

ALASKA LEGISLATURE COMMITTEE FILES
6932 HOUSE JUDICIARY

1991-1992

8672

70

April 16, 1991

Representative Kay Brown
P.O. Box V
Juneau, Alaska 99811

Dear Representative Brown:

I am writing in support of House Bill #156. Victims of Domestic Violence or Sexual Assault need the security of confidential communications with their counselors. Many victims fear disclosure and therefore avoid the counseling they need. For the safety of clients and staff, it is critical that the location of Shelters/Safe Houses and the identity of their staff not be disclosed.

Sincerely,



Anne Marie Siebenlist

April 16, 1991

APR 22 1991

Representative Kay Brown
P.O. Box V
Juneau, Alaska 99811

Dear Representative Brown:

I am writing in support of HB156. I speak as a survivor of domestic violence and a former DV advocate.

I strongly urge you to pass this bill. Women and children who work and live in Safe Homes are in danger. On several occasions in our nation, women and children have been killed on the premises of Safe Homes, by spouses of residents. It is our duty to protect these innocent victims. This bill will be an aide in accomplishing that. Batterers are often in a state of denial and believe that the Safe Home and staff are to blame for their family leaving. Their violent behavior is turned towards the counselors and the facility. With this law in effect I feel more victims will reach out for the help they so desperately need. Thank you for your time and support.

Sincerely,



Michele Hall
P.O. Box 2025
Bethel, AK 99559

April 16, 1991

Representative Kay Brown
P.O. Box V
Juneau, Alaska 99811

Dear Representative Brown:

I support House Bill 156. I believe that having this Bill will enable women of Domestic Violence and Sexual Assault to be protected of any harm that may come upon them. Being able to be protected of their confidentiality with whom they want would I believe help the victims first. As a former victim of domestic violence having knowledge that confidentiality for my protection against anyone, be it my husband, boyfriend, families etc. be in effect would make me have alot of confidence in myself as a woman and erable me to strive on. When I was in need of help I was afraid to go to a shelter because I thought that my husband would find out where I was. So I strongly support House Bill 156 because I know that alot of women out there have the same feelings that I went through.

Sincerely,

Jenny Camille

Jenny Camille



Women In Safe Homes

*A Safe Alternative to
Family Violence*

P.O. Box 6552
Ketchikan, Alaska 99901
(907) 225-9474

Representative Kay Brown
Juneau, Alaska

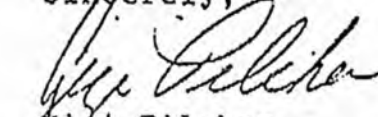
Dear Representative Brown:

I am writing to express my strong support of H.B. 156. I have been a victim's advocate for fourteen years and have worked with several thousand victims of domestic violence and sexual assault during this time.

I believe that victims of sexual assault/abuse especially should have the right to confidentiality when requesting and receiving services from domestic violence/sexual assault programs.

Thank you for your work on H.B. 156, the dedication and commitment you have displayed for the rights of victims is commendable.

Sincerely,


Gigi Pilcher
Executive Director

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SSHB 156

FEB 24 1992

Revision Date: _____

Department Affected: Administration

Title: Confidentiality/Domestic Violence Counselors

BRU: Public Defender

Sponsor: Brown

Component: Public Defender

Requestor: House Judiciary

COMPONENT SERIAL NO.

1	6	3	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Kevin Brooks
Division: Administrative Services

Phone: 465-2277
Date: February 21, 1992

Approved by Commissioner: Nancy Bear Usra
Agency: Administration

Date: _____

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

JAN 17 1992

BILL NO. SS HB 156

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Public Safety

Title: An Act providing that communications BRU: Domestic Violence & Sexual Assault

are privileged. Component: Domestic Violence & Sexual Assault

Sponsor: Brown, et al

Requestor: House Judiciary Committee COMPONENT SERIAL NO.

5	2	1
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Marcia Lynn McKenzie Phone: 465-4356

Division: Council on Domestic Violence & Sexual Assault Date: 1-15-92

Approved by Commissioner: Richard L. Burton

Agency: Department of Public Safety Date: 1-15-92

Revision Date: _____
 Title: "...communications between victim and...
 counselor are privileged..."
 Sponsor: Representative Brown
 Requestor: House Judiciary Committee

Department Affected: Department of Law
 BRU: Prosecution
 Component: All

COMPONENT SERIAL

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Expenditures/Revenues: (Thousands of Dollars)

85 through 91

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: February 21, 1992

Date: February 21, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSHB 156

This bill amends AS 18.66 to add a section which provides that communications between a domestic violence or sexual assault victim and a domestic violence or sexual assault counselor are privileged. In addition to making these communications privileged, the bill prohibits the disclosure of the location of certain types of facilities used by the victims of these crimes, and prohibits the disclosure of the identities of domestic violence or sexual abuse counselors. The bill also provides several exceptions to these privileged communications, primarily dealing with information regarding child abuse or neglect, and when failure to disclose a privileged communication is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Similarly, these communications would no longer be privileged if they caused the failure of a person to testify as a witness and resulted in an inference unfavorable to the state's cause or the cause of a domestic violence or sexual assault victim. We do not believe that the bill will have a fiscal impact on the Department of Law.

HB

167

Tanana Valley League of Women Voters

P.O. Box 1974 — Fairbanks, Alaska 99707

Sandra Stout, director
Division of Elections
P.O. Box AF
Juneau, Alaska 99811-0105

RECEIVED
FEB 15 1990
DIRECTOR OF ELECTIONS
February 1990

Dear Ms. Stout,

I am writing to reiterate the support of the state and local leagues of Women Voters for the simplification of personal representative voting procedures.

I asked league members, statewide, to write you in support of the legislative Proposal. I hope you have received mail from these volunteers and that attention is being paid by legislators to the proposal.

I have just called our LIO to see what they know of the Proposal, but they can find no bill that sounds like it. Has it been introduced? I realize that it is getting late to do that, and am concerned that the opportunity has been missed.

Sincerely,

Elizabeth J. Elmer, director
League of Women Voters, Alaska
Voter Service Chain.

Box 207
Ester, Alaska 99725

OUR LADY
OF COMPASSION
CARE CENTER

4900 EAGLE STREET
ANCHORAGE, ALASKA 99503-7446
PHONE:(907) 562-2281



SERVING IN THE WEST SINCE 1856

Mr Steven McAlpine
Office of the Lt. Governor
PO Box AA
Juneau, AK 99801

STATE OF ALASKA
RECEIVED
FEB 23 1989

February 20, 1989

LIEUTENANT GOVERNOR

Dear Sir:

I am writing concerning proposed changes in the procedures associated with voting by personal representative. I understand you are contemplating simplifying the process.

I am the sole registrar for a residential facility that has between 65 and 85 registered voters. Much of this population has resided here for some time and will continue to do so. There is, however an approximate 30% turnover of people who are capable and interested in voting.

At present we attempt to serve them by completing absentee voter forms prior to each election. This method best serves those that are stable in their residency. Others who have moved recently, or been recently admitted are more problematic. For these people we must pursue the personal representative procedure. This requires the time consuming process of either myself or another registered voter helping them complete the form, three trips down and back to the Elections Office, and helping them vote along with the others who have received their absentee ballots. (In order to emphasize the importance of voting, and to minimize staff time we try to complete all balloting at one time.)

As you can see we are very interested in any change that might reduce staff or volunteer time expenditures would be welcome. I would be happy to review and offer comment on any proposed changes.

Sincerely,

Liz Illig
Volunteer Services Coordinator

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 25, 1991

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Speaker Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to absentee voting.

Currently, AS 15.20.071 provides a procedure for absentee voting by personal representative that is extraordinarily burdensome for the voter and for the personal representative. A personal representative must make several trips between the voter and election officials in order for a disabled voter to use this method of voting. The bill streamlines the procedure, allowing the personal representative to accomplish in a single round trip all of the steps necessary to allow a disabled voter to vote. Additionally, the bill would allow a person confined to an institution to vote absentee by personal representative. Safeguards and accountability necessary to ensure the integrity of the election process are also maintained in this bill.

Currently, AS 15.20.071(e) prohibits a candidate from acting as a personal representative. In the bill, that provision is removed. New AS 15.20.071(g) would prohibit a voter's employer, an agent of the employer, or an officer or agent of the voter's union from acting as the voter's personal representative. Both these changes are required by federal law. 42 U.S.C. 1973aa-6. Federal law also provides that, for federal elections, state laws may require medical certification from handicapped voters only in limited circumstances. 42 U.S.C. 1973ee-3. This bill removes the current requirement (in existing AS 15.20.071(b)) that a voter's application under this section be accompanied by a letter or statement regarding the voter's disability from a physician or from two qualified voters.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in black ink that reads "Walter J. Hickel".

Walter J. Hickel
Governor

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

MEMORANDUM

To: The Honorable Gene Kubina, Chairman
House State Affairs Committee

From: Elizabeth A. Ziegler, Deputy Director
Division of Elections

Re: HB 167, "An Act relating to absentee voting"

Date: March 27, 1991

Overview

This bill simplifies the procedures for absentee voting through a personal representative. This service is available to voters who are disabled, handicapped or elderly and who are unable to go to the polls on election day because of their disability. The current law allows a personal representative to assist the voter by hand-carrying his or her ballot to the place where the voter is confined, assist the voter in voting the ballot, and then return the ballot to the Division of Elections.

However, the existing law requires the personal representative to make 5 separate trips to accomplish this task: 1. to pick up an application for the voter from the Division; 2. to return the application to the voter for completion; 3. to return the completed application to the Division and pick up the voter's ballots; 4. to take the ballots to the voter; and 5. return the voted ballots back to the Division. These burdensome requirements cause many disabled voters not to vote because they feel uncomfortable requesting a friend or family member to go to the division offices so many times. This procedure affected 437 voters in the 1988 General Election.

Bill Provisions

This bill would allow the personal representative to apply for an absentee ballot on behalf of the voter, and pick up the voter's confirming application and ballots at the same time. The personal representative would then take them to the voter and return both the application and voted ballots at the same time.

This bill has wide-spread support from various constituent groups. Attached are letters of support.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

March 31, 1992

Representative Dave Donley, Chairman
House Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

Dear Representative Donley:

The Division of Elections would like to formally request that you bring House Bill 167, "An Act Relating to Absentee Voting," before the House Judiciary Committee for a hearing.

House Bill 167 simplifies the procedures for absentee voting through a personal representative. This service is available to voters who are disabled, handicapped or elderly and who are unable to go to the polls on election day because of their disability.

The existing law requires the personal representative to make 5 separate trips to the Division of Elections to accomplish the task of assisting an individual in their right to vote. This bill would allow the personal representative to apply for an absentee ballot on behalf of the voter, and pick up the voter's confirming application and ballots at the same time. The personal representative would then take them to the voter and return both the application and voted ballots at the same time.

This bill has wide-spread support from various constituent groups, and is designed to make the voting process more accessible.

Once again, I urge you to schedule House Bill 167 to be heard in the House Judiciary Committee at the earliest convenience.

Sincerely,



Charlot E. Thickstun,
Director

cc: Lori Nottingham, Deputy Legislative Liason

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

April 7, 1992

SUBJECT: HB 167

TO: Representative Dave Donley
Chair, House Judiciary Committee
Attn: Laurie Otto

FROM: Pamela Finley *PF*
Assistant Revisor of Statutes

You asked for a revisor's critique of HB 167.

Page 1, lines 12-14: Currently AS 15.20.071 allows a physically disabled person to **apply** for an absentee ballot through a personal representative. The draft authorizes certain individuals to vote an absentee ballot through a personal representative. The following subsections make it clear that the individual still does the voting, but I don't understand why the terminology was changed.

Page 2, lines 1-15: Note that residency in the district (in current law) has been dropped from (b)(1) and (4). This was probably in line with the stated intent to make absentee voting easier for these folks.

Page 2, line 16: Delete "shall include the following:" and insert "must include".

Page 2, lines 16-25: Note that nothing requires the personal representative to show proof that the voter asked the personal representative to get a ballot. This also may be in line with the intent to make the process easier, but we may have several "personal representatives" getting ballots for the same person.

Page 2, line 4: The voter is required to "provide" a form of identification. Will this be a photocopy that the personal representative then takes back to the election official, or does the personal representative just look at it? I think the draft should specify to whom the identification is provided. Note that 6 AAC 25.510 currently requires a person **applying** for an absentee ballot to provide identification, which means that the election official will see it.

Representative Dave Donley

April 7, 1992

Page 2

Page 2, lines 20-21: Note that current law prohibits a candidate from being a personal representative, whereas the draft bill does not. According to the transmittal letter, the provisions of (g) are required by federal law, but I don't know whether federal law requires the state to delete the prohibition against candidates being personal representatives. If federal law does not do so, you may want to consider adding candidates back into (g).

PLF:pl

92-245.plm

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

MEMORANDUM

To: The Honorable Gene Kubina, Chairman
House State Affairs Committee

From: Elizabeth Ziegler, Deputy Director
Division of Elections

Re: Committee Information Request

Date: April 12, 1991

The House State Affairs Committee requested that the Division of Elections prepare a memorandum regarding questions relating to HB 167.

HB 167, Relating to Absentee Voting

The committee asked how the present AS 15.20.082(c) compares to prior law. This section was added in 1986 to the election laws. There was no prior law on overseas absentee voting.

The committee asked how many regular ballots were returned by overseas voters who also received special overseas ballots initially. Overseas voters mailed in 203 regular ballots which contained all of the eligible candidates for the general election.

The division reviewed other states' statutes regarding special overseas ballots. Half the states conduct their primaries much earlier than August so there is no need to send a write-in ballot. Other states' statutes do not require the special ballots to be sent out 60 days before the date of the election. Hawaii sends its special ballots out 35 days before the election, but it is considering following the federal guidelines and may adopt a ballot similar to that used in Alaska.

The committee also asked about the impacts of sending the primary ballot to overseas voters for the general election. This ballot does not contain the names of candidates who qualify for the ballot by the petition process. Also to maintain ballot security primary ballots are sequentially numbered. Commingling general and primary ballots would interfere with maintaining the integrity of our present election security system.

RECEIVED
APR 26 1989
DIRECTOR OF ELECTIONS

April 24, 1989
PO Box 1583
Fairbanks, AK 99707

Sandra Stout, Director
Division of Elections
PO Box AF
Juneau, AK 99811

Dear Mrs. Stout:

I understand that the Division of Elections is working on amending present law to simplify the Personal Representative form of voting. I strongly endorse this action.

My wife suffers from Multiple Sclerosis and is incapacitated and housebound. In order for her to vote in the 1988 elections I was required to travel from my home, which is approximately 15 miles from downtown Fairbanks, no fewer than three times. I had to go to the Fairbanks election office and pick up the required application form, return to my home to have it completed and witnessed, return to the Fairbanks election office and pick up a ballot, take it back to my home for my wife to vote, and then finally, make a third trip to return the ballot to the election office. This was a total of 90 miles of driving for each election! If I had been unable to be my wife's personal representative she would not have been able to vote as she would not have asked this kind of time or effort of our neighbors or friends.

If I had been able to pick up both the application form and the ballot the first time, I could have assisted my wife in completing the application, have her vote, and then returned the application form and ballot at the same time.

I am certain that there are many other people who face this same situation at election time who may not know that you are considering changes to your procedures or who may feel inadequate to contact you to support this move. Over the years I have seen many of the election laws changed to make it easier for voters to register and vote. However, in the case of the voter who is ill or handicapped, the regulations continue to be extremely restrictive and the procedures cumbersome.

The right to vote is important, and I encourage you to support changes that would facilitate voting for handicapped persons.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert J. Blackburn".

Robert J. Blackburn

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 15, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 4/24/92

The JUDICIARY Committee considered:

HB 167

HOUSE BILL NO. 167

ABSENTEE VOTING

"An Act relating to absentee voting."

RECOMMENDATIONS:

be replaced with CS HB 167 (JUD)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Elections

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DN?	NR	AM
<i>[Signature]</i>		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		α	

[Signature]
CHAIRMAN'S SIGNATURE

FISCAL NOTE

BILL NO. HB 167

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 04/08/92
Title: Absentee Voting
Sponsor: House Rules Committee by Request of the Governor
Requestor: House Judiciary Committee

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: II Primary and General Elections

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)
There is no fiscal impact associated with this bill.

Prepared by: Laura A. Glaizer, Projects Coordinator Phone: 465-4611
Division: Elections Date: 04/08/92

Approved by Commissioner: [Signature] Date: 4/8/92
Agency: Office of the Governor

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: HB 167
(H) Publish Date: 2/25/91

Revision Date: _____ Department Affected: Office of the Governor - Elections
Title: Absentee Voting BRU: Elections

Sponsor: Governor's Office Component: Elections I
Requestor: Division of Elections COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Elizabeth Ziegler, Deputy Director Phone: 465-4611

Division: Division of Elections Date: _____

Approved by Commissioner: Charles E. Hickman

Agency: Division of Elections Date: 2-6-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

HOUSE COMMITTEE REPORT

(7)
Date Referred: February 25, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4-15-91

The STATE AFFAIRS Committee considered:

HB 167

HOUSE BILL NO. 167

ABSENTEE VOTING

"An Act relating to absentee voting."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title

[] have attached amendments(s)

do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

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

APPROVES PREVIOUS: (Dept/Date) _____

[] fiscal impact _____

[] -fiscal note(s) _____

[] zero fiscal note _____

zero fiscal note(s) Elections 2-25-91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene Kubina</i>					
<i>Tommy</i>	X				
<i>David</i>	✓				
<i>John</i>	✓	<i>E. Bruchman</i>			
<i>Mike Miller</i>	✓				

Gene Kubina
CHAIRMAN'S SIGNATURE

NOTES TO DECISIONS

Former sections governing absentee ballot voting construed. See *Hammond v. Hickel*, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4284, 4285, 4291), 568 P.2d 256 (1978), cert. denied, 441 U.S. 907, 99 S. Ct. 1998, 60 L. Ed. 2d 376 (1979).

Sec. 15.20.062 - 15.20.070. Applications for ballot. [Repealed, sec. 231 ch 100 SLA 1980. For current law, see AS 15.20.061, 15.20.071, and 15.20.081.]

Editor's notes. The repealed sections derived from sec. 4.07, ch 83, SLA 1960; sec. 18, ch 136, SLA 1966; sec. 28, ch 116, SLA 1972.

Sec. 15.20.071. Absentee voting by personal representative. (a) A qualified voter who is physically disabled may apply for an absentee ballot through a personal representative to the following election officials at the times specified:

(1) to an absentee voting official in the election district in which the voter resides on or after the 15th day before an election up to and including the day of the election;

(2) to an election supervisor

(A) after a date announced by the director under AS 15.20.048(b); and

(B) on or after the 15th day before an election up to and including the date of the election;

(3) to an absentee voting official at an absentee voting station designated under AS 15.20.045(b) at a time when the absentee voting station is operating;

(4) to the election board chairman or the chairman's designee on election day in the precinct in which the voter is entitled to vote except that the voter may not apply to the election board chairman in an area in which absentee voting officials have been designated.

(b) Upon receipt of a written application by personal representative, the election official authorized to issue the absentee ballot shall provide the ballot and other absentee voting material to the personal representative if the written application is signed by the applicant and is accompanied by a letter from a licensed physician or a statement signed by two qualified voters stating that the applicant will be unable to go to the polling place because of physical disability.

(c) The personal representative shall deliver the absentee ballot to the voter as soon as practicable. Upon receipt of an absentee ballot through a personal representative, the voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the envelope in the presence of the personal representative who shall witness and date the signature of the voter. The voter must mark the ballot and sign the voter's certification not later than election day. The voter shall then return the absentee ballot to the personal representative who shall deliver the ballot to the election official who provided the ballot. The absentee ballot must be returned to the election official not later than 8:00 p.m. on election day.

(d) Each election official shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested. The election official shall record the date the absentee ballot is provided and the date the ballot is returned to the election official.

(e) A candidate for office at that election may not act as a personal representative. (Sec. 87 ch 100 SLA 1980; am sec. 8 ch 85 SLA 1986; am sec. 7 ch 67 SLA 1989)

1990

**GENERAL ELECTION SPECIAL ADVANCE
WRITE-IN BALLOT INSTRUCTIONS**

As an overseas voter, this **SPECIAL ADVANCE WRITE-IN BALLOT** is being sent to you to assure adequate time for foreign mail delivery. You will also be sent the **OFFICIAL BALLOT** as soon as it is available.

YOU MAY VOTE AND RETURN BOTH BALLOTS. If your official ballot is received by the statutory deadline, that ballot will be opened and counted. However, if the official ballot is not received by the statutory deadline, your special advance ballot will be opened and counted.

**HOW TO VOTE THE SPECIAL ADVANCE
WRITE-IN BALLOT ENCLOSED**

1. Refer to the candidate list provided. It lists all candidates who successfully filed for office for the Primary or General Election(s), and identifies their party affiliations. However, results of the August 28 Primary Election were not certified at the time Special Advance Ballot was Because some of these candidates will not have been successful in the Primary Election, you are provided a choice of voting methods on this Special Advance Ballot.

2. You may vote by:

SELECTING THE PARTY OF YOUR CHOICE. When you vote by party affiliation, your vote will automatically be counted for the successful primary candidate for that party;

OR

WRITING IN THE NAME OF THE CANDIDATE YOU CHOOSE. You may write in a name from the candidate list provided, or the name of any other individual you choose. If you vote by writing in the name of your candidate, be sure to mark an "X" in the box to the right of the name.

3. **SPECIAL NOTE:** If you vote by party in a race in which no candidate of that party has qualified for the General Election, your vote will not be counted for that race.

POLITICAL PARTIES:

- AI: Alaskan Independence
- D: Democrat
- R: Republican

POLITICAL GROUPS:

- C: Chenhall for State House
- F: Fully Informed Jury Association
- I: Independent
- IR: Independent Republican



TOP

A2

OFFICIAL GENERAL ELECTION BALLOT

TUESDAY, NOVEMBER 6, 1990
SPECIAL ADVANCE BALLOT

Nº 232

THIS STUB TO BE REMOVED BY ELECTION BOARD

STATE OF ALASKA
GENERAL ELECTION
TUESDAY, NOVEMBER 6, 1990
Special Advance Ballot

UNITED STATES SENATOR
Vote for no more than one (1)

Vote By Party:

Democrat

Republican

Or Write-In:

UNITED STATES REPRESENTATIVE
Vote for no more than one (1)

Vote By Party:

Democrat

Republican

Or Write-In:

INSTRUCTIONS TO VOTER: The Governor and Lieutenant Governor are elected as a team. A vote for Governor automatically casts a vote for the Lieutenant Governor.

GOVERNOR AND LIEUTENANT GOVERNOR
Vote for no more than one (1)

Vote By Party:

Alaskan Independence

Democrat

Republican

Or Write-In:

(GOVERNOR)

(LIEUTENANT GOVERNOR)

VOTE BOTH SIDES

A2



TOP

M

OFFICIAL GENERAL ELECTION BALLOT

TUESDAY, NOVEMBER 6, 1990
SPECIAL ADVANCE BALLOT

Nº 332

THIS STUB TO BE REMOVED BY ELECTION BOARD

STATE OF ALASKA
GENERAL ELECTION
TUESDAY, NOVEMBER 6, 1990
Special Advance Ballot

BALLOT MEASURE NO. 1

**BUDGET RESERVE
CONSTITUTIONAL ADMENDMENT**
(HCS CSSSSJR 5 (Fin) am H)

This proposal would create the "Budget Reserve Fund" in the state treasury. Money the state receives from mineral revenue lawsuits or administrative actions would be deposited in the Fund, and invested at competitive rates. The Fund could be used when money available for appropriation in the year is less than the year before, but only to make up the shortfall. The legislature could only appropriate from the Fund for other purposes with a 3/4 vote. At the end of each year, the Fund would have to be paid back from money left in the treasury's general fund.

SHOULD THIS CONSTITUTIONAL AMENDMENT BE ADOPTED?

YES	
NO	

BALLOT MEASURE NO. 2

**INITIATIVE NO. 88 MARI
MARIJUANA LAW AMENDMENTS**

Under Alaska law it is currently legal for adults over 18 years old to possess under four ounces of marijuana in a home or other private place. The penalty for adults over 18 years old for possessing less than one ounce in public is a fine of up to \$100. This Initiative would change Alaska's laws by making all such possession of marijuana criminal, with possible penalties of up to 90 days in jail and/or up to a \$1000 fine.

SHOULD THIS INITIATIVE BECOME LAW?

YES	
NO	

STATE OF ALASKA
GENERAL ELECTION
TUESDAY, NOVEMBER 6, 1990
Special / dvance Ballot

STATE SENATOR
Vote for no more than one (1)

Vote By Party:

Democrat

Republican

Or Write-In:

STATE REPRESENTATIVE, SEAT A
Vote for no more than one (1)

Vote By Party:

Democrat

Republican

Or Write-In:

STATE REPRESENTATIVE, SEAT B
Vote for no more than one (1)

Vote By Party:

Democrat

Republican

Or Write-In:

GENERAL Election Candidate LIST

HOUSE DISTRICT 1 — Candidate List	
UNITED STATES SENATOR	
BEASLEY, MICHAEL	D
BIRD, ROBERT M. (BOB)	R
STEVENS, TED	R
TAGGART, TOM	D
UNITED STATES REPRESENTATIVE	
DEVENS, JOHN S.	D
SINKOLA, GARY L.	R
YOUNG, DON	R
ALASKA GOVERNOR	
CAMPBELL, JAMES O. (JIM)	R
DE RUSHE, WILLIAM	AI
HALFORD, RICK	R
KNOWLES, TONY	D
LINDAUER, JOHN	AI
McALPINE, STEPHEN	D
STURGULEWSKI, ARLISS	R
WHITE, RYAL	D
WRIGHT, DON	R
ALASKA LIEUTENANT GOVERNOR	
COGHILL, JOHN B. (JACK)	R
HENSLEY, WILLIAM L. (WILLIE)	D
KELLY, TIM	R
LEVI, STEVEN C.	R
WARD, JERRY	AI
WILLIAMS, JOHN J.	D
ALASKA SENATOR DISTRICT A	
JONES, LLOYD A.	R
WHITTAKER, RICHARD	D
ALASKA REPRESENTATIVE DISTRICT 1, SEAT A	
TAYLOR, ROBIN L.	R
YOUNG, PAUL W.	D
ALASKA REPRESENTATIVE DISTRICT 1, SEAT B	
CHENHALL, DON	C
DAVIS, CHERI	R

HB

168

BILL'S distributing of alaska

March 1, 1991

Rep. David Finkelstein, Chairman
House Labor and Commerce Committee
Alaska State Legislature
P.O. Box Y
Juneau, Ak 99811

Dear Chairman Finkelstein

Thank you for the opportunity to speak in support of HB168 at today's teleconference.

By way of introduction, I began Bill's Distributing before the Gaming Reform Act of 1988 became effective. My business has grown because of a strong committment to my customers who are self-directed permitees. If they have a reasonable, stable operating environment in which to conduct legal gaming activity, my business will be healthy.

Before listing the specific changes to make HB168 truly effective, I wish to state clearly that NONE OF THE REQUESTED CHANGES REDUCE THE EFFECTIVENESS OF THE 3RD PARTY VENDOR ISSUE which HB168 seeks to legitimize. The changes simply cure some gray areas which continue to plague legitimate distributors. The changes, while being targeted at the distributor level, indirectly benefit the permitee. The licensed distributor too, must have a stable environment in which to conduct business.

TESTIMONY regarding HB 168

**COMMENTS IN SUPPORT OF CHANGE TO
AS 05.15.185 proposed in HB 168:**

RATIONALE:

HB168 amends AS 05.15.185 by adding the following wording "or to a distributor licensed under this chapter". The effect is to allow one licensed distributor to purchase from another licensed distributor, as op-

**P.O. BOX 874731 WASILLA, AK 99687 (907)373-1500 or 1-800-478-4263
"You're Best Source for Pull-Tabs and Bingo Supplies"**

posed to purchasing soley from manufacturers. This practice has existed since before the Gaming Reform Act of 1988. It has NEVER been suspect of any abuse by distributors in the eyes of the department.

An Assistant Attorney General's opinion stopped the practice in mid 1990 on the basis that current law requires pull-tabs to be sold only to per- mitees or operators. The law simply did not foresee the necessity for allowing the practice.

The practice of Distributor to Distributor sales is of particular value to PERMITEES for the following reasons:

1. Prevents larger distributors from establishing a monopoly, thereby controlling prices of popular games. ALL Alaska Distributors have access to ALL products from ALL authorized (NAFTM) manufacturers. This in turn, allows PERMITEES to use distributor of choice, rather than creating a system of "exclusive games".
2. Since ALL distributors have access to ALL legal products, price competition will favor the PERMITEE. Like- wise, the selection of games available to a PERMITEE is greater.
3. Permitees too, compete in the marketplace. If a dis- tributor must purchase only from distant manufacturers, the delay in obtaining needed games is easily 30 days. If how- ever, distributor-to-distributor sales are allowed, the needed game can be obtained for the permitee the same day.

REQUEST FOR CHANGE IN HB168

*Sec 8. AS 05.15.184 Pull-tab Tax:

Strike the words: "or another distributor" on line 23.

While the proposed change to AS 05.15.185 would legitimize Distributor

to Distributor sales, changes to AS 05.15.184 NEGATES THE VERY BENEFIT by making such sales taxable.

By striking "or another distributor" from AS 05.15.184 in HB168, and RE-TAINING THE NEW WORDING IN AS 05.15.185,

these sales become non-taxable AS THEY SHOULD BE.

RATIONALE:

1. This DOES NOT change the amount of gaming tax ultimately collected by the state. It merely forestalls the tax until the pull-tabs are sold to a permittee or operator.

2. Purchases from a pull-tab manufacturer are non-taxable. Neither should pull-tab purchases between licensed distributors be taxed. THESE ARE WHOLESALE TRANSACTIONS and are provided for as "exempt" in other states where a sales tax is imposed.

3. The current reporting regulations make adequate provision for "exempt" sales on Schedule A., "Distributor Report of Pull-Tab Sales". The Department of Commerce processes no more paperwork.

4. By making such sales taxable, the distributor is faced with a substantial paperwork burden of determining which pull-tabs in inventory have tax paid and which have not.

5. By making such sales taxable, the legislature is giving an OUT-OF-STATE manufacturer a competitive edge over an IN-STATE distributor. This competitive advantage amounts to an average \$25 per series of pull-tabs. EXAMPLE: An Alaska distributor has the choice of ordering 50 cases of #928 Cherry Bells from the factory or from another local distributor. The ADVANTAGE of ordering from the manufacturer is \$3,117.00 if these sales are made taxable.

6. Finally, The Alaska Distributor pays a substantial (\$1,000) annual fee. In exchange for that license fee, he

should be accorded tax exempt status until the end-user sale...to the permittee or operator. AGAIN, THIS IS NOT A QUESTION OF HOW MUCH TAX THE STATE WILL COLLECT, ONLY WHEN THEY WILL GET IT.

REQUEST FOR CHANGE IN HB168

***Sec 10. AS 05.15.183(e) Pull-tab distributor's license:**

Strike the words: "(3) deliver a pull-tab series to a vendor location." on line 8.

RATIONALE:

Benefit to PERMITEES:

1. As written, this proposed change would require a permittee to warehouse and personally deliver each and every pull-tab game. Most permittees simply lack the space and manpower to accomplish this. Pull-Tabs are heavy. Permittees generally operate from an office environment and incidently, dress accordingly. To require that they physically handle pull-tabs is unrealistic.

2. In addition to being ill-equipped for this considerable task, most permittees are clasified as "clerical" under Workers' Compensation insurance. The rate is much greater if warehousing and cargo handling are included. As well, auto insurance skyrockets if DELIVERY USE is made of a private vehicle.

2. A licensed distributor SHOULD be allowed to deliver games to the selling location UNDER THE SPECIFIC DIRECTION OF the permittee's Member-in-Charge. Distributors currently deliver free-of-charge, thereby saving the permittee valuable time, effort and money.

3. Rather than this cumbersome provision in statute, direct

the department to write a regulation ALLOWING the distributor to do his job UNDER SPECIFIC GUIDELINES.

4. I support inclusion of items 1 and 2 which prohibit a distributor from taking an order from, or selling to a vendor. This is adequate control. THERE HAS NEVER BEEN DOCUMENTED ABUSE which could have been prevented by including provision (3).

REQUEST FOR CHANGE TO HB168
I hereby request that section AS 05.15.183(b) be amended as follows:

(b)(THE DEPARTMENT MAY ISSUE A PULL-TAB DISTRIBUTORS LICENSE TO A PERSON WHO PAYS AN ANNUAL FEE OF \$1,000.) (b) The department may issue a pull-tab distributor's license to a natural person that:

- (1) resides in the State of Alaska;
- (2) holds a valid Alaska Business License;
- (3) maintains a place of business in compliance with all applicable local zoning ordinances;
- (4) holds a managerial or ownership position in the proprietorship, partnership, or corporation of the distributor;
- (5) if the distributor does business as a corporation, shows proof of proper registration with the Department Commerce and Economic Development, Division of Corporations;
- (6) Applies on the form provided by the department;
- (7) pays an annual fee of \$1000.

New Text Underlined (DELETED TEXT BRACKETED)

RATIONALE:

These new requirements for a distributor brings this section in line with the requirements for an operator license by requiring that a distributor be a natural person residing in Alaska. ANYTHING LESS THAN

THESE PROVISIONS will allow certain out-of-state distributors to continue to "ghost" in the state. There is a strong likelihood that the department would have to travel out-of-state to conduct audits if the current distributor requirements are not revised by the legislature.

REQUEST FOR CHANGE TO HB 188

I hereby request that section AS 05.15.183(c) be amended as follows:

(c) Pull-tabs may be distributed from a location in the state. A person may not distribute pull-tabs directly to another person in the state from a location outside of this state. Distribution from a location within this state is deemed to have occurred when:

(1) a permittee, operator, or another distributor places an order with a pull-tab distributor within the state;

(2) Payment for such order is tendered to the pull-tab distributor within the state;

(3) All books and sales records of the pull-tab distributor are maintained at a location within the state.

RATIONALE:

Again, these simple additional provisions further define what constitutes "distribution in the state". EVERY LEGITIMATE IN-STATE DISTRIBUTOR CURRENTLY MEETS THESE TESTS.

REQUEST FOR CHANGE TO HB 188

I hereby request that section AS 05.15.185 be amended BY **ADDING A NEW SUBSECTION** as follows:

(b) Notwithstanding the provisions of subsection (a) above, pull-tabs may be distributed to another federal or state jurisdiction so long as all other provisions of this chapter are met.

RATIONALE:

Currently, sales to the Metlakatla Indian Reservation are covered in the reporting requirements by regulation. HOWEVER, there is no provision in statute for sales to them.

By adding this provision (b), such sales would be legitimate by both statute and regulation.

IF THIS PROVISION IS NOT INCLUDED, Metlakatla Indians would be forced to buy out of state, and the state loses all accounting of pull-tabs they purchase. Metlakatla is Alaska's only federally recognized Indian Reservation and as such, falls under the Federal Indian Gaming Reform Act. Tax on sales there are exempt by federal law.

Federal law allows gaming on Indian Reservations. Alaska acknowledges the tax exempt status, while failing to acknowledge that an Alaska distributor has the right under federal law to sell there.

Alaska Distributors should be allowed to continue to benefit from these sales.

I realize that this testimony is likely to raise as many questions as it answers. While most of the testimony you have heard concerns the 3rd party issue, It must be pointed out that OTHER LEGITIMATE CONCERNS can easily be accommodated in HB168 for the betterment of the entire gaming community.

I am available for your questions. You may use the TOLL-FREE number at the bottom of the page.

Sincerely

Roger N. Cunningham



*Alaska Cabaret, Hotel,
Restaurant & Retailers Association*

*P.O. Box 104839 • Anchorage, Alaska 99510
401 K Street • (907) 272-8133 • Fax: (907) 277-8640*

1991 POSITION PAPER ON REGULATION OF CHARITABLE GAMING

Public hearings on the subject of charitable gaming regulation were held several times in 1990 by the Department of Commerce and Economic Development and by the House Labor and Commerce Committee. Overwhelmingly, testimony demonstrated that non-profit and charitable organizations depend on income from charitable gaming as a major source of funds and favored continuation of the third party vendor system as it had evolved.

CHARR would favor legislation that maintains the ability of non-profit organizations to raise funds through gaming activities with the use of a third party vendor system. However, we recognize that the issue of third party vendors is not specifically addressed in the current statutes and feel that this is an appropriate issue for legislation to address. We recognize that the ultimate responsibility for the lawful conduct of gaming activities rests with the holder of the permit, but perhaps legislation could be drafted to define the relationship between the permittee and the third party vendor, specifying a minimum rate of return to the permittee and mandating that all transactions be carried out by check so that a clear audit trail to and from the mandated special gaming account will be maintained.

CHARR believes that there is a legitimate public interest to be safeguarded in proper regulation and oversight of charitable gaming activities, and we commend the efforts of the Department of Commerce and Economic Development in the attempt to do so. It is vital that the third party vendor system be maintained and formally addressed through legislation.

C N G

Coalition for Non Profit Gaming

December 30, 1990

Representative Davis Finkelstein
3111 C Street, STE 465
Anchorage, AK 99503

Dear Representative Davis Finkelstein:

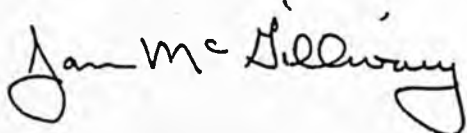
As you know the non-profits in Alaska who benefit from charitable gaming are in direct jeopardy from the Attorney General's decision to cease pull-tab games that engage a third party vendor at midnight December 31, 1990. Essentially, this means that much needed human services may have to close their doors.

The Coalition for Non-Profit Gaming represents a varied group of non-profits who wish to engage the legislative process in solving the problems of regulating charitable gaming. We are preparing to seek a restraining order allowing us the opportunity to work with the legislature if the Attorney General does not change his decision. Your support and assistance is sought in helping the non-profits in Alaska transition smoothly and democratically into a fair and equitable solution.

Please call should you have questions or comments regarding the third party vendor issue. Your attendance at CNG meetings is also encouraged and your office will be kept informed of CNG's activities.

Thanking you in advance for your time and consideration. I remain,

Sincerely yours;



Jan McGillivray, Acting Chair

TELECOPY COVER SHEET

Kenai Peninsula Builders Association

P.O. Box 1753 Kenai, Alaska 99611 (907) 776-5719

Fax - (907) 776-8925

TO: House Labor & Commerce Committee

ATTENTION: Rep. David Lindbergh FAX: 465-2864

FROM: Kenai Peninsula Builders Association

INSTRUCTIONS: Written Testimony HB 168 (3-5-91)

Please deliver to the House Labor & Commerce
Committee - Thank you - Pat Vincent

DATE: March 5, 1991

NUMBER OF PAGES (not including cover sheet): 2

TRANSMITTED BY: Pat Vincent, Executive Officer.

1 of 2

March 4, 1991

Representative David Finklestein, Chairman
House Labor and Commerce Committee
Alaska State Legislature
P.O. Box Y
Juneau, Alaska 99811

RE: Kenai Peninsula Builders Association written support of HB168

Dear Chairman Finklestein:

Thank you for holding the teleconference on March 1, 1991.

The Kenai Peninsula Builders Association, a non-profit trade organization involved in gaming since 1907, would like to take this opportunity to offer written comment on HB168, which will resolve the Third Party Vendor issue and allow non-profit organizations to again generate revenue through vendor sales. We recognize the immediate need to legalize vendor sales and we support HB168. We respectfully submit the following comments on this legislation for your consideration.

Sec. 7. AS 05.15.18 (d)

It is the opinion of the Kenai Peninsula Builders Association that this section should not be amended. Allowing qualified organizations to award a maximum of \$1,000,000 in prizes, and retaining the limit of \$500,000 in prizes awarded to those permittees who choose to contract with an operator encourages self-directed gaming sales and benefits the organizations who do not wish to contract with an operator. We feel that a distinction should remain between self-directed and operator-conducted gaming.

Sec. 10. AS 05.15.187 (e) (3)

Our association supports items (1) and (2), which would not allow a distributor to take orders from or sell pull-tabs to a vendor. Because of abuse in this area, we agree that the non-profit should have complete responsibility for placing pull-tab orders. However, we do not feel that it will benefit the permittee to restrict pull-tab deliveries to the vendor location and ask that item (3) be stricken. To require the permittee to warehouse and deliver heavy cases of pull-tabs seems unreasonable.

In addition, the Kenai Peninsula Builders Association continues to offer strong support for a Gaming Commission. A Commission seems to be the only way to address the complex issues associated with non profit gaming. The multi-million dollar gaming industry must be closely regulated and the penalties for those who fail to comply with the law must be severe. We are extremely concerned with the Department of Commerce's inability to enforce existing gaming regulations due to understaffing. More investigators and auditors are needed immediately to ensure state-wide compliance. Appropriation must be increased. Infractions continue and complaints about noncompliance go unanswered because the Division does not have enough investigators.

2 of 2

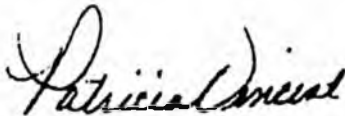
Page Two
March 4, 1991
Chairman Finklestein

Any input your Committee can give on this matter will be greatly appreciated by the majority of non-profits who willingly comply with the regulations. The few who choose to ignore or disobey the law undermine the public's perception of non-profit gaming and create a financial hardship for those of us who are legitimately competing for gaming dollars. It may be a waste of time to continue to write regulations which can not be enforced.

In closing, the Kenai Peninsula Builders Association would like to encourage the Committee to support a mandated educational requirement. We support earmarking revenue from the 3% state tax to fund educational programs for permittees, operators, distributors, and vendors. We respectfully suggest the educational component be held state-wide at least twice a year, and attendance of at least one educational program be a mandatory requirement for permit, licence, or endorsement renewal.

Your Committee's attention to our comments and suggestions will be appreciated.

Sincerely,



Patricia A. Vincent
Executive Officer

cc: Glen Olds, Commissioner, Department of Commerce & Economic Development
John Hansen, Gaming Manager, Division of Occupational Licensing
Steve Burnett, President, Alaska State Home Builders Association

DT: Feb. 25, 1991

TO: John Hansen, Gaming Manager
Div. of Occupational Licensing
Dept. of Commerce & Economic Dev.

FR: Robert Thomas, Pres.
Lottery Alaska, Inc.

RE: State Lottery Legislation

Inclosed please find a draft copy of a bill which could authorize a state lottery and serve as a vehicle to solve some of the problems currently inherent in the charitable gaming arena in Alaska. I have provided Representative Choquett with a copy of this draft, at his request. He has indicated some interest in possible sponsorship of such legislation.

As we have discussed previously, Lottery Alaska would support such legislation as long as certain elements were contained. Those elements are:

1. Enabling legislation would contain some mechanism for the majority of revenue generated to be made available to service providing charities within the state;
2. Intent language and appropriate provisions be included for the day-to-day operation of a state sanctioned lottery to be provided by a private contractor.

Advantages to the public and charitable agencies of such legislation are obvious and, for the most part, nondebatable. Some of these advantages are:

1. The public, through its participation in similar gaming activities, has demonstrated a strong interest in gaming but currently is only able to participate in those forms of gaming which are the least secure and most outdated. The only method of gaming which provides adequate security and accountability is that which has central control. Twenty-five years of state controlled lotteries in the "lower 48" provides ample examples of successfully administered lotteries with strong oversight, central control, and maximum protection for the consumer.
2. State sanctioned lotteries outside of Alaska generate revenues up to ten fold the levels of revenue currently being generated through similar activities in Alaska.
3. The suggested legislation would not change the customary charitable gaming industry in Alaska and would not negatively affect those service provider; or the entities receiving revenue from them. States which implemented lotteries where charitable gaming similar to Alaska's had been present have witnessed an increase in their level of charitable gaming.

page 2.
2/22/91
J. Hansen

4. The suggested legislation would allow for a product mix (variety of lottery games) that would appeal to a total cross-section of the consumer base. One example; as a state sanctioned lottery, the Alaska Lottery could join multi-state lotto games offering multi-million dollar prizes. These games appeal to the broadest cross-section of consumers while generating revenue on a prorata share of participation. State lotteries differ from the current scenario of gaming in Alaska which depends on a small sector of the public spending relatively large amounts of discretionary income on gaming, rather than a large percentage of the population participating at a low expenditure level.

I would be more than happy to discuss this concept further. If you have questions, please call.

cc: Rep. Choquett

incl.

IN THE HOUSE

BY

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

A BILL

*Sec. 1. FINDINGS AND PURPOSE. (a) The legislature finds that

(1) non-profit health and human service agencies enhance the quality of life in the state by providing programs of assistance for those citizens with special needs beyond that being served by the current health and human service programs funded by the state;

(2) non-profit health and human service agencies provide programs of assistance in virtually all communities of the state;

(3) actual and projected reduced funding assistance by state government has and will continue to decrease both the level of service and the number of individuals receiving services from non-profit health and human service agencies;

(4) actual and projected reduced funding assistance by state government will continue to cause a reduction of the number of non-profit health and human service agencies in the state;

(5) the amount of revenue generated by a state lottery may be sufficient to maintain present levels of operation of the current health and human service agencies and help to perpetuate their unique and invaluable contributions to the quality of life in the state;

(6) the legislature will best serve the public interest by establishing a state lottery, the proceeds of which shall be deposited in a special account within the general fund to be appropriated by the legislature to fund first the necessary operations of non-profit health and human service agencies on a "need" basis and then other state programs as the proceeds allow.

(b) The purposes of this Act are to

(1) ensure the continued existence and operation of a health and human service agency network by creating a special account within the general fund know as the lottery grants account;

(2) establish the Alaska State Lottery Commission within the Department of Administration, to administer, promote, and conduct a state lottery, the proceeds of which shall be deposited in the lottery grants account of the general fund for appropriation by the legislature to fund grants to Alaska non-profit health and human service agencies and for other purposes as determined by the legislature.

*Sec 2. AS 05 is amended by adding a new chapter to read:

CHAPTER 18. STATE LOTTERY.

ARTICLE 1. ADMINISTRATION.

Sec. 05.18.0101. CREATION OF ALSKSA STATE LOTTERY COMMISSION. The Alaska State Lottery Commission is established for the purpose of generating revenue for the support of non-profit health and human service providers in the State of Alaska, and for other expenses of the state. The Commission is an instrumentality of the state within the Department of Administration.

Sec. 05.18.020. POWERS OF THE COMMISSION. (a) The powers of the Commission are vested in the Board of Commissioners. The Commission consists of the commissioner of administration and four members appointed by the governor and subject to conformation by the legislature under AS 39.05.080. One member appointed to the Commission shall have at least three years of experience in the administration of physical and mental health related human service programs in the state; one member appointed to the Commission shall have at least three years of involvement in statutory and regulatory enforcement of charitable gaming, lotteries, or gambling enterprises; and two members appointed to the Commission shall be public members. Appointed members of the Commission shall qualify under AS 39.05.100. No more than three of the five

members may be members of the same political party. The governor shall designate an appointed member to serve as chair of the Commission.

(b) Appointed members serve staggered terms of four years, and may be reappointed. A vacancy on the Commission does not impair the authority of the Commission to exercise the powers and perform the duties of the Commission.

(c) The governor may remove a member of the Commission. A removal by the governor shall be in writing and shall state the reason for the removal. A member who is removed by the governor may not participate in Commission business and may not be counted for purposes of establishing a quorum after the person receives written notice of removal.

(d) An appointed member of the Commission is entitled to compensation at a rate of \$150 for each day the member is engaged in the actual performance of duties as a member of the Commission. The Commission may provide by regulation for compensation for partial days during which an appointed member is engaged in actual performance of duties as a member of the Commission.

(e) In addition to compensation under (d) of this section, an appointed member of the Commission is entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

Sec. 05.18.030. MEETINGS. (a) The Commission shall meet at least quarterly at the call of the chair, at the request of a majority of the members, or at a regularly scheduled time set by the Commission.

(b) An action of the Commission is not binding unless taken at a meeting where three or more of the members are present and vote in favor of the action.

Sec. 05.18.040. DUTIES AND POWERS OF THE COMMISSION. (a) The Commission is responsible for the management of the lottery but shall contract with a service provider for day to day operation of the lottery.

(b) The Commission shall determine procedures for awarding the contract for operation of the day-to-day conduct of the lottery and provide for preferential consideration of Alaskan owned vendors.

(c) The Commission may condition the exercise of a power or duty delegated to the Contractor.

(d) In managing the lottery the Commission shall

(1) be responsible for the management of the financial and legal obligations of the lottery;

(2) generally manage the lottery on a self-sustaining basis for the purpose of revenue generation;

(3) determine policy direction for the operation and administration of the lottery;

(4) report to the governor and the legislature each quarter on the total lottery revenue, prize disbursement, and other expenses for the preceding quarter;

(5) report to the governor and the legislature each year, including a full and complete statement of lottery revenue, prize disbursement, and other expenses, and recommendations for changes in this chapter;

(6) report to the governor and the legislature as frequently as the Commission determines necessary on the reaction of state residents to the lottery, and on matters that require changes in the law to prevent violations or evasions of this chapter or to correct undesirable conditions in connection with the operation or administration of the lottery;

(7) monitor the operation of the lottery throughout the state; and

(8) study and investigate the operation and administration of the lottery laws of other states and federal laws that affect the lottery.

(b) The Commission may do all things necessary and appropriate to exercise the Commission's duties and powers under this chapter.

Sec. 05.18.050. REGULATIONS. (a) The Commission shall adopt regulations under the Administrative Procedure Act (AS 44.62) to establish

- (1) the type of lottery to be conducted;
- (2) the price of lottery products;
- (3) the numbers and sizes of the prizes for the winning lottery products;
- (4) the manner of selecting the winning products;
- (5) the frequency of the drawings or selections of winning lottery products;
- (6) the type and number of locations where lottery products may be sold;
- (7) the method to be used in selling lottery products;
- (8) the manner of payment of prizes to the holders of the winning lottery products;
- (9) the procedures for contracting with persons to be agents;
- (10) the manner and maximum amount of compensation to be paid agents;
- (11) the prizes that an agent or an employee of the agent can award; and
- (12) other matters necessary or desirable to carry out this chapter, to operate the lottery efficiently and economically, and to make the purchase of lottery products and the distribution of prizes convenient.

(b) The Commission shall adopt regulations under the Administrative Act (AS 44._____) to establish

- (1) the qualifications to be met by nonprofit health and human service agencies for consideration of funding from the lottery grants program;
- (2) the procedures for nonprofit health and human agencies to apply for consideration for funding from the lottery grants account.

Sec. 05.18.070. DUTIES OF CONTRACTOR. (a) The Contractor shall

- (1) conduct the operation and day to day administration of the lottery;
- (2) contract with agents to sell lottery products;
- (3) meet at least quarterly with the Commission on the operation and administration of the lottery;
- (4) make available for inspection by the Commission, upon request, all books, records, files, and other information and documents of the Contractor;
- (5) advise the Commission and make recommendations to improve the operation and administration of the lottery;
- (6) suspend or revoke a contract issued under this chapter for a violation of this chapter or the regulations adopted under this chapter;
- (7) subject to the approval of the Commission, enter into contracts for the operation and administration of the lottery, except that agent contracts are not subject to the approval of the Commission; and
- (8) provide each month to the Commission a full and complete statement of the lottery revenue, prize disbursements, and other expenses for the preceding month.

(b) The Contractor may not employ a person who has been convicted, including conviction based on a guilty plea or plea of no contest, of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions, or other duties of the employee.

Sec. 05.18.080. SUBPOENAS. (a) The Commission may subpoena witnesses and documents in a matter subject to the jurisdiction of the Commission. The Commission may administer oaths and affirmations to persons whose testimony is required.

(b) If a person fails to obey a subpoena, or if a person refuses to answer a relevant question or to submit a document when ordered to do so by the Commission, the

Commission may apply to the superior court for an order directing the person to comply with the subpoena or the order. The court may order the person to comply.

ARTICLE 2. LOTTERY RETAIL SALES AGENTS.

Sec. 05.18.100. LOTTERY RETAIL SALES AGENTS. (a) The Contractor may contract with persons on behalf of the Commission to be lottery retail sales agents.

(b) A lottery retail sales agent may

- (1) sell lottery products;
- (2) award prizes as allowed under regulations of the Commission; and
- (3) hire employees to perform the services under (1) and (2) of this

subsection.

(c) An agent shall supervise each employee of the agent in the employee's performance of services under (b) (1) and (2) of this section.

Sec. 05.18.110. QUALIFICATIONS FOR SALES AGENT CONTRACTS.

(a) A person who wishes to contract with the Contractor to be a sales agent shall apply on a form provided by the Commission. The Contractor may charge the applicant a fee to cover the costs of processing the application and checking the background of the applicant.

(b) Before contracting with an applicant to be an agent, the Contractor shall consider

- (1) the financial responsibility and security of the applicant and the applicant's business or activity;
- (2) the accessibility of the applicant's place of business or activity to the public;
- (3) the ability of the applicant to promote the retail sale of lottery products;
- (4) the sufficiency of existing agent contracts to serve the public convenience;
- (5) the volume of expected sales; and

(6) other factors the Contractor determines are relevant.

(c) The Contractor may not contract with an applicant to be an agent if the applicant

(1) is an individual who is not a resident of the state or is not a corporation, partnership, or association licensed to conduct business in the state;

(2) would be engaged in business exclusively as an agent;

(3) is an individual under the age of 18; or

(4) has been convicted of a felony that is substantially related to the functions or duties of an agent or gambling misdemeanor, including a conviction based on a guilty plea or plea of no contest.

Sec. 05.18.120. DURATION OF SALES AGENT CONTRACTS. The Contractor may contract with an agent for a term of not more than two years. subject to AS 05.18.110, the Contractor may renew the contract for successive terms of not more than two years.

Sec. 05.18.130. REVOCATION OR SUSPENSION OF SALES AGENT CONTRACTS. (a) The Contractor may suspend or cancel the contract of an agent who violates 05.18.320.

(b) The Contractor may suspend or cancel the contract of an agent who violates a regulation adopted under this chapter or a provision of this chapter other than AS 05.18.320.

Sec. 05.18.140. COMPENSATION OF SALES AGENTS. (a) The Contractor shall establish the levels of compensation for agents. The contractor may establish bonus or incentive awards.

(b) When establishing the compensation for sales agents, the Contractor shall consider

(1) the time and the cost of overhead necessary to make the lottery products available at convenient times and for sufficient hours to accommodate the public;

(2) the time necessary for an agent to keep adequate records of the sales of lottery products and to prepare the deposits and reports required under AS 05.18.150;

(3) other criteria the Commission considers relevant.

Sec. 05.16.150. DEPOSIT OF RECEIPTS AND REPORTS. (a) The Contractor shall deposit to the credit of the state in a bank designated by the commissioner of administration all net due proceeds from the sale of lottery products;

(b) The Commission shall determine the schedule for deposits of net due proceeds by the Contractor.

(c) Every month the Contractor shall file with the Department of Administration summary reports of the receipts and transactions in the sale of lottery products.

ARTICLE 3. PRIZES.

Sec. 05.18.200. ASSIGNMENT OF PRIZES. A person may not assign a right to a prize under this chapter. A prize may be paid to a person other than the prize winner under a court order or to the estate of a deceased prize winner or to the Department of Administration for deposit in the general fund to satisfy a judgment in favor of the state against the prize winner. The state is discharged of all further liability when a prize has been paid under this section.

Sec. 05.18.210. PAYMENT OF PRIZES TO PERSONS UNDER 18 YEARS. (a) If a person entitled to a prize is under the age of 18 years, and if the prize is \$5,000 or less, the Commission may deliver the prize to an adult member of the minor's family, or to a guardian of the minor, in the form of a check or draft payable to the order of the minor. If the prize is more than \$5,000, the Commission may deliver the prize by depositing the amount of the prize in a bank to the credit of an adult member of the minor's family, or a guardian of the minor, as custodian for the minor. The person named as custodian shall have the same duties and powers as a person designated as a custodian under AS 45.60.

(b) The state is discharged of all further liability after payment of prize to a minor under this section.

(c) In this section, the terms "bank," "guardian," and "member" of a "minor's family" have the meanings given in AS 45.60.091.

Sec. 05.18.220. UNCLAIMED PRIZE MONEY. The Commission shall retain unclaimed prize money for the person entitled to it for one year after the prize is awarded. The prize may not be claimed after one year from its award. If the winner does not claim the prize money within the year, the Commission shall transfer the money and accrued interest to the lottery grants account.

ARTICLE 4. MISCELLANEOUS PROVISIONS.

Sec. 05.18.300. LOTTERY GRANTS ACCOUNT AND APPROPRIATIONS. There is created in the general fund the lottery grants account. The account consists of the proceeds received from the sale of lottery products and all other money credited or transferred to the account. The commissioner of administration shall separately account for money deposited in the account. The annual estimated balance in the account shall first be used by the legislature to make appropriations to the lottery grants account to carry out the purposes of this chapter. That portion of the annual estimated balance in the account that is not necessary for the support of the health and human service agencies lottery grants account may be appropriated to other purposes as the legislature considers appropriate.

Sec. 05.18.310. AUDIT. The Commission shall have an audit of the books and accounts of the contractor performed at least once each year by certified public accountants. The Commission may have special audits performed at any time on its own motion. The Commission shall file a copy of each audit with the commissioner of administration and the legislature.

Sec. 05.18.320. PROHIBITED ACTS. (a) A person may not

- (1) act as an agent or sell a lottery product unless the person has a contract with the Commission to be an agent, or is an employee of an agent and sells lottery products or awards lottery prizes under the supervision of the agent;

(2) sell a lottery product at a price greater than that fixed by the Contractor;

(3) sell or offer to sell a lottery product to a person under the age of 18;

(4) knowingly present a counterfeit or altered lottery product for payment or transfer a counterfeit or altered lottery product to another person to present for payment;

(5) with intent to defraud, falsely make, alter, forge, utter, pass, or counterfeit a lottery product; or

(6) impersonate a lottery representative.

(b) An agent, a member of the Commission, or an officer or employee of the Contractor may not purchase a lottery product or receive a lottery prize.

(c) An agent may not willfully withhold funds owed to the Contractor.

(d) This section does not prohibit a person from giving a lottery product to another person of any age.

Sec. 05.18.330. ASSIGNMENT OF CONTRACTS. A person who enters into a contract under this chapter may not assign the contract without the approval of the Commission.

Sec. 05.18.340. PENALTY. A person who violates AS 05.18.150, 05.18.160, 05.18.200, 05.18.320, or 05.18.330 is guilty of a class C felony.

Sec. 05.18.980. APPLICABILITY OF OTHER LAWS. Unless specifically provided otherwise in this chapter, the following laws do not apply to the operations of the Commission:

(1) AS 05.15;

(2) state procurement laws, including AS 36.30, except as specifically provided in that chapter.

Sec. 05.18.990. DEFINITIONS. In this chapter, unless the context requires otherwise.

(1) "agent" means a person who has contracted with the commission to be a lottery retail sales agent under this chapter;

(2) "agent contract" means a contract under AS 08.18.100 between the commission and an agent;

(3) "Commission" means the Alaska State Lottery Commission;

(4) "Contractor" means the vendor under contract with the Commission to conduct day-to-day operations of the lottery;

(5) "lottery" means the lottery established and operated under this chapter;

(6) "lottery product" means a ticket, receipt, card, or other item, except a lottery prize, received by a person from an agent or an employee of an agent as evidence of participation in the lottery;

(7) "operation and administration" includes accounting, sales, promotion, enforcement, and security;

(8) "person" has the meaning given in AS 01.10.060 and also includes an estate, receiver, trustee, assignee, referee, or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and a department, commission, agency or instrumentality of the state, including municipalities and the agencies and instrumentalities of municipalities.

*Sec. 3. AS 36.30.015(e) is amended to read:

(LANGUAGE NECESSARY FROM EXECUTIVE ORDER #50, SHOULD BE SIMILAR TO THAT WHICH ESTABLISHES THE ALASKA PUBLIC BROADCASTING COMMISSION)

*Sec. 4. AS 36.30.050(c) is amended to read:

(c) The lists may be used by the chief procurement officer or an agency when issuing invitations to bid or requests for proposals under this chapter. The lists may be

used by the Alaska Legislative Council, the court system, the Alaska State Lottery Commission, the Alaska State Building Authority, and the Alaska Railroad Corporation.

*Sec. 5. AS 36.30.990(1) is amended to read:

(1) "agency" means a department, institution, commission, division, authority, public corporation, the Alaska Pioneers' Home, or other administrative unit of the executive branch of the state government, except for the University of Alaska, the Alaska State Building Authority, the Alaska State Lottery Commission, and the Alaska Railroad Corporation; it does not include a regional Native housing authority created under AS 18.55.996, or a regional electrical authority created under AS 18.57.020;

*Sec. 6. AS 39.25.110(11) is amended by adding a new subparagraph to read:

Alaska State Lottery Commission;

*Sec. 7. AS 39.50.200(b) is amended by adding a new paragraph to read:

Alaska State Lottery Commission (AS 05.18).

*Sec. 8. Sections 1, 2, 6, and 7 of this Act take effect July 1, 1987.

*Sec. 9. Sections 3 - 5 of this Act take effect on the effective date of sec. 2, ch. 106, SLA 1986.

Charitable Gaming Bill Suggested by Mr. Jim Fisk

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA: (Kodiak 486-7088)

*Section 1. AS 05.15 is amended by adding a new section to Article 2 to read:

Sec. 05.15.188. PULL-TAB SALES BY AGENTS ON BEHALF OF PERMITTEES AND OPERATORS; AGENT REGISTRATION, ENDORSEMENT. (a) A permittee or operator may contract with an agent to sell pull-tabs on behalf of a permittee or operator.

(b) A permittee or operator that contracts with an agent to sell pull-tabs on the permittee's or operator's behalf shall first register the agent with the department on a form prescribed by the department. The annual agent registration fee is \$100 (one hundred dollars).

(c) Upon approval of the agent registration, the department will issue an endorsement to the permittee's permit or operator's license that authorizes the conduct of pull-tab sales at that agent location.

(d) The endorsement issues under (c) of this section is an extension of the permittee's or operator's privilege under AS 05.15.100 to conduct pull-tab series until a permit or license containing the endorsement for the agent location has been posted by the permittee or operator in the registered agent establishment. The endorsed permit or license must be clearly visible to the gaming public.

(e) A separate endorsement shall be issued for each agent location. It is the responsibility of the registered agent to inform the permittee or operator if it changes ownership, physical location or mailing address of a selling location., it is the responsibility of the permittee or operator to inform the department of such location change and to request that the department issue a corrected endorsement.

(f) The agent shall surrender its endorsed permit or license to the permittee or operator when it discontinues the sale of pull-tabs on behalf of that permittee or operator. The permittee or operator shall return to the department the endorsed permit or license.

(g) Failure to comply with sections (e) or (f) above after an agent change may be grounds for suspension of a permittee's permit, operator's license, or agent's endorsement.

(h) A permittee or operator that uses an agent to sell pull-tabs on its behalf shall enter into a written contract with that agent. The contract as well as an subsequent revision(s) thereto are subject to review by the department. If the contract or revision(s) contain agreements counter to the provisions of this chapter, or the regulations adopted under it, the department may declare the contract void. An agent may contract with more than one permittee and/or operator simultaneously so long as all other provisions of this chapter are met.

(i) An agent may not purchase nor make payment for a pull-tab series from any source. Only a permittee's member-in-charge, alternate-member-in-charge or an operator may purchase pull-tabs from a licensed distributor.

→ (j) A permittee shall receive no less than 40% (forty percent) of ideal net from an agent or operator for pull-tab sales. All pull-tab game related expenses shall be paid by the agent or operator from the balance of their 60% (sixty percent).

→ (k) An agent shall pay to the permittee or operator an amount equal to the ideal net, less the compensation paid the agent, upon delivery of a pull-tab series to the agent's location. The amount required to be paid by the agent under this subsection must be deposited directly into the gaming checking account of the permittee or operator.

→ (l) An agent that fails to meet its contractual agreements with a permittee or operator, fails to comply with the requirements of this chapter or a regulation adopted under it, or the agent or agent's owner or manager that is convicted ^{FELONY} ~~OF~~ _{NOR} forgery, fraud, theft, or a crime of dishonesty related to the activities governed by this chapter, shall be prohibited ~~_____~~ from any further involvement in any activity authorized by or conducted under AS 05.15.

(m) An agent, its manager(s) nor its employee(s) may not purchase a pull-tab from any series sold at that agent location. A person who knowingly violates this subsection is guilty of a class B misdemeanor.

(n) An owner or manager of a registered agent may not also serve as a permittee's member-in-charge or alternate-member-in-charge. An owner or manager of a registered agent may not also hold a managerial or ownership position with a licensed operator.

*Section 2. AS 05.15 is amended by REPEALING section AS 05.15.183 of Sec. 2. and adding the following section in its place.

Sec. AS 05.183. GAMING DISTRIBUTOR'S LICENSE. (a) A person may not distribute pull-tab games, bingo paper, or other supplies or equipment used or consumed in the conduct of activities authorized by this chapter unless that person has received a gaming distributor's license issued by the department.

(b) The department may issue a gaming distributor's license to a natural person that

- (1) resides in the State of Alaska;
- (2) holds a valid Alaska Business License;
- (3) maintains a place of business in compliance with all applicable local zoning ordinances;
- (4) holds a ownership position in the proprietorship, partnership, or corporation of the distributor;
- (5) if the distributor does business as a corporation, shows proof of proper registration with the Department of Commerce and Economic Development, Division of Banking, Securities and Corporations;
- (6) applies on the form provided by the department;
- (7) pays an annual fee of \$1,000.

(c) Pull-tabs, bingo paper, or other supplies or equipment used or consumed in the conduct of activities authorized by this chapter may be distributed only from a location within the state. A person may not distribute pull-tabs, bingo paper, or other supplies

or equipment used or consumed in the conduct of activities authorized by this chapter directly to another person from a location outside this state.

(d) Distribution from a location within the state is deemed to have occurred when:

(1) a purchase order as required under AS 08.15.187 is issued by a permittee or operator to a gaming distributor within the state;

(2) payment for such order is tendered to the gaming distributor within the state;

(3) all books and sales records of the gaming distributor are maintained at a location within the state;

(4) the distributor maintains a manual, mechanical, or electronic system to instantly recall each series of pull-tabs by serial number; each invoice by invoice number and/or customer name for any sale occurring within the pervious 24 months.

Sec. 3. AS 05.15 is amended by adding a new section to Article 2.

Sec. AS 05.15.186. SALES BETWEEN LICENSED DISTRIBUTORS. (a) Pull-tabs may be sold from one licensed distributor to another licensed distributor. Distributors shall pay the tax at the first time of sale as required under AS 05.15.184(b).

*Sec. 4. AS 05.15 is amended by adding new wording to AS 05.15.185 of Article 2 as follows:

Sec. 05.15.185 DISTRIBUTION OF [PULL-TAB GAMES] GAMING

SUPPLIES AND EQUIPMENT. (a) Each series of pull-tabs distributed in the state shall be sealed and have a serial number label issued by the National Association of Fundraising Ticket Manufacturers or other serial number label approved by the department and may be distributed only to a municipality or qualified organization that has obtained a permit issued under this chapter or to an operator on behalf of an authorizing permittee.

(b) Notwithstanding the provisions of this subsection, pull-tabs, bingo paper, and other supplies and equipment used or consumed in the conduct of an activity under this chapter, may be distributed to any other federal, state, or national jurisdiction so long as all other provisions of this chapter are met.

(c) Permittees and operators are required to provide the licensed gaming distributor with a written, serial numbered purchase order for each order placed. A complete purchase order file shall be maintained by the permittee or operator.

(d) Licensed distributors are required to list the purchase order number on each invoice and maintain a complete file of purchase orders received from permittee or operators under (c) of this subsection.

*Section 4. AS 05.15.210 is amended by adding new subsections to read:

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

(36) "permittee" means either a municipality or qualified organization;

(37) "agent" means a business whose primary activity is not regulated by AS 05.15 but which is engaged in the sale of pull-tabs on behalf of a permittee or operator and holds a business license under AS 43.70 as is

(i) a retail establishment;

(ii) an eating establishment; or

(iii) an establishment licensed under AS 04.11.

*Section 5. AS 05.15 is amended by adding a new phrase to AS 05.15.160(2) of Article 2 to read:

(C) Compensation paid to a registered agent.

*Section 7. AS 05.15 is revised by changing the wording in subsection (4) of AS 05.15.095 as follows:

(4) the licensed [PULL-TAB DISTRIBUTOR] gaming distributor or the distributor's agent; or

*Section 8.

→ An operator licensed under this chapter shall pay a fee of 5% (five percent) of its net income based on the annual report filed under AS 05.15.083(b).

*Section 9. AS 05.15.200 is amended to include:

(c) CIVIL FINES. Any violation of this chapter will result in a notice of violation being issued and a civil fine assessed by an authorized employee of the department. The fine amounts are as follows:

1st violation notice \$100
2nd violation notice \$250
3rd violation notice \$500.

These notices are for the same offense.



Alaska State Legislature

3/1/91

House Labor + Commerce
Committee

Please enter into the record my testimony to the

Valley Marine Corps League
committee name

committee on

Charitable Gaming dated _____
bill/subject

All establishments who participate should have a chart saying how many of the top ~~winners~~ winners are still left.

Accounts should be counted daily ~~so~~ so this chart could be published

Signed:

Charles B. Catterburg

Testifier

Commandant Valley Marine Corps League

Representing (Optional)

P.O. Box 872894

Address

Wasilla, AK 99687

Phone No.

376-7615



If possible, please address _____ before 5 p.m.

Alaska State Legislature

Please enter into the record my testimony to the HL L + C
committee name
committee on _____, dated 3-1-91
bill/subject

Can a local business sell pull-tabs for us, WACO? They do NOT charge us any thing for this community service. Can this continue in this way? The owners and employes are all members of our Willow Area Community Org. so there are no membership fees and the members consist of our whole community.

Signed: Harry Lee Carter / Vice Chair of the Willow Area Community Organization
Testifier

Representing (Optional)

P.O. Box 1027

Address

Willow Ave 99688

Phone No.

475-6633



Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce Committee
 committee name
 committee on House Bill # 168, dated 1 MAR 91
 bill/subject

- if we sub-contract out our permits we can only receive 1/2 million of action.
- if we don't sub-contract our permits then we can receive 1 million of action.
- Senior Centers do not have the ability to run a program that would allow any great benefit to off set cost in funding.
- I know other non-profits have the same problems with full-time. We don't have the volume to make it worth while.
- * Sec 7 instead of 500,000 it should read 1,000,000 for organization that contracts with an operator on its behalf.

Signed: Noel C Mattson
 Testifier
Chignik Senior Center / Vice Pres of AOAP
 Representing (Optional)
HC 78 Box 2890, Chignik AK 99567
 Address
(907) 688-2677
 Phone No.

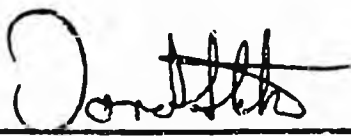


Alaska State Legislature

Please enter into the record my testimony to the LABOR & COMMERCE
 committee name
 committee on H.B. 168 , dated 7-25-91
 bill/subject

THE BILL CURRENTLY BEFORE THIS COMMITTEE
 WILL ACT TO RATIFY THE ACTIONS OF THE
 MAJORITY OF THE CHARITABLE ORGANIZATIONS IN
 THE STATE. I AM THE PRESIDENT OF THE BIG
 LAKE LIONS CLUB. MOST OF OUR CHARITABLE
 PROJECTS HAVE BEEN FUNDED BY INCOME
 GENERATED BY VENDOR SALES OF PULL TABS.
 WE ARE GREATLY IN FAVOR OF THE PASSAGE
 OF THIS BILL TO ALLOW US TO CONTINUE
 TO SERVE THE COMMUNITY.

THANK YOU.

Signed:  DANA STOKER
 Testifier

BIG LAKE LIONS CLUB AND AMERICAN LEGION POST 35

Representing (Optional)

500 N. MAIN ST # B WASILLA 99687

Address

373-6101

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce
 committee name
 committee on Charitable Gaming, dated March 1, 1991
 bill/subject

RE: SECTION 1. AS 05,15,150 - use of PROCEEDS.

DUE TO THE WORDING OF THIS SECTION, NON-PROFIT GROUPS ARE NOT ALLOWED TO CONTRIBUTE PULL-TAB FUNDS TOWARD NOME - PROVIDENYA TRAVEL. WE ARE IN THE MIDDLE OF A GROWING CULTURAL EXCHANGE PROGRAM, WITH ARTISTS, MUSICIANS AND DANCERS GOING BACK AND FORTH. WE HAVE CONTRIBUTED IN THE PAST, AND RECEIVED NOTICES OF VIOLATION. WE HAD OVERLOOKED THIS REG. UNINTENTIONALLY.

THIS TYPE OF CULTURAL EXCHANGE GREATLY BENEFITS THE STATE, AND THE PEOPLE OF THIS COMMUNITY. ALL PROVIDENYA - NOME TRAVEL IS HANDLED BY A LOCAL AIRLINE, BEBINO AIR. THIS IS TRUE WHETHER TRAVEL ORIGINATES IN PROVIDENYA OR NOME.

WE WOULD LIKE A REGULATION CHANGE PERMITTING NON-PROFIT GROUPS TO CONTRIBUTE TO SOVIET - ALASKA TRAVEL, EITHER A BLANKET REG. OR ONE FOR SPECIFIC INSTANCES, WITH APPROVAL OF THE COMMISSIONER

Signed: AL R. BEASLEY
 Testifier

NOME ARTS COUNCIL (President) also, in behalf of other Nome No. Profit orgs.

Box 1057 Nome AK Address
 LIONS CLUB
 NOME ROTARY
 NOME ESKIMO

463-2534
 Phone No.

February 25, 1991

David Finkelstein
House of Representatives

Dear Sir,

This letter is in regards to the current situation in the pull-tab industry. I am an assistant bookkeeper for DAV 1,2, and 3. At this time, we are on a very tenuous schedule, not knowing, from day to day if we will have a job. I also took a salary cut because there is just not any income coming in.

With the regulations the way they currently stand many of our customers are pulling out, therefore we are in a gloomy situation. Please resolve either through, legislation or new emergency regulations allowing, bartenders or their employees to sell pull-tabs.

I am not the only one in this predicament, I have several co-workers in the same boat, and we would be grateful if this situation could be resolved as soon as possible.

Respectfully,

A handwritten signature in cursive script that reads "George Pollitt". The signature is written in dark ink and is positioned above the typed name.

George Pollitt

cc John Hansen
Gary Amendola
Mike Szymanski
Doug Blankenship

February 25, 1991

David Finkelstein
House of Representatives

RE: Pull-Tab Industry

Dear Sir,

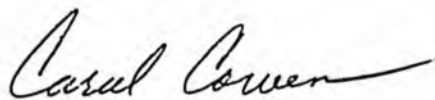
I am an employee for DAV Chapters 1,2, and 3. At the current time, I am under a great deal of stress, not knowing, when I come in the next morning if my job will be there for me.

With the regulations the way they stand, we have lost, or we are loosing our third party vendors.

Please resolve this, either through legislation or new emergency regulations allowing, bartenders or their employees to sell pull-tabs.

Please help me and many others to keep our jobs.

Respectfully,



Carol Corven

cc John Hansen
Mike Szymanski
Gary Amendola