterson, President
Territorial Sportsmen, Inc.

Attachment

cc: Senator Elton
Governor Palin

Southeast Alaska Land Trust



Stewarding Lands You Cherish

Phone: (907) 586-3100
Fax: (907) 586-3125
119 Seward Street, Suite 15
Juneau, Alaska 99801
SoutheastAlaskaLandTrust.org

February 28, 2007

Senator Kim Elton
State Capitol
Room 506
Juneau, AK 99801-1182

Board of Directors

Frank Rue
President

Jon Tillinghast
Vice President

Jan Conlitz,
Secretary

Patricia Harris,
Treasurer

Andrea Doll

Mike Grummett

Jim King

Craig Lindh

Roman Motyka

Reed Stoops

Advisors

Bruce Baker

Greg Cook

Skip Elliot

Paul Grant

Clayton Hawkes

Deborah Marshall

Jim Powell

Bob Rehfeld

Judy Sherburne

Sam Skaggs

Tom Stewart

Tony Strong

Bart Watson

Lisa Welssler

Staff

Diane Mayer
Executive Director

Re: Senate Bill 57

Dear Senator Elton,

On behalf of the Southeast Alaska Land Trust's Board of Directors and our entire membership, I want to thank you for sponsoring SB 57 to properly classify the State-owned islands adjacent to Juneau as State Marine Park.

Each year residents and visitors alike enjoy the use of these islands for hunting, subsistence, recreation and open space. These green emeralds bring a unique quality and character to our commercial ocean-going tours and provide locals with safe, accessible marine destinations for family picnics and remote camping experiences.

Naming the 14 small islands and areas of the larger Shelter Island to the Marine Park System brings a positive recognition to their highest and best use for Juneau's business and pleasure. With the fate of the islands finally established in law, the State can move forward and partner with private and non-profit entities to provide the amenities needed for managing their existing uses and increasing popularity.

The Southeast Alaska Land Trust appreciates your vision and commitment to growing our economy in accord with the natural assets that attract people to this place year after year. You have our whole-hearted support for SB 57.

Sincerely,

Diane Mayer
Executive Director

cc: Representative Beth Kerttula
Representative Andrea Doll



Goldbelt

9097 Glacier Hwy, Suite 200, Juneau, Alaska 99801 (907) 750-4990 Fax (907) 790-4999

February 28, 2007

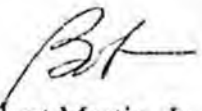
Senator Kim Elton
State Capitol, Room 506
Juneau, AK 99801-1182

Dear Senator ^{Kim,} Elton:

We support passage of HB 94, the Marine Park Island Bill. While it is true that Goldbelt no longer operates cruise tours in the area of these proposed island parks, we feel that preservation of these islands would allow continued enjoyment by residents and visitors alike. Moreover, we and our partners are considering reinstating the tours in the area, so they remain important parts of our future plans.

I would be happy to discuss our views should you find that helpful.

Sincerely,
Goldbelt, Incorporated


Robert Martin, Jr., PE
Vice President of Operations

Reinwand Family Living Trust

P.O. Box 32291
Juneau, Alaska 99803

March 19, 2007

Senator Kim Elton
Alaska State Senate
Alaska State Legislature
Office 506 – State Capitol
Juneau, Alaska 99801-1182

Dear Senator Elton:

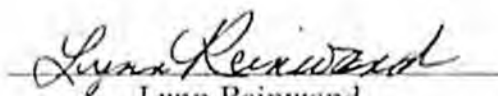
Our family owns 6-acres of private property which is located at Hand Trollers Cove on the northwest end of Shelter Island. We have owned this property since 1994. Our property is formally designated as U.S. Survey 356 and is located within the boundaries of Shelter Island State Marine Park. Our property is one of two parcels of private property located with this park and was formerly a fish trap site.

Our family supports your legislation—S.B. 57—to expand the boundaries of Shelter Island State Marine Park and to add other state-owned islands to the State marine park system.

There are compelling reasons why S.B. 57 should be passed by the Legislature. When Shelter Island State Marine Park was created in 1983, the parcels of land proposed to be added to the park in S.B. 57 (portions of Section 5 and 9 and all of Sections 6 and 8) were owned by the Federal government and were then part of the Tongass National Forest. After the park was created, the State selected these lands and they are now in the ownership of the State. Therefore, it is entirely appropriate that these recently-acquired state lands should be added to the Shelter Island park.

As you know, the waters and land in and around the Shelter Island State Marine Park are heavily used by both Alaskans and tourists. This area is prime whale watching territory and is one of the best fishing locations in Southeast Alaska. It should be incorporated into the existing park's boundaries and we hope the Legislature will act expeditiously to pass S.B. 57.

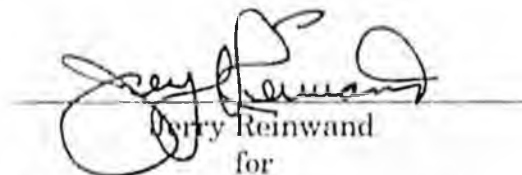
Sincerely,



Lynn Reinwand

for

Reinwand Family Living Trust



Jerry Reinwand

for

Reinwand Family Living Trust



Post Office Box 20761 • Juneau, Alaska 99802

Telephone: (907) 789-2399 • Fax: (907) 586-6020

RESOLUTION OF THE TERRITORIAL SPORTSMAN INC.

WHEREAS, the Marine Park Bill, HB 94 protects the rights of people who hunt and trap on Marine Park lands, and

WHEREAS, there are thousands of people in Juneau who own boats to access these Marine Park Lands, and

WHEREAS, these lands are currently being used by people for hunting, trapping camping and picnicking, and

WHEREAS, the Marine Park will be expanded to include additional land on Shelter Island and 14 other islands,

NOW, THEREFORE, be it resolved that the Territorial Sportsmen support the Marine Park bill and urge the legislature to pass it bills and request that Governor Palin sign the legislation.


Drake Peterson, President
Territorial Sportsmen, Inc.

February 23, 2007

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/19/07

FURTHER: Finance

Date of 5-Day Notice: 4/19/07
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 5/7/07

Resources Committee considered SENATE BILL NO. 57

SB 57 MARINE PARKS ADDITIONS/HUNTING ALLOWED

"An Act relating to hunting in marine park units of the Alaska state park system, amending the area within designated marine park units of the Alaska state park system, and adding marine park units to the Alaska state park system."

and recommends:

- be replaced with SCS or CS SB 57 (RES)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adop. _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DNR	4/30	✓			1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	Wielechowski	✓			
	Wagner	✓			
	Street	✓			
	McQuinn	✓			
	Green	✓			
CHAIR:	Auggins	✓			

SB

59

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 59(FIN)
(S) Publish Date: 3/14/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue 04
Title Broadcasting Promoting Charitable Gaming RDU Taxation and Treasury
Component Tax Division
Sponsor Senator Stevens
Requester (S) Finance Component No. 2476

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()	*	*	*	*	*	*
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

(see attached)

Prepared by: Larry Meyers and Dan Stickel Phone (907) 269-6620
Division Tax Division Date/Time 3/13/07 12:00 AM
Approved by: Jerry Burnett Date 3/13/2007
Agency Department of Revenue

FISCAL NOTE # 2

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. CSSB 59(FIN)

ANALYSIS CONTINUATION

This bill will impact charitable gaming in Alaska in two ways: it will allow broadcasting to promote charitable gaming and it will formally authorize a specific cabbage classic. These two changes are addressed separately below:

Broadcasting Promoting Charitable Gaming

Section 4 of this bill would allow a permittee (or operator under contract with an authorizing permittee) to broadcast promotion of a charitable raffle or lottery. The means allowable include radio and television. Anyone who can conduct a raffle would be allowed to promote it by broadcasting via radio or television.

Though the bill language applies to raffles and lotteries, the statutory definition [AS 05.15.690(38)] equates the two, effectively giving two different names to the same activity. Thus, there is no apparent authorization to expand the kinds of gaming activity that can be promoted or conducted.

We do not anticipate any additional costs or revenues as a result of this section of the bill.

Cabbage Classic

Sections 1-3 and section 5 of this bill formally authorize in statute a cabbage classic. A cabbage classic is defined as "a game of chance where a prize of money is awarded for the closest guess of the weight of the winning cabbage at the Giant Cabbage Weigh-Off." This contest would be formally authorized only for the specific cabbage classic operated and administered by the Palmer Rotary Club at the Alaska State Fair in Palmer. There is no authorization to expand gaming activity other than to formally allow this specific cabbage classic.

Since only one specific cabbage classic is authorized, we expect one additional charitable gaming permit. The cost of this annual permit will range from \$20 to \$100 depending on gross receipts of the permittee. Also, assuming gross receipts are at least \$20,000, a small amount of revenue would be collected from the 1% net proceeds fee. Revenues are shown as indeterminate because they would depend on the amount of net proceeds from the cabbage classic.

We anticipate that any additional costs can be absorbed.

5/1/07

adopted as amended

25-LS0410M.1
Luckhaupt
4/13/07

AMENDMENT 1

OFFERED IN THE HOUSE BY REPRESENTATIVE STOLTZE
TO: HCS CSSB 59(STA)

1 Page 1, line 3, following "gaming":

2 Insert "; relating to the use of the proceeds of charitable gaming"

3

4 Page 2, following line 6:

5 Insert a new bill section to read:

6 **** Sec. 3. AS 05.15.150(a) is amended to read:**

7 (a) The authority to conduct the activity authorized by this chapter is
8 contingent upon the dedication of the net proceeds of the charitable gaming activity to
9 the awarding of prizes to contestants or participants and to political, educational, civic,
10 public, charitable, patriotic, or religious uses in the state. "Political, educational, civic,
11 public, charitable, patriotic, or religious uses" means uses benefiting persons either by
12 bringing them under the influence of education or religion or relieving them from
13 disease, suffering, or constraint, or by assisting them in establishing themselves in life,
14 or by providing for the promotion of the welfare and well-being of the membership of
15 the organization within their own community [or through aiding candidates for public
16 office or groups that support candidates for public office,] or by erecting or maintaining
17 public buildings or works, or lessening the burden on government, but does not
18 include

MH →
deleted

19 (1) the direct or indirect payment of any portion of the net proceeds of
20 a bingo or pull-tab game to a lobbyist registered under AS 24.45;

21 (2) the erection, acquisition, improvement, maintenance, or repair of
22 real, personal, or mixed property unless it is used exclusively for one or more of the
23 permitted uses; or

1 (3) the direct or indirect payment of any portion of the net proceeds of
2 a charitable gaming activity [, EXCEPT THE PROCEEDS OF A RAFFLE AND
3 LOTTERY,]

4 (A) to aid candidates for public office or groups that support or
5 oppose candidates for public office;

6 (B) to a political party or to an organization affiliated with a
7 political party; or

8 (C) to a group, as that term is defined in AS 15.13.400, or a
9 political group, as that term is defined in AS 15.60, that seeks to influence the
10 outcome of an election."

11

12 Renumber the following bill sections accordingly.

adopted

25-LS0410\M.2
Luckhaupt
4/18/07

AMENDMENT

2

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOULE

TO: HCS CSSB 59(STA)

1 Page 1, line 2, following "lotteries":

2 Insert ", to the maximum amount of prizes that may be awarded for charitable
3 gaming activities other than bingo,"

4

5 Page 2, following line 17:

6 Insert a new bill section to read:

7 **** Sec. 4. AS 05.15.180(g) is amended to read:**

8 (g) A municipality or a qualified organization may award a maximum of
9 \$2,000,000 [\$1,000,000] in prizes each year in activities authorized under this chapter;
10 however, if a municipality or a qualified organization contracts with an operator to
11 conduct on its behalf activities authorized under this chapter, the municipality or
12 qualified organization may award a maximum of \$500,000 in prizes each year. A
13 municipality or a qualified organization that conducts a contest of skill and awards
14 more than \$1,000,000 [\$500,000] in prizes to the participants in that contest of skill
15 may exclude \$1,000,000 [\$500,000] in prizes awarded to those participants from the
16 \$2,000,000 [\$1,000,000] maximum allowed in this subsection. The holders of a
17 multiple-beneficiary permit under AS 05.15.100(d) may award a maximum in prizes
18 each year of \$2,000,000 [\$1,000,000] times the number of holders of the permit for
19 activities authorized under this chapter. In this subsection, "activities authorized under
20 this chapter" means all activities subject to this chapter other than bingo."

21

22 Renumber the following bill sections accordingly.

ch 59 SLA 1983; am §§ 15, 16 ch 99 SLA 1988; am E.O. No. 74 § 3 (1989); am §§ 18, 37 ch 70 SLA 1993; am E.O. No. 82 § 9 (1993)

Sec. 05.15.145. Multiple-beneficiary permits. (a) Two to six municipalities or qualified organizations, or a combination of two to six municipalities and qualified organizations, may jointly apply for a multiple-beneficiary permit under AS 05.15.100(d). The commissioner may not issue or renew a permit except upon satisfactory proof that each joint applicant is a municipality or qualified organization, the activity may be permitted under this chapter, and the issuance of a permit is not detrimental to the best interests of the public. Upon request of the commissioner, the joint applicants shall prove conclusively each of these requirements before a permit may be issued or renewed.

(b) The provisions of AS 05.15.140(b) — (d) apply to multiple-beneficiary permits and applications for them.

(c) A municipality or qualified organization that is among the holders of a multiple-beneficiary permit may withdraw from the permit by giving written notice of intent to withdraw to the department and to the other holders of the permit. The effective date of the withdrawal is 30 days after the department receives written notice of intent. A municipality or qualified organization that withdraws from a multiple-beneficiary permit may apply for a permit under AS 05.15.100(a), but its share of the prizes awarded under the multiple-beneficiary permit and the prizes it awards under its own permit are subject to the maximums established in AS 05.15.180(g).

(d) The holders of a multiple-beneficiary permit shall jointly file reports with the department that comply with the reporting requirements imposed on operators under AS 05.15.083. (§ 19 ch 70 SLA 1993)

NOTES TO DECISIONS

Cited in *Botelho v. Griffin*, 25 P3d 689 (Alaska 2001).

Sec. 05.15.150. Limitation on use of proceeds. (a) The authority to conduct the activity authorized by this chapter is contingent upon the dedication of the net proceeds of the charitable gaming activity to the awarding of prizes to contestants or participants and to political, educational, civic, public, charitable, patriotic, or religious uses in the state. "Political, educational, civic, public, charitable, patriotic, or religious uses" means uses benefiting persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by assisting them in establishing themselves in life, or by providing for the promotion of the welfare and well-being of the membership of the organization within their own community, or through aiding candidates for public office or groups that support candidates for public office, or by erecting or maintaining public buildings or works, or lessening the burden on government, but does not include

(1) the direct or indirect payment of any portion of the net proceeds of a bingo or pull-tab game to a lobbyist registered under AS 24.45;

(2) the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property unless it is used exclusively for one or more of the permitted uses; or

(3) the direct or indirect payment of any portion of the net proceeds of a charitable gaming activity, except the proceeds of a raffle and lottery,

(A) to aid candidates for public office or groups that support or oppose candidates for public office;

(B) to a political party or to an organization affiliated with a political party; or

(C) to a group, as that term is defined in AS 15.13.400, or a political group, as that term is defined in AS 15.60, that seeks to influence the outcome of an election.

§ 3 (1989); am §§ 18, 37

to six municipalities or municipalities and qualified it under AS 05.15.100(d). on satisfactory proof that on, the activity may be t detrimental to the best nt applicants shall prove e issued or renewed.

-beneficiary permits and

ie holders of a multiple-written notice of intent to nit. The effective date of lten notice of intent. A lltiple-beneficiary permit ie prizes awarded under s own permit are subject

y file reports with the l on operators under AS

authority to conduct the ion of the net proceeds estants or participants r religious uses in the "religious uses" means uence of education or r by assisting them in on of the welfare and community, or through tes for public office, or ening the burden on

roceeds of a bingo or

ur of real, personal, or e permitted uses; or eceeds of a charitable

oppose candidates for

litical party; or al group, as that term lection.

(b) The net proceeds derived from the activity must be devoted within one year to one or more of the uses stated in (a) of this section. A municipality or qualified organization desiring to hold the net proceeds for a period longer than one year must apply to the department for special permission and upon good cause shown the department may grant the request. (§ 1 e ch 27 SLA 1960; am § 2 ch 66 SLA 1976; am § 5 ch 27 SLA 1982; am § 20 ch 70 SLA 1993; am E.O. No. 82 § 10 (1993); am § 2 ch 48 SLA 1996)

Opinions of attorney general. — Proceeds from raffles may be donated, not loaned, to a political candidate and may not exceed the \$1000 limitation imposed by AS 15.13.070. This limit applies even if the permit holder is a "controlled group" under AS 15.13.130(4). June 15, 1987, Op. Att'y Gen.

A political entity could obtain a permit for and conduct bingo or pull-tab games, but it could not use any of the proceeds for general operating funds, or for

any purpose connected to the entity's objectives. For all purposes, there is virtually nothing that a political entity could do for itself with funds raised from the conduct of charitable games other than raffles and lotteries. A political entity could, though, raise funds using pull-tabs or bingo and donate these in their entirety to an eleemosynary organization, or a municipality. May 16, 1997 Op. Att'y Gen.

NOTES TO DECISIONS

Municipal sales tax on charitable gaming activities. — This section serves as a general use restriction on the proceeds of gaming and did not preempt a municipal sales tax on gaming activities of a charitable organization. *Kotzebue Lions Club v. City of Kotzebue*, 955 P.2d 921 (Alaska 1998).

Authority of attorney general. — The attorney general's authority to enforce charitable trusts gives

him the power to assert a charity's cause of action if the charity dismisses or compromises a claim against a third party for less than the amount the charity is owed under the state's gaming laws. *Botelho v. Griffin*, 25 P.3d 689 (Alaska 2001).

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

Sec. 05.15.160. Authorized expenses. (a) The only expenses that may be incurred or paid in connection with the operation of an activity under a permit issued under this chapter are bona fide expenses reasonably necessary for

(1) goods, wares, and merchandise necessary for the operation of the activity;

(2) personal services involved with the operation of the activity, including those performed by

(A) an employee of the permittee; or

(B) an operator hired by the permittee to conduct the activity if the compensation is not related to the receipts from the activity.

(b) Municipalities, qualified organizations, and operators may pay their employees a reasonable amount in wages or other compensation for personal services rendered by their employees while the employees are engaged in activities subject to this chapter. A reasonable amount of compensation is an amount approximating the amount ordinarily paid by similar businesses for similar work performed under similar circumstances.

(c) The total amount of authorized expenses that may be incurred under (a) of this section in connection with a pull-tab activity may not exceed 70 percent of the adjusted gross income from that pull-tab activity.

(d) The total amount of authorized expenses that may be incurred under (a) of this section in connection with any gaming activity other than pull-tabs or Calcutta pools may not exceed 90 percent of the adjusted gross income from that gaming activity.

(e) The total amount of expenses that may be incurred and prizes that may be awarded under (a) of this section in connection with a Calcutta pool may not exceed 50 percent of the pool of wagers. (§ 1 e ch 27 SLA 1960; am § 4 ch 59 SLA 1983; am §§ 17, 18 ch 99 SLA 1988; am § 21 ch 70 SLA 1993; am §§ 6, 7 ch 43 SLA 2005)

Effect of amendments. — The 2005 amendment, effective September 5, 2005, inserted "or Calcutta pools" in subsection (d) and added subsection (e).

failed

25-LS0410AM.3
Luckhaupt
4/30/07

AMENDMENT 3

OFFERED IN THE HOUSE

BY REPRESENTATIVE CRAWFORD

TO: HCS CSSB 59(STA)

1 Page 1, lines 1 - 2:

2 Delete "dog mushers' contests and charitable raffles and lotteries"

3 Insert "certain charitable gaming activities"

4

5 Page 2, line 23, following "lottery":

6 Insert "Broadcasting allowed under this subsection is limited to public service

7 announcements provided free of charge by a broadcaster to a permittee"

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 59(FIN)
(S) Publish Date: 3/14/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue 04
Title: Broadcasting Promoting Charitable Gaming RDU: Taxation and Treasury
Component: Tax Division
Sponsor: Senator Stevens
Requester: (S) Finance Component No.: 2476

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

(see attached)

Prepared by: Larry Moyers and Dan Slickel
Division: Tax Division
Approved by: Jerry Burnett
Agency: Department of Revenue

Phone: (907) 269-6620
Date/Time: 3/13/07 12:00 AM
Date: 3/13/2007

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. CSSB 59(FIN)

ANALYSIS CONTINUATION

This bill will impact charitable gaming in Alaska in two ways: it will allow broadcasting to promote charitable gaming and it will formally authorize a specific cabbage classic. These two changes are addressed separately below:

Broadcasting Promoting Charitable Gaming

Section 4 of this bill would allow a permittee (or operator under contract with an authorizing permittee) to broadcast promotion of a charitable raffle or lottery. The means allowable include radio and television. Anyone who can conduct a raffle would be allowed to promote it by broadcasting via radio or television.

Though the bill language applies to raffles and lotteries, the statutory definition [AS 05.15.690(38)] equates the two, effectively giving two different names to the same activity. Thus, there is no apparent authorization to expand the kinds of gaming activity that can be promoted or conducted.

We do not anticipate any additional costs or revenues as a result of this section of the bill.

Cabbage Classic

Sections 1-3 and section 5 of this bill formally authorize in statute a cabbage classic. A cabbage classic is defined as "a game of chance where a prize of money is awarded for the closest guess of the weight of the winning cabbage at the Giant Cabbage Weigh-Off." This contest would be formally authorized only for the specific cabbage classic operated and administered by the Palmer Rotary Club at the Alaska State Fair in Palmer. There is no authorization to expand gaming activity other than to formally allow this specific cabbage classic.

Since only one specific cabbage classic is authorized, we expect one additional charitable gaming permit. The cost of this annual permit will range from \$20 to \$100 depending on gross receipts of the permittee. Also, assuming gross receipts are at least \$20,000, a small amount of revenue would be collected from the 1% net proceeds fee. Revenues are shown as indeterminate because they would depend on the amount of net proceeds from the cabbage classic.

We anticipate that any additional costs can be absorbed.

ALASKA STATE LEGISLATURE



SESSION ADDRESS
Alaska State Capitol
Juneau, AK 99801-1182
(907) 465-4925
Fax (907) 465-3517

INTERIM ADDRESS
112 Mill Bay Road
Kodiak, AK 99615
(907) 486-4925
Fax (907) 486-5264

Senator Gary Stevens Majority Leader

Sponsor Statement for House CS for SB 59 (STA) (updated April 19, 2007)

“An Act relating to the use of broadcasting to promote dog mushers’ contests and charitable raffles and lotteries and to establishing cabbage classics as a form of charitable gaming”

Passage of CS for SB 59 will assure an equal playing field for Alaska’s broadcasters. Alaska Statute prohibits broadcasters from airing truthful and non-misleading advertisements of lawful “charitable gaming activity.”

Currently, AS 05.15.640 (a) bans radio and television advertising of lawful charitable gaming or conduct. Newspapers are free to advertise the very same activity and conduct that radio and television stations may not advertise.

Additionally, the statute also impedes positive governmental interests. ABA member stations cannot assist deserving not-for-profit organizations in their efforts to raise money to meet their goals.

AS 05.15.640(a) may well deny broadcasters equal protection under the Federal and State Constitutions since the act prohibits, without rational basis, the broadcast media from engaging in conduct which is allowed by the print media, namely the carriage of third party advertising promoting a lawful “charitable gaming activity.”

As an example of the current misguided law, local church raffles cannot be promoted by local radio and TV stations. Boy Scout fundraisers involving raffles may not be included in public service announcements. Not-for-profit groups such as the Boys and Girls Club are excluded from promoting fundraisers involving games of chance using radio and TV. Even various statewide fundraising events such as the Iditarod may not be promoted by broadcasters, thus reducing the organizations fundraising ability.

CS for SB 59 also allows for the use of broadcasting to promote dog mushers’s contests, and cabbage classics to the list of allowable charitable gaming. These addition will greatly benefit fundraising efforts of the charitable organizations who partake in these fundraising activities.

I ask for your support of CS for SB 59.

WORK ORDER REQUEST FORM

W.O. 25-LS0920

KEYWORDS: UNIFORM RULES

ASSIGNEE: Luckhaupt

REQUEST FOR: Resolution

TAKEN BY: Weed

SUBJECT: Suspend UN RLS: Title Change for SB 59

REQUESTED FOR: HC HFIN

BY: Shar

PHONE: 465-2378

DELIVER TO: House Finance; Attn: Shar -- Cap. 519

INSTRUCTIONS:

Draft title change resolution for HCS CSSB 59(FIN)

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED []
AUTHORIZED TO CONFER WITH

RETURN

TO REQUESTOR

APPROVED DIRECTOR, LEGAL SERVICES

REVIEWED _____

IN 05/01/07 DUE _____

TYPED: DRAFT _____ DATE _____

FINAL _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS to TYPING/PROOFING
(SB 59 Passed Cmte)

Request for FINAL

25-LS0861A
Luckhaupt
4/12/07

HOUSE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Introduced:
Referred:

A RESOLUTION

1 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State
2 Legislature, concerning Senate Bill No. 59, relating to charitable gaming.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of
5 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding
6 changes to the title of a bill, are suspended in consideration of Senate Bill No. 59, relating to
7 charitable gaming.

HOUSE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTY LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced:
Referred:

A RESOLUTION

1 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State
2 Legislature, concerning Senate Bill No. 59, relating to charitable gaming.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of
5 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding
6 changes to the title of a bill, are suspended in consideration of Senate Bill No. 59, relating to
7 charitable gaming.

FISCAL NOTE

replaced

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 59
(S) Publish Date: 2/9/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue 04
Title: Broadcasting Promoting Charitable Gaming RDU: Taxation and Treasury
Sponsor: Senator Stevens Component: Tax Division
Requester: (S) Labor & Commerce Component No.: 2476

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would allow a permittee (or operator under contract with an authorizing permittee) to broadcast promotion of a charitable raffle or lottery. The means allowable include radio and television. Anyone who can conduct a raffle would be allowed to promote it by broadcasting via radio or television.

Though the bill language applies to raffles and lotteries, the statutory definition [AS 05.15.690(38)] equates the two, effectively giving two different names to the same activity. Thus, there is no apparent authorization to expand the kinds of gaming activity that can be promoted or conducted.

We do not anticipate any additional costs or revenues as a result of this bill.

Prepared by: Larry Meyers and Dan Stickel Phone: (907) 269-6620
Division: Tax Division Date/Time: _____
Approved by: Jerry Burnett Date: 2/3/2007
Agency: Department of Revenue

LEGAL SERVICES

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

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 22, 2007

SUBJECT: Sectional Summary - CSSB 59(FIN)
(Work Order No. 25-LS0410E)

TO: Senator Gary Stevens

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

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

Section 1. Amends AS 05.15.100(a) by adding a conforming amendmer. to the addition of "cabbage classics" as an authorized form of charitable gaming in sec. 5.¹

Section 2. Amends AS 05.15.115(c) by adding a conforming amendment to the addition of "cabbage classics" as an authorized form of charitable gaming in sec. 5.²

Section 3. Amends AS 05.15.180(b) by adding a conforming amendment to the addition of "cabbage classics" as an authorized form of charitable gaming in sec. 5.³

Section 4. Amends AS 05.15.640(a) to allow radio and television broadcasting to promote raffles and lotteries.

Section 5. Amends AS 05.15.690 by adding a "cabbage classic" conducted by the Palmer Rotary Club at the Alaska State Fair as an authorized form of charitable gaming in Alaska.

GPL:ljw
07-155.ljw

¹ Although "a cabbage classic" is listed in this subsection, the plural "cabbage classics" would be the proper form to be used in this subsection.

² Although "a cabbage classic" is listed in this subsection, the plural "cabbage classics" would be the proper form to be used in this subsection.

³ Although "a cabbage classic" is listed in this subsection, the plural "cabbage classics" would be the proper form to be used in this subsection.

April 12th 2007

RE: LETTER OF SUPPORT SENATE BILL 59 Introduction charitable raffles and lotteries

Dear Representative Johnson, Johansen, Coghill, Lynn, Doll, Roses, and Gruenberg,

I would like to send my letter of support for (SB 59) related to Charitable raffles and Lotteries. I would like to provide my letter of support for the following reasons. I have been involved for several years in the Ketchikan Running Club, Rotary 2000, Big Brothers Big Sisters, Team Diabetes Pennock Swim, Ketchikan Youth Court, Ketchikan Lions Club, Revilla Island Prevention Coalition, and Ketchikan Chamber of Commerce. While not all of these organizations run raffles they are connected in many ways to those who do run raffles.

The reality is that budgets are tight everywhere and will become tighter. Businesses have a long-term plan if they want to survive. Non-profits need to think like business people, and diversify their funding sources too. Many non-profits don't have (a service or product) to sell so they use raffles to generate funds for the non-profit programs and projects. Raffles also allows youth and adult a chance to give their pitch on their organization. The better they can promote the raffle the better the outcome. The great thing about raffles too is it allows everyone to make their own decision whether or not to purchase a raffle ticket.

Today, more than ever with both parents and single parents including myself, working sometime (2 or more) jobs to make ends meet because of the simple cost of increases in day to day living and medical expenses there is a need for many non-profits more than ever. These non-profit programs serve important purposes in our communities. They enhance the quality of our lives and sometimes give us the assets that are missing in our fast paced lives.

These programs make people feel good and they give adults, seniors, teenagers, and kids an improved quality of life. Many sports teams, senior programs, civil groups, and a wide-range of different non-profits rely on raffles to balance their operating budgets. During a time of decreased funds from Federal and State Grants many of us have depended on these local fundraisers to assure we can keep our doors open, send a child on a sports event, debate, or drama event, and generate funds for Senior programs, Homeless Shelter, or Youth programs.

SB 59 will allow raffles to be advertised on the radio and television. This will allow us not only to thank everyone who was involved, but promote it in an effective and professional manner. There is no better time than now to help keep programs in solid positions to reassure our children, teenagers, and adults that we care about the quality of life they have in their communities. It is an awesome opportunity to streamline our fundraising efforts when other funds sources are drying up.

I leave you with these thoughts as these show the impact raffles have on our programs.

----" A little person beams and raves about the opportunity have a Big in their life who took time to come each week to school. The quiet child is glowing with happiness that someone cares-that someone remembers to follow through—someone did not let them down."
Big Brothers Big Sisters Raffle

-----"A youth court member sticks youth court out for 5 years --graduates high school after struggling in a single family home for years. Not only did that member learn leadership and public speaking skills, took part in countless hours of community service projects, but lead a sport team at school, graduated with honors, and had a chance to go to college."
Ketchikan Youth Court Raffle

-----"The sky lights up with brilliant fireworks and a family of four watches from the 3rd Ave. The fireworks doesn't last more than 15 minutes, but just for those simple moments a family enjoys together time."
Ketchikan Lions Club Raffle

----"Diabetic Educator Janet takes the opportunity to gives a support group training to teenagers and kids. Those moments when they think they are all (alone) gives them hope that there are others out there fighting the same thing."
Team Diabetes Raffle Fundraiser

----A soccer team member comes up smiling about a successful win. Dirtying and wet, but smiling because of enough people supported their fundraiser and they get to go to the finals." ---These are just samples of simple thoughts I have heard over the years)
Raffle for Soccer, Wrestling. Or Swim Team

Thank you for your time and consideration of this important SB 59. It will allow us to continue to work we all do to make each community a wonderful place to live.

Sincerely,

Gretchen Klein

Affiliations and Memberships

Ketchikan Youth Court Director

8 years

Alaska Community Services Program Manager

3 years

Ketchikan Lions Club Member

9 years

Ketchikan Chamber of Commerce Member

6 years

Team Diabetes for Running and Swimming Annual Fundraiser

7 years

Ketchikan Running Club Member

15 years

Rotary 2000 Member

3 years

Big Brothers Big Sisters of Ketchikan Friend of Program

5 years

Association for the Education of Young Children Liaison Ketchikan

2034 First Ave

Ketchikan, Alaska 99901

907 225-2072


Emily Stancliff

From: Glen Anderson [glen.anderson@nnbradio.com]
Sent: Thursday, February 08, 2007 5:52 AM
To: Rep. Jay Ramras
Subject: Hi from Glenner

Hi Jay!

Hope all is going well in the city of rain.

I am sending this e-mail in hopes of gaining support for House Bill 116 in regards to advertising gaming and lottery for charitable organizations on TV and Radio. As I am sure you are aware, there is currently a double standard regarding this issue. While the advertisement of charitable gaming and raffles are legal in print form, they are still illegal in our media even though no other form of media does more for charitable organizations than radio. From United Way to FRA, Big Brothers/Big Sisters to RCPC, we constantly receive countless Public Service announcements for various fundraisers and charities which we can not do anything about due to the fact that they are using some form of games of chance. We air more than 50 PSA's per week per station) both recorded and live each and every week over the airwaves. Unfortunately, most charities use some form of gaming, lottery or raffle to raise funds and we can not help them. Is there a monetary gain for the industry? of course there is, one that Newspapers and magazines have used successfully for years. It is time to level the playing field.



Thanks Jay

Glen Anderson
Operations Manager
New Northwest Broadcasters
Fairbanks, Alaska
KXLR/KCBF/KWLF/KUWL/KFAR
(907)451-5910
Cell:907-378-2796



Alaska Juneau
Communications, Inc.

February 6, 2007

The Honorable Gary Stevens
State Senate
State Capitol Room 103
Juneau, AK 99801-1182

Dear Senator Stevens 

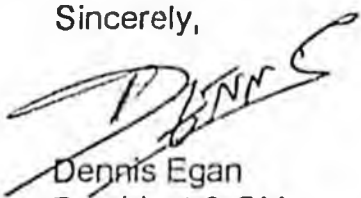
Thank you for introducing SB59 in support of a solution to the disparate treatment currently being imposed on Alaska's broadcasters by current Alaska Statute.

As you know, Alaska Statute §05.15.640(a) bans, but only via radio and television, the advertising of lawful charitable gaming or conduct. Newspapers are free to advertise the very same activity and conduct that radio and television stations may not advertise.

In fact, the current law actually impedes positive governmental interests by prohibiting Alaska's broadcasters from assisting deserving non profit organizations in their efforts to raise money to reach their goals. In a period of tight state revenues and charitable giving, this unwarranted restriction is simply flawed policy.

Broadcasters throughout Alaska appreciate your willingness sponsor legislation to correct this inequity.

Sincerely,


Dennis Egan
President & GM
AJCI (KINY-AM, KSUP-FM)

Emily Stancliff

From: Hutton, Pete [PeteHutton@clearchannel.com]
Sent: Thursday, February 08, 2007 12:25 PM
To: Rep. Jay Ramras
Subject: House bill 116

Jay, we would really like to see your support for this bill. thanks
Pete Hutton
General Manager
Clear Channel Radio-Fairbanks
KFBX-AM-KIAK-FM-KAKQ-FM-KKED-FM
907 450-1023-direct
907 450-1094-fax
907 347-7136-cell

Doug Letch

From: Sen. Gary Stevens
Sent: Thursday, February 08, 2007 10:08 AM
To: Doug Letch
Subject: FW: Letter In support of HB116 and SB59

-----Original Message-----

From: Alaska Broadcasters Association [mailto:akba@gci.net]
Sent: Thursday, February 08, 2007 9:58 AM
To: David Scott; Sen. Gary Stevens
Cc: clark gruening; egan@ptialaska.net
Subject: Letter In support of HB116 and SB59

----- Original Message -----

From: "Ric Schmidt" <rschmidtKNOM@nome.net>
To: "Alaska Broadcasters Association" <akba@gci.net>
Sent: Monday, February 05, 2007 4:48 PM
Subject: Raffle ad story from KNOM

Darlene:

In the first week of January, when the thermometer was routinely dipping below -20, I received a call from Winnifred in Kotlik.

She politely asked if the folks in Kotlik could announce a charitable raffle on KNOM AM & FM.

She said that the city office needed a monitor heater and due to the lack of city funds the citizens had put together a raffle to collectively raise enough money to purchase the desperately needed heater.

I was forced by Alaska State law to tell her NO! I told her that newspapers are allowed to promote this type of effort, but we are not!

She said that the best way to raise the money was this raffle and the best way to promote it, would be announcing it on KNOM.

I apologized to her, and honestly...I was embarrassed!

Here was a community that didn't look to the state or federal government for help.

They were raising the money themselves, and state law was preventing them from standing on their own and buying a monitor heater for their city office.

I would hope that the people of Alaska can work to help communities like Kotlik, help themselves, without restricting their efforts through outdated laws and regulations.

We can't ask people to stand up and help, if we don't give them the tools to succeed.

Thank you for your interest in this sad story. I hope the future brings a bright promise to all Alaskans.

Ric Schmidt
KNOM General Manager

I have her phone number if we want to contact her for any reason. I'd prefer to make the contact, so she has a frame of reference for this issue. Thanks. Ric



Alaska Juneau
Communications, Inc.

February 6, 2007

The Honorable Gary Stevens
State Senate
State Capitol Room 103
Juneau, AK 99801-1182

Dear Senator Stevens:

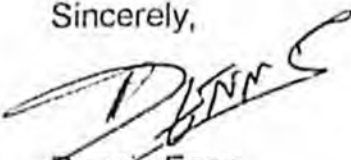
Thank you for introducing SB59 in support of a solution to the disparate treatment currently being imposed on Alaska's broadcasters by current Alaska Statute.

As you know, Alaska Statute §05.15.640(a) bans, but only via radio and television, the advertising of lawful charitable gaming or conduct. Newspapers are free to advertise the very same activity and conduct that radio and television stations may not advertise.

In fact, the current law actually impedes positive governmental interests by prohibiting Alaska's broadcasters from assisting deserving non profit organizations in their efforts to raise money to reach their goals. In a period of tight state revenues and charitable giving, this unwarranted restriction is simply flawed policy.

Broadcasters throughout Alaska appreciate your willingness sponsor legislation to correct this inequity.

Sincerely,


Dennis Egan
President & GM
AJCI (KINY-AM, KSUP-FM)



Alaska Broadcasters Association

AN ALASKAN CORPORATION

700 W 41st Avenue #102 Anchorage, AK 99503

P: 907-258-2424

F: 907-258-2414

Email: akba@gci.net

January 25, 2007

Senator Gary Stevens
State Capitol Room 103
Juneau, AK 99801-1182

Dear Senator Stevens:

Thank you for your introduction of SB 59 as a solution to the disparate treatment currently being imposed on Alaska's broadcasters by existing Alaska Statute.

As you know, Alaska Statute §05.15.640(a) bans, but only via radio and television, the advertising of charitable raffles and lotteries. Newspapers are free to advertise the very same activity that radio and television stations may not.

In fact, the current law actually impedes positive governmental interests by prohibiting Alaska's broadcasters from assisting nonprofit organizations in their efforts to raise money to reach their goals. This restriction is simply flawed policy.

This unwarranted restriction in Alaska law, removed from Federal Law many years ago, means that raffles cannot be promoted by organizations such as the VFW, the Boys and Girls Club, and other local nonprofits through the means of broadcasting.

On behalf of all broadcasters in Alaska, we appreciate and support your willingness to seek this amendment to allow each of us, through the power of radio and television broadcasting, to better serve our communities in their fundraising efforts.

Sincerely,


Scott Smith
President



Alaska Broadcasters Association

"Membership Has Its Benefits"
An Alaskan Corporation

P.O. Box 102424
Anchorage, AK 99510

Phone (907) 258-2424
Fax (907) 258-2414
E-mail akba@gcl.net

March 2007

Re: House Bill 116 and SB 59

HB116 and SB 59 would afford an equal playing field for Alaska's broadcasters. Alaska Statute prohibits broadcasters from airing truthful and non-misleading advertisements of lawful "charitable gaming activity". HB 116 and SB 59 would avoid a likely constitutional challenge to the Statute.

As it stands now, Alaska Statute §05.15.640(a) bans, but only via radio and television, the advertising of lawful charitable gaming or conduct. Newspapers are free to advertise the very same activity and conduct that radio and television stations may not advertise.

In addition, the statute also impedes positive governmental interests. ABA member stations cannot assist deserving not-for-profit organizations in their efforts to raise money to meet their goals.

Alaska Statute §05.15.640(a) may well deny broadcasters equal protection under the Federal and State Constitutions since the act prohibits, without rational basis, the broadcast media from engaging in conduct which is allowed by the print media, namely the carriage of third party advertising promoting a lawful "charitable gaming activity"

APBC Resolution

007-001

Resolution to the First Session of the Twenty-Fifth Alaska State Legislature in Support of House Bill 116 and Companion Senate Bill 59

WHEREAS, for years, the Federal Communications Commission Rules and Regulations have forbidden radio and television stations from broadcasting lottery or gaming information. In the late 1980s, the U. S. Congress enacted legislation allowing radio and television stations to broadcast non-profit, charitable lottery or gaming information if allowed to do so by the individual states, and

WHEREAS, Alaska is one of only two states in the Union still banning radio, television, and cable stations from broadcasting non-profit, charitable lottery or gaming information. While, at the same time, newspapers are unfairly permitted to publish this information, and

WHEREAS, this ban has prevented Alaska's radio and television broadcasters – both commercial and non-commercial – from helping numerous local non-profit organizations with their fundraising efforts, and

WHEREAS, the ban has also prevented worthy, local, non-profit organizations from using broadcast media to promote their fundraising activities. All of these fundraising activities are already permitted by the State through the Alaska Gaming Commission. These activities include such things as raffles for Boy Scout and Girl Scout programs, Little League uniform and travel funds, Rotary and volunteer fire department activities, and homeless shelters, just to name a few, and

WHEREAS, two pieces of legislation have been introduced in the First Session of the Twenty-Fifth Legislature. House Bill 116 and Senate Bill 59 would allow Alaska radio and television broadcasters to broadcast charitable raffle and lottery information. This legislation has the support of the Alaska Broadcasters Association, representing Alaska's radio and television stations, and

WHEREAS, the Alaska Public Broadcasting Commission believes that passage of this legislation would be beneficial to the 26 non-commercial radio and television stations the Commission represents, and to the many communities and non-profit organizations these stations serve.

NOW THEREFORE BE IT RESOLVED THAT the Alaska Public Broadcasting Commission urges the Alaska State Legislature to enact House Bill 116 and Senate Bill 59, "An Act relating to the use of broadcasting to promote charitable raffles and lotteries."

Passed and approved unanimously by the Alaska Public Broadcasting Commission this 3rd day of April, 2007.

Brenda Hewitt, Co-Chair

Carl Berger, Co-Chair

4/12/07

I'm on the air this morning, and wasn't able to offer testimony to the Senate committee on SB59.

I'd like to reiterate my previous testimony in favor of passage of this legislation.

I'd also like to pass along a Resolution of the Alaska Public Broadcasting Commission. The Commission unanimously urged passage of SB59 at its meeting on April 3rd. A large number of station managers and regional representatives attending the Commission's teleconferenced meeting were also in unanimous support of SB59.

Thanks

Bob Kern
KFMJ Radio
President, TLP Communications, Inc

Commissioner,
Alaska Public Broadcasting Commission



23 April 2007

Governor Sarah Palin
State of Alaska
Box 110001
Juneau, Alaska 99811-0001

Senator Lyda Green
President of the Senate
State Capitol
Juneau, Alaska 99811-1182

Representative John Harris
Speaker of the House
State Capitol
Juneau, Alaska 99811-1182

Regarding SB 59, Gaming Broadcasting, Cabbage Classics, and HCR 7, Suspend
Uniform Rules for SB 59

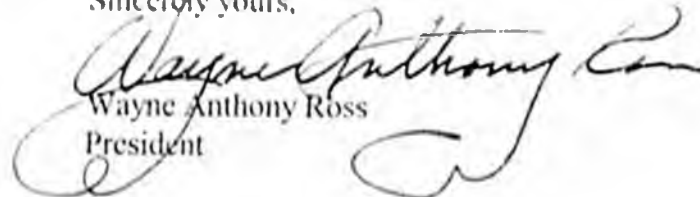
Dear Governor Palin, Senator Green and Representative Harris:

The general membership of the Alaska Gun Collectors Association, in general meeting assembled, unanimously approved support of SB 59 and its intended purpose of allowing raffles to be promoted over radio and television. The membership also supports inclusion of the Internet in the list of allowable promotion media.

We understand that the broadcast media are the primary impetus behind this legislation, but we ask that the viewpoint of permittee organizations be considered as well. Radio and television will reach the general public, but email and web sites would allow access to a more tailored audience. Our efforts to raise money for our primary activity—promotion of public safety through public education, including and especially our annual Youth Firearms Safety Appreciation Day—would be greatly enhanced if we could promote our raffles on our website in addition to radio and television.

We had hoped to submit testimony to the House Finance Committee when it considered the bill, but HCR 7 eliminated that potential, so we now submit this letter. Please consider inclusion of the Internet in SB 59 before final adoption. Thank you for your attention.

Sincerely yours,


Wayne Anthony Ross
President

SB

59

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAR 13 2007
 SENATE FINANCE COMMITTEE

DATE: 3/2/07

FURTHER:

DATE TURNED
IN TO OFFICE: 3/14/07

Finance Committee considered SENATE BILL NO. 59

SB 59 BROADCASTING PROMOTING CHARITABLE GAMING

"An Act relating to the use of broadcasting to promote charitable raffles and lotteries."

and recommends:

- be replaced with SCS or CS SB 59 (FIN)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

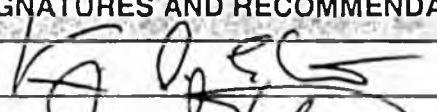
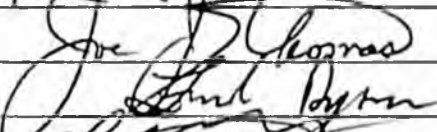
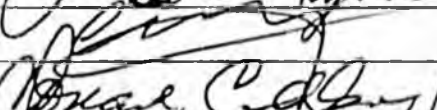
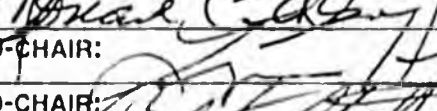
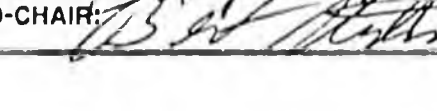

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Revenue	3/10/07			✓	32

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	E. Thomas			✓	
	Thomas Dyson	✓			
	Huggins	✓			
	Oscar			✓	
CO-CHAIR: 	Hoffman	✓			
CO-CHAIR: 	Stedman	✓			

FISCAL NOTE

STATE OF ALASKA
 2007 LEGISLATIVE SESSION

Fiscal Note Number: CSHB59-(FIN)-DOR-TAX-3-13-07

Bill Version: CSSB 59 (FIN)

() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Revenue 04

Title: Broadcasting Promoting Charitable Gaming

RDU: Taxation and Treasury

Component: Tax Division

Sponsor: Senator Stevens

Requester: (S) Finance

Component No.: 2476

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 00

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

(see attached)

Prepared by: Larry Meyers and Dan SICKEL

Phone: (907) 269-6620

Division: Tax Division

Date/Time: 3/13/07 12:00 AM

Approved by: Jerry Burnett

Date: 3/13/2007

Agency: Department of Revenue

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSSB 59 (FIN)

ANALYSIS CONTINUATION

This bill will impact charitable gaming in Alaska in two ways: it will allow broadcasting to promote charitable gaming and it will formally authorize a specific cabbage classic. These two changes are addressed separately below.

Broadcasting Promoting Charitable Gaming

Section 4 of this bill would allow a permittee (or operator under contract with an authorizing permittee) to broadcast promotion of a charitable raffle or lottery. The means allowable include radio and television. Anyone who can conduct a raffle would be allowed to promote it by broadcasting via radio or television.

Though the bill language applies to raffles and lotteries, the statutory definition [AS 05.15.690(38)] equates the two, effectively giving two different names to the same activity. Thus, there is no apparent authorization to expand the kinds of gaming activity that can be promoted or conducted.

We do not anticipate any additional costs or revenues as a result of this section of the bill.

Cabbage Classic

Sections 1-3 and section 5 of this bill formally authorize in statute a cabbage classic. A cabbage classic is defined as "a game of chance where a prize of money is awarded for the closest guess of the weight of the winning cabbage at the Giant Cabbage Weigh-Off." This contest would be formally authorized only for the specific cabbage classic operated and administered by the Palmer Rotary Club at the Alaska State Fair in Palmer. There is no authorization to expand gaming activity other than to formally allow this specific cabbage classic.

Since only one specific cabbage classic is authorized, we expect one additional charitable gaming permit. The cost of this annual permit will range from \$20 to \$100 depending on gross receipts of the permittee. Also, assuming gross receipts are at least \$20,000, a small amount of revenue would be collected from the 1% net proceeds fee. Revenues are shown as indeterminate because they would depend on the amount of net proceeds from the cabbage classic.

We anticipate that any additional costs can be absorbed.

CS FOR SENATE BILL NO. 59(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR STEVENS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the use of broadcasting to promote charitable raffles and lotteries
2 and to establishing cabbage classics as a form of charitable gaming."

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

4 * Section 1. AS 05.15.100(a) is amended to read:

5 (a) The department may issue a permit to a municipality or qualified
6 organization. The permit gives ' e municipality or qualified organization the privilege
7 of conducting bingo, raffles and lotteries, pull-tab games, ice classics, race classics,
8 rain classics, goose classics, mercury classics, deep freeze classics, canned salmon
9 classics, salmon classics, king salmon classics, dog mushers' contests, snow machine
10 classics, fish derbies, animal classics, crane classics, a cabbage classic, Calcutta
11 pools, and contests of skill.

12 * Sec. 2. AS 05.15.115(c) is amended to read:

13 (c) A permittee may not contract with more than one operator at a time to
14 conduct the same type of activity. For the purposes of this subsection, bingo games,

*Amend.
#1*

1 raffles, lotteries, pull-tab games, ice classics, race classics, rain classics, goose
 2 classics, mercury classics, deep freeze classics, canned salmon classics, salmon
 3 classics, king salmon classics, dog mushers' contests, snow machine classics, fish
 4 derbies, animal classics, crane classics, a cabbage classic, and contests of skill are #1
 5 each a different type of activity.

6 * Sec. 3. AS 05.15.180(b) is amended to read:

7 (b) With the exception of raffles, lotteries, bingo games, pull-tab games, race
 8 classics, rain classics, goose classics, mercury classics, deep freeze classics, dog
 9 mushers' contests, snow machine classics, canned salmon classics, salmon classics,
 10 animal classics, crane classics, a cabbage classic, Calcutta pools, and king salmon #1
 11 classics, an activity may not be licensed under this chapter unless it existed in the state
 12 in substantially the same form and was conducted in substantially the same manner
 13 before January 1, 1959. A snow machine classic may not be licensed under this
 14 chapter unless it has been in existence for at least five years before the licensing. An
 15 animal classic may not be licensed under this chapter unless it was in existence before
 16 November 1, 2002.

17 * Sec. 4. AS 05.15.640(a) is amended to read:

18 (a) A person may not use broadcasting to promote or conduct a charitable
 19 gaming activity under this chapter except that a person may use (1) broadcasting to
 20 promote a fish derby or a type of classic [OR SWEEPSTAKES] defined in
 21 AS 05.15.690, or (2) radio or television broadcasting to promote a charitable
 22 raffle and lottery. In this subsection, "broadcasting" includes television and radio
 23 transmission by 2,500 megahertz, microwave video and audio programming, slow-
 24 scan television programming, and programming by way of [VIA] satellite, cable,
 25 teletype, or facsimile transmission and distribution methods; "raffle and lottery" has
 26 the meaning given in AS 05.15.690.

27 * Sec. 5. AS 05.15.690 is amended by adding a new paragraph to read:

28 (48) "cabbage classic" means a game of chance where a prize of
 29 money is awarded for the closest guess of the weight of the winning cabbage at the
 30 Giant Cabbage Weigh-Off at the Alaska State Fair in Palmer operated and
 31 administered by the Palmer Rotary Club.

25-LS0410\E
Luckhaupt
3/13/07

CS FOR SENATE BILL NO. 59(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR STEVENS

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10 classics, fish derbies, animal classics, crane classics, a cabbage classic, Calcutta
11 pools, and contests of skill.

12 * Sec. 2. AS 05.15.115(c) is amended to read:

13 (c) A permittee may not contract with more than one operator at a time to
14 conduct the same type of activity. For the purposes of this subsection, bingo games,

1 raffles, lotteries, pull-tab games, ice classics, race classics, rain classics, goose
2 classics, mercury classics, deep freeze classics, canned salmon classics, salmon
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4 derbies, animal classics, crane classics, a cabbage classic, and contests of skill are
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6 * Sec. 3. AS 05.15.180(b) is amended to read:

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10 animal classics, crane classics. a cabbage classic, Calcutta pools, and king salmon
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30 Giant Cabbage Weigh-Off at the Alaska State Fair in Palmer operated and
31 administered by the Palmer Rotary Club.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 14 March 2007 TIME: 10:15 am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please
CS SB 59 (FIN) 25-LS0410\ E
Luckhaupt 3/13/07
no changes

If possible - please deliver before
11:00 am floor session

*Thx
Mindy*

CS FOR SENATE BILL NO. 59()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR STEVENS

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the use of broadcasting to promote charitable raffles and lotteries
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8 rain classics, goose classics, mercury classics, deep freeze classics, canned salmon
9 classics, salmon classics, king salmon classics, dog mushers' contests, snow machine
10 classics, fish derbies, animal classics, crane classics, cabbage classics, Calcutta pools, ←
11 and contests of skill.

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14 conduct the same type of activity. For the purposes of this subsection, bingo games,

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raffles, lotteries, pull-tab games, ice classics, race classics, rain classics, goose classics, mercury classics, deep freeze classics, canned salmon classics, salmon classics, king salmon classics, dog mushers' contests, snow machine classics, fish derbies, animal classics, crane classics, cabbage classics, and contests of skill are each a different type of activity.

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

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Alaska State Senate

Senate Finance Committee

Official Business

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 13 March 2007 TIME: 9:34 AM

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 3

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please

CS BB 59 (FIN) 25-LS04101C

Luckhaupt 3/2/07

Plus 1 amendment - attached

(delete "cabbage classics")

insert "cabbage classic"

where appears in bill

*Thx
Mindy*

*need new
fiscal note*

Adopted
3/13/07

WORK DRAFT

WORK DRAFT

WORK DRAFT

25-LS0410C
Luckhaupt
3/2/07

CS FOR SENATE BILL NO. 59()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR STEVENS

A BILL

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