

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9434 HOUSE STATE AFFAIRS

70

counters.

4. Enforcing requirements to check purchaser's I.D., and requiring a picture I.D.
5. Making stiffer penalties for vendors who violate the law, i.e. maximum fine \$500 for first offense, \$750 for second, and suspension of license for third offense (or even stiffer, suspend license for first offense).
6. In addition to enforcing penalties against the vendors who sell tobacco to minors, I think we should impose meaningful penalties against the minors themselves who possess tobacco illegally. For example:

First offense, up to \$250 fine;

Second offense, up to \$500 fine;

Third offense, lose driver's license, same as for possession of alcohol.

Let me know when we can get together to discuss incorporating these provisions into HB 79.

Thanks for your help.

Alaska State Legislature

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HOUSE SPECIAL COMMITTEE ON OIL & GAS
SELECT COMMITTEE ON LEGISLATIVE ETHICS



REPRESENTATIVE CON BUNDE

District 18

DURING SESSION
STATE CAPITOL, ROOM 104
JUNEAU, AK 99801-1182
(907) 465-4843 (800) 892-4843

DURING INTERIM
716 W. FOURTH AVE.
ANCHORAGE, AK 99501-2133
(907) 258-8168

E-MAIL
Representative_Con_Bunde@legis.state.ak.us

MEMORANDUM

DATE: February 4, 1996
TO: Representative Jeanette James
Chair, House State Affairs Committee
FROM: Rep. Bunde
RE: House Bill 79

This memo is a request for a House State Affairs Committee hearing for HB 79, "An Act relating to the offense of possession of tobacco by a person under 19 years of age."

A copy of the bill and the sponsor statement are attached to this request. Please contact Patti Swenson, ext 6824 with any questions that may arise.

Thank you for your consideration of this request.

*Get Patti
Kath's bill ??*

*Patty says
they made the
changes we
requested.*

RE Kott's bill -
Cathy says this is
expensive & will
be liked by
Dittus -

2/27 we didn't
get changes
to NE -

DA & SHERIDAN!
see bill (11/29/79)

HOUSE BILL NO. 159

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KOTT, Mulder, Kohring

Introduced: 2/25/97

Referred: Labor and Commerce, Judiciary

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to sale, possession, and purchase of tobacco and tobacco
2 products; amending Rules 603 and 611(d), Alaska Rules of Appellate Procedure;
3 and providing for an effective date."

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

5 * Section 1. AS 11.76.100 is repealed and reenacted to read:

6 **Sec. 11.76.100. Selling or giving tobacco to a minor.** (a) A person commits
7 the offense of selling or giving tobacco to a minor if the person is 19 years of age or
8 older and negligently sells, exchanges, or gives a tobacco product to a person under
9 19 years of age.

10 (b) The court shall forward a record of each person convicted under this
11 section who holds a business license endorsement under AS 43.70.075, or who is an
12 employee or agent of a person who holds a license endorsement under AS 43.70.075
13 to the Department of Commerce and Economic Development.

14 (c) Selling or giving tobacco to a minor is a violation and upon conviction is

1 punishable by a fine of not less than \$300.

2 * Sec. 2. AS 11.76.105 is repealed and reenacted to read:

3 **Sec. 11.76.105. Possession, purchase, or use of false identification to obtain**
4 **tobacco by a minor.** (a) A person under 19 years of age may not knowingly

5 (1) possess or attempt to purchase a tobacco product in this state; or

6 (2) present false or fraudulent proof of age for the purpose of
7 purchasing a tobacco product.

8 (b) A person who violates this section is, upon conviction, guilty of a
9 violation.

10 * Sec. 3. AS 11.76.107 is repealed and reenacted to read:

11 **Sec. 11.76.107. Restrictions on sale of tobacco and tobacco products.** (a)
12 A person may not sell or distribute a tobacco product unless

13 (1) the

14 (A) person also holds a license endorsement issued under
15 AS 43.70.075;

16 (B) sale or distribution occurs on the retail premises; and

17 (C) person purchasing or receiving the tobacco product provides
18 proof of age;

19 (2) the sale or distribution is a wholesale transaction by a person
20 licensed as a manufacturer or distributor under AS 43.50.010; or

21 (3) the sale or distribution is by mail order.

22 (b) Except as provided in this subsection, a person may not sell or distribute
23 a tobacco product by vending machine. The sale or distribution of a tobacco product
24 through a vending machine is permitted if the vending machine is located in

25 (1) a factory, business, office, or other place that is not open to the
26 public;

27 (2) a place that is open to the public but to which a person under the
28 age of 19 years is denied access;

29 (3) a place where alcoholic beverages are sold for consumption on the
30 licensed premises, but only if the vending machine is

31 (A) under the continuous supervision of the owner or lessee of

1 the licensed premises or an employee of the owner or lessee; and

2 (B) inaccessible to the public when the licensed premises is
3 closed;

4 (4) other places, but only if the vending machine (A) is under the
5 continuous supervision of the owner or lessee of the premises or an employee of the
6 owner or lessee; (B) can be operated only by the activation of an electronic switch by
7 the owner or lessee of the premises or an employee of the owner or lessee before each
8 purchase; and (C) is inaccessible to the public when the licensed premises is closed;
9 in any place where supervision of a vending machine, or activation of an electronic
10 switch, is required by this paragraph, the person responsible for that supervision or the
11 activation of the switch shall demand proof of age from a prospective purchaser if the
12 person has reason to believe that the prospective purchaser is under 27 years of age

13 (c) A person engaged in the sale or distribution of a tobacco product shall
14 demand proof of age from a prospective purchaser or recipient if the person has reason
15 to believe that the prospective purchaser or recipient is under 27 years of age. A
16 prosecution for violation of this subsection may not be brought unless a prosecution
17 is also brought for violation of AS 11.76.100.

18 (d) A person engaged in the retail business of selling a tobacco product shall
19 notify each individual employed by that person as a retail sales clerk that state law (1)
20 prohibits the sale or distribution of a tobacco product to any person under 19 years of
21 age and the purchase or receipt of a tobacco product by any person under 19 years of
22 age; and (2) requires that proof of age be demanded from a prospective purchaser or
23 recipient if the person engaged in sale or distribution of the tobacco product has reason
24 to believe that the prospective purchaser or recipient is under 27 years of age. This
25 notice shall be provided before the individual commences work as a retail sales clerk.
26 The individual shall signify receipt of the notice required by this subsection by signing
27 a form stating as follows:

28 "I understand that state law prohibits the sale or distribution of
29 a tobacco product to persons under 19 years of age and requires
30 that proof of age be demanded from a prospective purchaser or
31 recipient if I have reason to believe that the prospective

1 purchaser or recipient is under 27 years of age. I promise, as a
2 condition of my employment, to observe this law."

3 Each form signed by an individual shall indicate the date of signature. The employer
4 shall retain the form signed by an individual employed as a retail sales clerk until 120
5 days after the individual has left the employer's employ.

6 (e) The court shall forward to the Department of Commerce and Economic
7 Development a record of each person convicted under this section.

8 (f) A person who violates this section is guilty of a violation and upon
9 conviction shall be punished by a fine of \$100 for a first offense within a two-year
10 period, \$500 for a second offense within a two-year period, and suspension of the
11 license endorsement required under AS 43.70.075 for a period of not more than one
12 year for a third or subsequent violation within a two-year period.

13 * Sec. 4. AS 11.76 is amended by adding a new section to read:

14 **Sec. 11.76.109. Definitions for AS 11.76.100 - 11.76.109.** In AS 11.76.100 -
15 11.76.109, unless the context requires otherwise,

16 (1) "person" has the meaning given in AS 11.81.900;

17 (2) "proof of age" means a driver's license or other documentary or
18 written evidence that is made of or encased in plastic and contains a photograph of the
19 holder and a statement of age or date of birth that establishes that the person is 19
20 years of age or older;

21 (3) "tobacco product" means a product that contains tobacco and is
22 intended for human consumption;

23 (4) "vending machine" means a mechanical, electric, or electronic self-
24 service device that, upon insertion of money, tokens, or another form of payment,
25 automatically dispenses a tobacco product.

26 * Sec. 5. AS 28.15 is amended by adding new sections to read:

27 **Sec. 28.15.195. Administrative revocation of minor's license to drive for**
28 **tobacco offense.** (a) If a peace officer has probable cause to believe that a person
29 who is not yet 19 years of age has possessed or attempted to purchase a tobacco
30 product or presented false proof of age for the purpose of purchasing a tobacco product
31 in violation of AS 11.76.105, the peace officer shall read a notice and deliver a copy

1 to the person. The notice must advise that

2 (1) the department intends to revoke the person's driver's license or
3 permit, privilege to drive, or privilege to obtain a license or permit;

4 (2) the person has the right to administrative review of the revocation;

5 (3) if the person has a driver's license or permit, the notice itself is a
6 temporary driver's license or permit that expires seven days after it is delivered to the
7 person;

8 (4) revocation of the person's driver's license or permit, privilege to
9 drive, or privilege to obtain a license or permit, takes effect seven days after delivery
10 of the notice to the person unless the person, within seven days, requests an
11 administrative review.

12 (b) After reading the notice under (a) of this section, the peace officer shall
13 seize the person's driver's license or permit if it is in the person's possession and shall
14 deliver it to the department with a sworn report describing the circumstances under
15 which it was seized.

16 (c) Unless the person has requested an administrative review, the department
17 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
18 obtain a license or permit, effective seven days after delivery to the person of the
19 notice required under (a) of this section, upon receipt of a sworn report of a peace
20 officer

21 (1) that the officer had probable cause to believe that the person is not
22 yet 19 years of age and has possessed or attempted to purchase a tobacco product or
23 presented false proof of age for the purpose of purchasing a tobacco product in
24 violation of AS 11.76.105;

25 (2) that the peace officer has cited the person or arrested the person for
26 a violation of AS 11.76.105;

27 (3) that notice under (a) of this section was provided to the person; and

28 (4) describing the circumstances surrounding the violation of the
29 tobacco sales or proof of age provisions of AS 11.76.105.

30 (d) The department shall impose the revocation required under this section for
31 a period of

1 (1) one year for a first violation; and

2 (2) two years for a second or subsequent violation.

3 (e) A revocation imposed under this section shall be consecutive to a
4 revocation imposed under another provision of law, except that a revocation imposed
5 under this section shall be concurrent with a revocation imposed under AS 28.15.183,
6 28.15.185, or 28.15.187 that is based on the same incident. A department hearing
7 officer may grant limited license privileges in accordance with the standards set out
8 in AS 28.15.201 to a person whose driver's license, permit, or privilege was revoked
9 under this section.

10 (f) In this section, "peace officer" does not include a person employed by the
11 Department of Corrections.

12 **Sec. 28.15.197. Administrative review of revocation of license for tobacco**
13 **offense.** (a) A person who has received a notice under AS 28.15.195(a) may make
14 a written request for administrative review of the department's action. If the person's
15 driver's license has not been previously surrendered to the department, it shall be
16 surrendered to the department at the time the request for review is made.

17 (b) A request for review of the department's revocation under AS 28.15.195
18 shall be made within seven days after receipt of the notice under AS 28.15.195, or the
19 right to review is waived and the action of the department under AS 28.15.195(c) is
20 final. If a written request for a review is made after expiration of the seven-day
21 period, and if it is accompanied by the applicant's verified statement explaining the
22 failure to make a timely request for a review, the department shall receive and consider
23 the request. If the department finds that the person was unable to make a timely
24 request because of lack of actual notice of the revocation or because of factors of
25 physical incapacity such as hospitalization or incarceration, the department shall waive
26 the period of limitation, reopen the matter, and grant the review request.

27 (c) Upon receipt of a request for review, if it appears that the person holds a
28 valid driver's license and that the driver's license has been surrendered, the department
29 shall issue a temporary driver's permit that is valid until the scheduled date for the
30 review. A person who has requested a review under this section may request, and the
31 department may grant for good cause, a delay in the date of the hearing. If necessary,

1 the department may issue additional temporary permits to stay the effective date of its
2 action under AS 28.15.195(c) until the final order after the review is issued.

3 (d) A person who has requested a hearing under this section and who fails to
4 appear at the hearing, for reasons other than lack of actual notice of the hearing or
5 physical incapacity such as hospitalization or incarceration, waives the right to a
6 hearing. The determination of the department that is based upon the officer's report
7 becomes final.

8 (e) The hearing under this section must be held telephonically unless the
9 person requesting the hearing requests in writing that the hearing not be held
10 telephonically or the hearing officer determines that an in-person hearing is necessary
11 as provided under AS 28.05.141(b).

12 (f) A review under this section shall be held before a hearing officer
13 designated by the commissioner. The hearing officer shall have authority to

- 14 (1) administer oaths and affirmations;
- 15 (2) examine witnesses and take testimony;
- 16 (3) receive relevant evidence;
- 17 (4) issue subpoenas, take depositions, or cause depositions or
18 interrogatories to be taken;
- 19 (5) regulate the course and conduct of the hearing;
- 20 (6) make a final ruling on the issue.

21 (g) The hearing for review of a revocation by the department under
22 AS 28.15.195 shall be limited to the issue of whether the person possessed or
23 attempted to purchase a tobacco product or presented false proof of age as prohibited
24 by AS 11.76.105.

25 (h) The determination of the hearing officer may be based upon the sworn
26 report of a peace officer if the sworn report is supported by probable cause based on
27 personal observations as required under AS 28.15.195(a). The peace officer need not
28 be present at the hearing unless either the person requesting the hearing or the hearing
29 officer requests in writing before the hearing that the officer be present. If in the
30 course of the hearing it becomes apparent that the testimony of the peace officer is
31 necessary to enable the hearing officer to resolve disputed issues of fact, the hearing

1 shall be continued to allow the attendance of the peace officer.

2 (i) Upon written request of the person requesting the hearing, the hearing
3 officer shall stay the hearing until the conclusion of related criminal proceedings. If
4 the person requesting the hearing does not request a stay, testimony given by the
5 person at the hearing is admissible against the person in a criminal trial.

6 (j) If the issue set out in (g) of this section is determined in the affirmative by
7 a preponderance of the evidence, the hearing officer shall sustain the action of the
8 department. If the issue is determined in the negative, the department's revocation
9 action shall be rescinded.

10 (k) If the action of the department in revoking a nonresident's privilege to
11 drive a motor vehicle is not administratively contested by the nonresident driver or if
12 the departmental action is sustained by the hearing officer, the department shall give
13 written notice of action taken to the motor vehicle administrator of the state of the
14 person's residence and to any state in which that person has a driver's license.

15 (l) Within 30 days of the issuance of the final determination of the department,
16 a person aggrieved by the determination may file an appeal in superior court for
17 judicial review of the hearing officer's determination.

18 (m) The filing of an appeal under (l) of this section or a petition for review
19 does not automatically stay the department's order or revocation. The court may grant
20 a stay of the order or revocation under the applicable rules of court, after a motion and
21 hearing, and upon a finding that there is a reasonable probability that the petitioner
22 will prevail on the merits and that the petitioner will suffer irreparable harm if the
23 order is not stayed.

24 * Sec. 6. AS 43.50.070 is amended to read:

25 Sec. 43.50.070. Revocation or suspension of licenses. The department may
26 suspend or revoke a license issued under AS 43.50.010 - 43.50.180 (1) for a criminally
27 negligent violation of AS 11.76.100 [, 11.76.107] or a violation of AS 43.50.010 -
28 43.50.180 or a regulation of the department adopted under AS 43.50.010 - 43.50.180;
29 (2) if a licensee ceases to act in the capacity for which the license was issued; or (3)
30 if a manufacturer, distributor, or wholesale distributor negligently sells tobacco or
31 products containing tobacco to a nonlicensed retailer or a retailer whose license

1 endorsement under AS 43.70.075 has been suspended. The department may suspend
 2 or revoke a license issued under AS 43.50.010 - 43.50.180 for a period of not more
 3 than one year for a criminally negligent violation of AS 11.76.107. A person whose
 4 license is suspended or revoked may not sell cigarettes or permit cigarettes to be sold
 5 during the period of the suspension or revocation on the premises occupied or
 6 controlled by that person. A disciplinary proceeding or action is not barred or abated
 7 by the expiration, transfer, surrender, renewal, or extension of a license issued under
 8 AS 43.50.010 - 43.50.180. The department shall comply with the provisions of
 9 AS 44.62 ([THE] Administrative Procedure Act [(AS 44.62)]).

10 * Sec. 7. AS 43.70.075(b) is amended to read:

11 (b) The department, upon payment of a fee of \$100 [\$25], shall issue a
 12 business license endorsement to a person who applies for a business license under this
 13 chapter, and may renew the endorsement issued under this subsection for a fee of \$100
 14 [\$25]. The endorsement expires at the same time as the license to which it attaches.

15 * Sec. 8. AS 43.70.075(d) is amended to read:

16 (d) If a person who holds an endorsement issued under this section, or an
 17 agent or an employee of a person who holds an endorsement issued under this section
 18 acting within the scope of the agency or employment, has been convicted of violating
 19 AS 11.76.100 or 11.76.107, or violates a provision of this section or a regulation
 20 implementing this section adopted under AS 43.70.090, the department may suspend
 21 the endorsement for a period of not more than

22 (1) 45 days; [OR]

23 (2) 90 days, if within the past 24 months the person has been
 24 previously convicted of violating AS 11.76.100 or 11.76.107, or a provision of this
 25 section or a regulation implementing this section adopted under AS 43.70.090; or

26 (3) one year if within the past 24 months the person has been
 27 previously convicted two or more times of violating AS 11.76.100 or 11.76.107 or
 28 a provision of this section or a regulation implementing this section adopted under
 29 AS 43.70.090.

30 * Sec. 9. AS 47.12.030(b) is amended to read:

31 (b) When a minor is accused of violating a statute specified in this subsection,

1 other than a statute the violation of which is a felony, this chapter and the Alaska
2 Delinquency Rules do not apply and the minor accused of the offense shall be charged,
3 prosecuted, and sentenced in the district court in the same manner as an adult; if a
4 minor is charged, prosecuted, and sentenced for an offense under this subsection, the
5 minor's parent, guardian, or legal custodian shall be present at all proceedings; the
6 provisions of this subsection apply when a minor is accused of violating

7 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
8 a municipality;

9 (2) AS 11.76.105, relating to the possession or purchase of tobacco,
10 or use of false proof of age for the purpose of purchasing tobacco by a person
11 under 19 years of age;

12 (3) a fish and game statute or regulation under AS 16;

13 (4) a parks and recreational facilities statute or regulation under
14 AS 41.21; and

15 (5) AS 04.16.050, relating to possession, control, or consumption of
16 alcohol.

17 * Sec. 10. AS 28.15.197(m), enacted in sec. 5 of this Act, has the effect of amending Rules
18 603 and 611(d), Alaska Rules of Appellate Procedure, by prohibiting an automatic stay of the
19 administrative revocation of a driver's license pending appeal or petition for review and by
20 limiting the power of the court to stay the administrative revocation of a driver's license.

21 * Sec. 11. TRANSITIONAL NOTICE PROVISION. Within 30 days after the effective
22 date of this Act, the employee notice required under AS 11.76.107(d), enacted in sec. 3 of this
23 Act, shall be given to employees engaged in the retail business of selling a tobacco product
24 on the day before the effective date of this Act.

25 * Sec. 12. This Act takes effect July 1, 1997.

STATE OF ALASKA
HOUSE OF REPRESENTATIVES

Representative Jeannette James



P.O. Box 56622
North Pole, AK 99705
TEL 488-1546, FAX 488-4271

State Capitol
Juneau, AK 99801
TEL 465-3743, FAX 465-2381

MEMORANDUM

TO: Representative Con Bunde
DATE: February 5, 1997
FROM: Representative Jeannette James
RE: Minors and Tobacco

A handwritten signature in black ink, appearing to be "Jeannette James", written over the "FROM:" line of the memorandum.

Recently you indicated your willingness to incorporate other provisions regarding minors use of tobacco into your House Bill 79. At yesterday's State Affairs meeting I said I would be introducing legislation myself, but I would prefer to add it to your existing bill if possible. Items of interest to me would be:

1. Raising the minimum age for purchasing tobacco to 21.
2. Disallowing cigarette vending machines except where customers are required to be age 21 or older.
3. Requiring grocery stores to keep tobacco products behind their

counters.

4. Enforcing requirements to check purchaser's I.D., and requiring a picture I.D.
5. Making stiffer penalties for vendors who violate the law, i.e. maximum fine \$500 for first offense, \$750 for second, and suspension of license for third offense (or even stiffer, suspend license for first offense).
6. In addition to enforcing penalties against the vendors who sell tobacco to minors, I think we should impose meaningful penalties against the minors themselves who possess tobacco illegally. For example:

First offense, up to \$250 fine;

Second offense, up to \$500 fine;

Third offense, lose driver's license, same as for possession of alcohol.

Let me know when we can get together to discuss incorporating these provisions into HB 79.

Thanks for your help.

Since we can't perform citizen's arrests on minors caught with tobacco, how about this:

In addition to enforcing stiff penalties against the vendors who sell tobacco to minors, how about making stiff penalties against the MINORS who possess tobacco.

Example:

First offense, up to \$250 fine

Second offense, up to \$500 fine

Third offense, lose driver's license, same as for possession of alcohol.

JCC

"Citizen's Arrest"

Sec. 12.25.030

GROUND FOR ARREST BY PRIVATE PERSON OR PEACE OFFICER WITHOUT WARRANT.

(a) A private person or a peace officer without a warrant may arrest a person

(1) for a crime committed or attempted in the presence of the person making the arrest;

(2) when the person has committed a felony, although not in the presence of the person making the arrest;

(3) when a felony has in fact been committed, and the person making the arrest has reasonable cause for believing the person to have committed it.

(b) In addition to the authority granted under (a) of this section, a peace officer without a warrant may arrest a person when the peace officer has reasonable cause for believing that the person has committed a crime under, or violated conditions imposed as part of the person's release before trial on misdemeanor charges brought under

(1) AS 11.41.270 or AS 11.56.740; or

(2) AS 11.41, AS 11.46.330, or AS 11.61.120, or has violated an ordinance with elements substantially similar to the elements of a crime under AS 11.41, AS 11.46.330, or AS 11.61.120, when the victim is a spouse or former spouse of the person who committed the crime; a parent, grandparent, child, or grandchild of the person who committed the crime; a member of the social unit comprised of those living together in the same dwelling as the person who committed the crime; or another person who is not a spouse or former spouse of the person who committed the crime but who previously lived in a spousal relationship with the person who committed the crime or is in or has been in a dating, courtship, or engagement relationship with the person who committed the crime.

(c) *Repealed, Sec. 16 ch 61 SLA 1982.*

(d) In addition to the authority granted by (a) and (b) of this section, a peace officer without a warrant may arrest a person when the peace officer has reasonable cause for believing that the person has violated conditions imposed as part of the person's release before trial on felony charges brought under

(1) AS 11.41.100 - 11.41.320 when the victim is a spouse or former spouse of the person who committed the crime; a parent, grandparent, child, or grandchild of the person who committed the crime; a member of the social unit comprised of those living together in the same dwelling as the person who committed the crime; or another person who is not a spouse or former spouse of the person who committed the crime but who previously lived in a spousal relationship with the person who committed the crime or is in or has been in a dating, courtship, or engagement relationship with the person who committed the crime; or

(2) AS 11.41.410 - 11.41.455.

Applies only to Crimes -

("Crime" = can be jailed)

Sec. 11.76.105

POSSESSION OF TOBACCO BY A MINOR.

(a) A person under 19 years of age may not knowingly possess a cigarette, a cigar, tobacco, or a product containing tobacco in this state. This subsection does not apply to a person who is a prisoner at an adult correctional facility.

(b) Possession of tobacco by a minor is a violation.

A "violation" = can only be
Fined.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 79

Revision Date: _____
 Title: "An Act relating to the offense of possession of tobacco..."
 Sponsor: Rep. Bunde
 Requestor: (H) STA

Department Affected: Administration
 BRU: Public Defender Agency
 Component: PublicDefender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill exempts from criminal liability minors who possess tobacco products while working as law enforcement undercover agents in sting operations only if they have parental/guardian consent. While this may reduce the numbers of willing agents, it will have no fiscal impact on the agency.

Prepared by: Barbara Brink, Acting Director
 Division: Public Defender

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 4/8/97

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STATE OF ALASKA
DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT

WILLIAM L. HENSLEY
COMMISSIONER



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LICENSING
P.O. BOX 110806
JUNEAU, AK 99811-0806
TELEPHONE: (907) 465-2534
FAX: (907) 465-2974

TO: Barbara

DATE: 4/17/97

COMPANY: (H) State Affairs

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FROM: Jennifer Strickler

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FISCAL NOTE

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

BILL NO. CSHB 79(SA)

Revision Date:
Title: An Act relating to sale, possession, and purchase
of products containing tobacco...
Sponsor: Representative Bunde
Requestor: House State Affairs

Department: Commerce and Economic Development
BRU: Occupational Licensing
Component: Operations
COMPONENT SERIAL NO. 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	41.4	41.4		41.4	41.4	41.4
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	28.5	13.5	13.5	13.5	13.5	13.5
SUPPLIES	1.0	1.0		1.0	1.0	1.0
EQUIPMENT	7.3					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	78.2	65.9	65.9	65.9	65.9	65.9
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	181.2	134.5	181.2	134.5	181.2	134.5

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 General Fund	78.2	65.9	65.9	65.9	65.9	65.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
TOTAL	78.2	65.9	65.9	65.9	65.9	65.9

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
CSHB 79(SA) establishes penalties for individuals and businesses who sell or give tobacco or tobacco related products to minors. The bill also requires the department to develop and train persons in the sale of products containing tobacco regarding federal and state laws and regulations that apply to sales of products containing tobacco and is a condition of renewal of a business license with a tobacco endorsement. The bill also increases the tobacco endorsement fee from \$25 to \$100. Further explanation of the costs and revenue are shown on the attached.

Prepared by: Jennifer Strickler, Administrative Manager
Division: Occupational Licensing
Approved by Commissioner: William L. Hensley
Agency: Commerce and Economic Development

Phone: 485-2144
Date: 4/17/97
Date: 4/17/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO.: CSHB 79(SA)

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

Personal Services

\$41.4

An Occupational Licensing Examiner I, PFT, Range 12, position is needed to process and coordinate licensing renewal applications to ensure the necessary training has been obtained prior to renewal; coordinate and distribute training course material, monitor federal and state tobacco-related laws to initiate updates of training material, and maintain records on convictions of retail outlets whose tobacco endorsements must be suspended or revoked.

Contractual Services

\$28.5

Contractual Services are based on the following items -

- Development of the training course; \$15.0
(One-time only)
- Production (printing/mailling) of training course material based on the assumption that each of the 884 tobacco endorsement businesses renewing in FY 98 have at least one additional retail outlet with a person who must take the course to be eligible for the retail outlet tobacco endorsement renewal. Assuming cost will be \$5.00 each to produce course material, 1,768 licensees x \$5.00; \$8.8
- Contractual-related costs for the one new position, such as communications (phones, postage, etc.); \$3.0
- Office Space least costs per year for the new position based on \$1.45 per sq ft x approx. 98 sq ft per position; \$1.7

Supplies

\$1.0

Provides daily operating desk top supplies for the new position.

Equipment:	(One-time costs only)	\$7.3
Workstation	3.0	
Phone/Install	1.3	
Computer	2.0	
File Cabinet	<u>1.0</u>	
	7.3	
	Total Costs:	\$78.2

Revenue: There are currently 884 business licenses with tobacco endorsements due for renewal in FY 98 that will be expected to pay the new fee at the 12/31/97 renewal. There are currently 656 business licenses with tobacco endorsements that will renew in FY 99 at the 12/31/98 renewal. Assuming licensing activity remains relatively constant, the revenue can be expected to repeat in subsequent years. The licensing of at least one additional retail outlet with tobacco endorsement is expected to generate additional revenue each year. The revenue is summarized as follow:

FY 98

a) <u>New revenue increase from \$25 to \$100: 884 x \$75 =</u>	\$66.3
b) <u>Existing revenue @ \$25: 884 x \$25 =</u>	22.1
c) <u>At least 1 additional retail outlet per licensee: 884 x \$100 =</u>	88.4
d) <u>Training course material at \$15.00 each for 884 licensees plus 884 additional retail outlets: 1,768 x \$15 =</u>	<u>26.5</u>

Total FY 98 Revenue:	\$ 203.3
Less Existing Revenue:	- 22.1
New Revenue:	\$ 181.2

Total FY 98 Revenue:	\$ 203.3
Less FY 98 Costs:	- 78.2
Remaining Balance:	\$ 125.1

FY 99

a) <u>New revenue increase from \$25 to \$100: 656 x \$75 =</u>	\$49.2
b) <u>Existing revenue @ \$25: 656 x \$25 =</u>	16.4
c) <u>At least 1 additional retail outlet per licensee: 656 x \$100 =</u>	65.6
d) <u>Training course material at \$15.00 each for 656 licensees plus 656 additional retail outlets: 1,312 x \$15 =</u>	<u>19.7</u>

Total FY 99 Revenue:	\$ 150.9
Less Existing Revenue:	- 16.4
New Revenue:	\$ 134.5

Total FY 99 Revenue:	\$ 150.9
Less FY 99 Costs:	- 55.9
Remaining Balance:	\$ 95.0

HB

81

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 22, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/12/98

The STATE AFFAIRS Committee considered:

HB 81

HOUSE BILL NO. 81

PERMANENT FUND BOARD MEMBERS & STAFF

"An Act relating to the members of the board and staff of the Alaska Permanent Fund Corporation."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

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

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) GOV

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Frank...</i>	✓			
<i>...</i>			✓	
<i>...</i>			✓	
<i>...</i>			✓	

Vice CHAIR'S SIGNATURE *La M...*

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P.O. Box 66623
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-1271



Web site: www.akleg.gov
Date: 11/11/03
Juneau, Alaska
99801-1122
(907) 465-3443
FAX (907) 465-3381

House (Of) Representatives

House District 34

Sponsor Statement

Lamenting the tremendous turnover in the top management of the Alaska Permanent Fund with both the Knowles and Hickel Administrations, HB 81 is designed to take the politics out of the Permanent Fund Board of Directors appointment process.

House Bill 81, "An Act relating to the members of the board and staff of the Alaska Permanent Fund Corporation," is designed to create continuity within the board by restricting *any* Governor's ability to remove board members without cause and creating staggered terms.

Presently the members serve at the pleasure of the Governor, HB 81 allows the Governor to replace members only for cause. The staggered term provision allows for continuity.

Governor Knowles vetoed similar legislation passed in the Nineteenth Legislature, disregarding a resolution from the Permanent Fund's Board urging him not to do so.

With the Fund breaching \$20 billion, it's in the States best interest to protect the fund from the political whims of changing administrations.

Valdez Dock Company

P.O. BOX 927

VALDEZ, ALASKA 99686

PH: (907) 835-4337

FAX: (907) 835-3856

January 30, 1997

The Honorable Jeannette James
Representative, House of
Representatives
State Capitol, Room No. 102
Juneau, Alaska 99801-1182

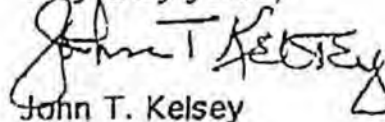
Dear Representative James:

This refers to your House Bill No. 81 relative to the Alaska Permanent Fund Board of Directors appointment process.

I wish to advise, as a past Chairman of subject board, I am in total support of your bill. The problems presented to new board members in the matter of "learning the system" and becoming comfortable with making important decisions of major proportions affect almost all citizens of the State of Alaska. Further, making major decisions without proper education on the operation of such a large fund could be damaging to future earnings that might very well impact budget considerations in the twenty-first century. Removing all board members, or even a majority of them, and appointing new members is unfair to those newly seated and could well adversely affect the state.

For the good of the State of Alaska and its citizenry, I urge the legislature to pass this bill.

Very truly yours,


John T. Kelsey



Alaska Permanent Fund Corporation
P.O. Box 25500 Juneau, Alaska 99802-5500
(907) 465-2047

June 10, 1996

The Honorable Tony Knowles
Governor, State of Alaska
State Capitol
Juneau, Alaska 99801

Dear Governor Knowles:

The Board of Trustees recommends that you allow Senate Bill 89 to become law. There are two principal reasons why the Board supports this legislation:

- the bill would assure Board continuity, making for a more experienced and capable Board over the long term; and
- the addition of a seventh member would enhance the overall expertise of the Board of Trustees.

Thank you for your consideration.

Sincerely,

Grace Berg Schaible

c: Board of Trustees
Byron I. Mallott, Executive Director

Revision Date: _____ Dept. Affected: Revenue
 Title: An Act relating to the members of the board BRU: APFC
and staff of the Alaska Permanent Fund Corporation Component: APFC
 Sponsor: Representative James
 Requestor: State Affairs, Finance COMPONENT SERIAL NO. 109

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL	29.3	29.7	30.2	30.6	31.1	31.7
CONTRACTUAL	2.6	2.6	2.6	2.6	2.6	2.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	31.9	32.3	32.8	33.2	33.7	34.3

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other	31.9	32.3	32.8	33.2	33.7	34.3
TOTAL	31.9	32.3	32.8	33.2	33.7	34.3

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

- This fiscal note assumes implementation on July 1, 1997. It projects costs associated with increasing the number of trustees from six to seven, and replacing one commissioner with a public member.
- Travel assumes 15 trips per year in-state and 2 trips per year out-of-state.
- Transportation costs are assumed to increase at a 4% rate of inflation each year. Per diem and honorarium remain constant in all years.
- Contractual includes registration fees at two seminars.
- Other Fund Source: Corporate Receipts.

Prepared by: Byron I. Mallott, Executive Director Phone: (907) 465-2047
 Division: Alaska Permanent Fund Corporation Date: 2/20/97
 Approved by Commissioner: [Signature] Date: _____
 Agency: Department of Revenue

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 81

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: "An Act relating to the members of the board and BRU: Executive Operations
staff of the Alaska Permanent Fund Corporation." Component: Executive Office
 Sponsor: Representative James
 Requester: House State Affairs COMPONENT SERIAL NO. 6

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact on the Office of the Governor.

Prepared by: Michael A. Nizich, Administrative Director *M. Nizich* Phone: 465-3876
 Division: Administrative Services Date: 2/14/97
 Approved by Commissioner: Jim Avers, Chief of Staff *J. Avers* Date: 2/14/97
 Agency: Office of the Governor

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HB

83

See changes on Page 2, lines 7, 14, & 15.

CS FOR HOUSE BILL NO. 83(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE MARTIN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to commercial vehicle inspections; and providing for an effective**
2 **date."**

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

4 *** Section 1. AS 28.32.010 is amended to read:**

5 **Sec. 28.32.010. Commercial [MOTOR] vehicle safety inspections; citations.**

6 (a) A commercial [MOTOR] vehicle may not be operated [AFTER JANUARY 1, 1986]
7 without a certificate of inspection. An owner or operator of a commercial [MOTOR]
8 vehicle shall renew a certificate of inspection at least annually as required by law. An
9 owner or operator of a commercial vehicle shall provide proof of annual inspection
10 upon demand of a peace officer or employee of the department authorized by the
11 commissioner to enforce this section [SEMI-ANNUALLY AT AN OFFICIAL
12 INSPECTION STATION UNDER AS 28.32.030. THE OWNER MAY RENEW A
13 CERTIFICATE OF INSPECTION AT ANY TIME DURING THE OFFICE HOURS OF
14 THE INSPECTION STATION. AN OWNER OF A COMMERCIAL MOTOR

1 VEHICLE SHALL DISPLAY A CURRENT STICKER OF INSPECTION VISIBLE
2 FROM OUTSIDE THE VEHICLE IN A LOCATION DETERMINED BY THE
3 DIVISION].

4 (b) A peace officer, or an employee of the department who is authorized by the
5 commissioner to enforce both hazardous materials and commercial vehicle safety
6 regulations, may issue a citation under AS 12.25.180 - 12.25.230 to a person who violates
* 7 a regulation adopted under AS 28.05.011 [AS 28.05.011(2). AN EMPLOYEE OF THE
8 DEPARTMENT WHO IS AUTHORIZED BY THE COMMISSIONER TO ENFORCE
9 BOTH HAZARDOUS MATERIALS AND COMMERCIAL VEHICLE SAFETY
10 REGULATIONS MAY NOT TAKE A PERSON INTO CUSTODY UNDER
11 AS 12.25.180(b)].

12 * Sec. 2. AS 28.32.040 is repealed and reenacted to read:

13 **Sec. 28.32.040. Commercial vehicle inspectors.** A person may not conduct
14 commercial vehicle inspections unless qualified under regulations adopted under
* 15 AS 28.32.080.

16 * Sec. 3. AS 28.32.050 is repealed and reenacted to read:

17 **Sec. 28.32.050. Issuance of certificate of inspection.** A person conducting
18 annual commercial vehicle inspections under AS 28.32.010 shall issue a certificate of
19 inspection to the owner or operator after determining the vehicle is in a safe and
20 mechanically sound condition as required by law. The owner or operator of a
21 commercial vehicle shall keep a record of the annual inspection of the vehicle. A peace
22 officer or employee of the department authorized by the commissioner to enforce this
23 chapter may audit the records of a person who performs safety inspections at any time
24 during regular business hours.

25 * Sec. 4. AS 28.32.080 is amended to read:

26 **Sec. 28.32.080. Regulations.** The commissioner of public safety shall adopt
27 procedural regulations appropriate to achieve compatibility with federal law [OTHER
28 WESTERN STATES] and procedural regulations necessary to implement this chapter.

29 * Sec. 5. AS 28.32.090 is amended to read:

30 **Sec. 28.32.090. Criminal penalty.** Except for a violation of AS 28.32.080 or
31 a regulation adopted under AS 28.32.080, a [A] person who violates a provision of this

1 chapter is guilty of a class Δ [B] misdemeanor.

2 * Sec. 6. AS 28.32.900(1) is amended to read:

3 (1) "commercial [MOTOR] vehicle" means a [MOTOR] vehicle [OR A
4 COMBINATION OF A MOTOR VEHICLE AND ONE OR MORE OTHER
5 VEHICLES]

6 (A) used to transport passengers or property for commercial

7 purposes:

8 (B) used upon a highway or vehicular way; and

9 (C) which

10 (i) has a gross vehicle weight rating or gross combination
11 weight rating greater than 10,000 pounds;

12 (ii) is designed to transport more than 15 passengers,
13 including the driver; or

14 (iii) is used in the transportation of materials found by the
15 United States Secretary of Transportation to be hazardous for purposes of
16 49 U.S.C. 1801 - 1813 (Hazardous Materials Transportation Act);

17 (D) except that the following vehicles meeting the criteria in (A) -
18 (C) of this paragraph are not commercial vehicles:

19 (i) emergency or fire equipment that is necessary to the
20 preservation of life or property;

21 (ii) farm vehicles that are controlled and operated by a
22 farmer; used to transport agricultural products, farm machinery, or farm
23 supplies to or from that farmer's farm; not used in the operations of a
24 common or contract motor carrier; and used within 150 miles of the
25 farmer's farm;

26 (iii) school buses;

27 (iv) vehicles owned and operated by the federal
28 government unless the vehicle is used to transport property of the general
29 public for compensation in competition with other persons who own or
30 operate a commercial motor vehicle subject to this chapter [,] and, except
31 to the extent that regulation of vehicles operated by the federal

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government, is permitted by federal law; and

(v) vehicles used exclusively for purposes other than
commercial purposes;

* Sec. 7. AS 28.32.030, 28.32.060, 28.32.070, and 28.32.900(3) are repealed.

* Sec. 8. This Act takes effect July 1, 1997.

*Subcommittee
Frank Dillon*

Hold until Thurs

for (CS)

**CS FOR HOUSE BILL NO. 83(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION**

BY THE HOUSE TRANSPORTATION COMMITTEE

**Offered: 2/12/97
Referred: State Affairs**

Sponsor(s): REPRESENTATIVE MARTIN

Call Sandy!

A BILL

FOR AN ACT ENTITLED

**1 "An Act relating to commercial vehicle inspections; and providing for an effective
2 date."**

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

4 * Section 1. AS 28.32.010 is amended to read:

5 Sec. 28.32.010. Commercial [MOTOR] vehicle safety inspections; citations.

**6 (a) A commercial [MOTOR] vehicle may not be operated [AFTER JANUARY 1,
7 1986] without a certificate of inspection. An owner or operator of a commercial
8 [MOTOR] vehicle shall renew a certificate of inspection at least annually as required
9 by law. An owner or operator of a commercial vehicle shall provide proof of
10 annual inspection upon demand of a peace officer or employee of the department
11 authorized by the commissioner to enforce this section [SEMI-ANNUALLY AT AN
12 OFFICIAL INSPECTION STATION UNDER AS 28.32.030. THE OWNER MAY
13 RENEW A CERTIFICATE OF INSPECTION AT ANY TIME DURING THE
14 OFFICE HOURS OF THE INSPECTION STATION. AN OWNER OF A**

01/09/09 CS

1 .COMMERCIAL MOTOR VEHICLE SHALL DISPLAY A CURRENT STICKER OF
2 INSPECTION VISIBLE FROM OUTSIDE THE VEHICLE IN A LOCATION
3 DETERMINED BY THE DIVISION].

4 (b) A peace officer, or an employee of the department who is authorized by
5 the commissioner to enforce both hazardous materials and commercial vehicle safety
6 regulations, may issue a citation under AS 12.25.180 - 12.25.230 to a person who
7 violates a regulation adopted under AS 28.05.01(2). [AN EMPLOYEE OF THE
8 DEPARTMENT WHO IS AUTHORIZED BY THE COMMISSIONER TO ENFORCE
9 BOTH HAZARDOUS MATERIALS AND COMMERCIAL VEHICLE SAFETY
10 REGULATIONS MAY NOT TAKE A PERSON INTO CUSTODY UNDER
11 AS 12.25.180(b).]

12 * Sec. 2. AS 28.32.040 is repealed and reenacted to read:

13 Sec. 28.32.040. Commercial vehicle inspectors. A person may not conduct
14 commercial vehicle inspections unless qualified under law.

15 * Sec. 3. AS 28.32.050 is repealed and reenacted to read:

16 Sec. 28.32.050. Issuance of certificate of inspection. A person conducting
17 annual commercial vehicle inspections under AS 28.32.010 shall issue a certificate of
18 inspection to the owner or operator after determining the vehicle is in a safe and
19 mechanically sound condition as required by law. The owner or operator of a
20 commercial vehicle shall keep a record of the annual inspection of the vehicle. A
21 peace officer or employee of the department authorized by the commissioner to enforce
22 this chapter may audit the records of a person who performs safety inspections at any
23 time during regular business hours.

24 * Sec. 4. AS 28.32.080 is amended to read:

25 Sec. 28.32.080. Regulations. The commissioner of public safety shall adopt
26 procedural regulations appropriate to achieve compatibility with federal law [OTHER
27 WESTERN STATES] and procedural regulations necessary to implement this chapter.

28 * Sec. 5. AS 28.32.090 is amended to read:

29 Sec. 28.32.090. Criminal penalty. Except for a violation of AS 28.32.080 .:
30 or a regulation adopted under AS 28.32.080, a [A] person who violates a provision :
31 of this chapter is guilty of a class A [B] misdemeanor.

AS 28.32.080

Sgt Brad Brown

278-1777

01/09/09 CS

1 * Sec. 6. AS 28.32.900(1) is amended to read:

2 (1) "commercial [MOTOR] vehicle" means a [MOTOR] vehicle [OR
3 A COMBINATION OF A MOTOR VEHICLE AND ONE OR MORE OTHER
4 VEHICLES]

5 (A) used to transport passengers or property for commercial
6 purposes; *to make money*

7 (B) used upon a highway or vehicular way; and

8 (C) which

9 (i) has a gross vehicle weight rating or gross
10 combination weight rating greater than 10,000 pounds;

11 (ii) is designed to transport more than 15 passengers,
12 including the driver; or

13 (iii) is used in the transportation of materials found by
14 the United States Secretary of Transportation to be hazardous for
15 purposes of 49 U.S.C. 1801 - 1813 (Hazardous Materials Transportation
16 Act);

17 (D) except that the following vehicles meeting the criteria in
18 (A) - (C) of this paragraph are not commercial vehicles:

19 (i) emergency or fire equipment that is necessary to the
20 preservation of life or property;

21 (ii) farm vehicles that are controlled and operated by a
22 farmer; used to transport agricultural products, farm machinery, or farm
23 supplies to or from that farmer's farm; not used in the operations of a
24 common or contract motor carrier; and used within 150 miles of the
25 farmer's farm;

26 (iii) school buses;

27 (iv) vehicles owned and operated by the federal
28 government unless the vehicle is used to transport property of the
29 general public for compensation in competition with other persons who
30 own or operate a commercial motor vehicle subject to this chapter [,]
31 and, except to the extent that regulation of vehicles operated by the

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federal government, is permitted by federal law; and . . . * 1
(v) vehicles used exclusively for purposes other than
commercial purposes;

* Sec. 7. AS 28.32.030, 28.32.060, 28.32.070, and 28.32.900(3) are repealed.

* Sec. 8. This Act takes effect July 1, 1997.

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 12, 1997

FURTHER REFERRALS:

Date of Committee Action: 3/25/97

The STATE AFFAIRS Committee considered:

HB 83

HOUSE BILL NO. 83

COMMERCIAL VEHICLE INSPECTIONS

"An Act relating to commercial motor vehicle inspections; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 83 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

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

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) DPS, DOT

zero fiscal note(s) DPS

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>Richard S. ...</i>	✓			
<i>...</i>			✓	
<i>...</i>	✓			
<i>...</i>	✓			

CHAIR'S SIGNATURE *Jeannette James*

REPRESENTATIVE
TERRY MARTIN
VICE-CHAIRMAN
BUDGET & AUDIT COMMITTEE
MEMBER
HOUSE FINANCE COMMITTEE

Alaska State Legislature



MAY 15 - JAN 15 258-8169
716 W. 4TH, SUITE 650
ANCHORAGE, AK 99504
JAN 15 - MAY 15 465-3783
STATE CAPITOL
JUNEAU, AK 99801-1182

Sponsor Statement

CS HB 83 (Trans)

An Act relating to commercial vehicle inspections; efd.

House Bill 83 was originally introduced in response to a recommendation by the Ombudsman that the requirement to have a commercial motor vehicle inspected by the state be reduced from twice a year to once a year. This recommendation was made because the State Troopers do not have adequate manpower to do the inspections twice a year.

Testimony in the House Transportation Committee, particularly from representatives of the Alaska State Troopers and the Alaska Trucking Association, supported making the changes found in CS HB 83 (Trans).

These changes essentially repeal the state-run inspection program (which had not been implemented due to lack of funding and manpower) and officially adopt the federal regulations under which commercial vehicles are currently inspected. Under the federal program, inspections are conducted either by a qualified in-house mechanic or by contracting with a garage or other repair facility which employs a mechanic qualified to conduct the inspections. A record of inspections and repairs is required to be kept in the vehicle as well as at the facility where the inspection was done.

Peace officers and other authorized officials will still be able to conduct random inspections and review a vehicle's records, issue citations and red-tag an unsafe vehicle to keep it off the highway until it is repaired.

The committee substitute has the support of the State Troopers as well as the biggest industry group affected by the inspection program, the Alaska Trucking Association.



Sectional Analysis

CS HB 83 (Trans)

An Act relating to commercial vehicle inspections; efd.

Sec. 1, in part (a), eliminates the semi-annual inspection requirement, official vehicle inspection stations, and a requirement to display a current sticker of inspection on the vehicle. Instead, an annual inspection is required, and a vehicle owner or operator will have to show proof of the inspection upon demand by an authorized official.

Sec. 1, in part (b) repeals language that prohibited department employees who are not peace officers from taking into custody a person who is being issued a citation but who either does not furnish satisfactory ID or refuses to accept the citation or sign a written promise to appear in court.

Sec. 2 repeals old language describing commercial vehicle inspectors and instead requires inspectors to be qualified "under law." This language is a generic tie-in to federal regulations.

Sec. 3 replaces the never-implemented state-run inspection program with one that meets federal guidelines, in which the inspections are conducted by in-house mechanics or at a qualified garage. This section also allows for audits of inspection records at any time by peace officers or other authorized personnel.

Sec. 4 directs the commissioner of DPS to adopt regulations needed for compatibility with federal law (deleting "other western states.")

Sec. 5 makes a violation of most of the provisions of AS 28.32 a class A misdemeanor (currently a class B). With the change in severity, the punishment for these violations will parallel similar crimes.

Sec. 6 makes changes to the definition of "commercial motor vehicle" to clarify that it is used for "commercial purposes."

Sec. 7 repeals the following: AS 28.32.030, which lays out the state-run inspection program; AS 28.32.060, which made it crime to falsely represent to be a state inspection station; AS 28.32.070, regarding counterfeit certificates of inspection; and AS 28.3.900(3) which defined "division" as the division of Alaska State Troopers for purposes of the inspection program.

Sec. 8 provides an effective date of July 1, 1997.

DATE

RECORD OF ANNUAL INSPECTION

(49 CFR, 396.17-23)

Prepare Separate Report for Each Vehicle Inspected

D2685333

COMPANY NAME			VEHICLE TYPE <input type="checkbox"/> TRUCK <input type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> CONVERTER <input type="checkbox"/> DOLLY		
STREET ADDRESS			VEHICLE MAKE		MODEL YEAR
CITY	STATE	ZIP	VEHICLE IDENTIFICATION (Company No., State Tag No. or VIN)		
INSPECTOR'S NAME (Please Print)				EMPLOYEE NO.	

REPORT OF CONDITION (For Detailed Information on Inspection Procedures see FMCSR Section 396, Appendix G)

	OK	REPAIR		OK	REPAIR		OK	REPAIR		OK	REPAIR
BRAKES			EXHAUST			STEERING			FRAME		
Adjustment			Leaks			Adjustment			Members		
Mechan. Compon.			Placement			Column/Gear			Clearance		
Drum/Rotor			LIGHTING			Axle					
Hose/Tubing			Headlights			Linkage			TIRES		
Lining			Tail/Stop			Power Steering			Tread		
Low Air Warning			Clearance/Marker			Other			Inflation		
Trailer Air Supply			Identification			FUEL SYSTEM			Damage		
Compressor			Reflectors			Tank(s)			Other		
Parking Brakes			Other			Lines					
Other									WHEELS/RIM		
			CAB/BODY			SUSPENSION			Fasteners		
COUPLERS			Access			Springs			Disc/Spoke		
Fifth-Wheel & Mount			Eqpt./Load Secure			Attachments					
Pin/Upper Plate			Tie-Downs			Sliders			WINDSHIELD		
Pintle-Hook/Eye			Headerboard								
Safety Chain(s)			Other			MIRRORS			WINDSHLD. WIP.		

REMARKS

This vehicle has been inspected and repaired as needed to comply with 49 CFR Part 396, Appendix G.

QUALIFIED INSPECTOR'S SIGNATURE _____ DATE _____

APPLY LABEL TO A CLEAN, DRY SURFACE. LABEL MATERIAL IS GUARANTEED TO LAST A 12-MONTH PERIOD UNDER NORMAL WEATHER CONDITIONS.

AN INDELIBLE INK MARKER IS RECOMMENDED FOR USE WHEN FILLING OUT THE LABEL. INDELIBLE INK IS PERMANENT AND WILL NOT WASH OFF, BUT MAY FADE DUE TO EXPOSURE TO ULTRAVIOLET LIGHT OVER TIME. CAREFUL DISCRETION IS ADVISED REGARDING APPLICATION OF LABEL TO AN AREA NOT EXPOSED TO EXCESSIVE ULTRAVIOLET LIGHT AND/OR ELEMENTS AND IT IS RECOMMENDED THAT THE READABILITY OF THE LABEL BE CHECKED PERIODICALLY.

TO REORDER FORM #C1784 CALL 1-800-ATA-LINE.

© 1995 American Trucking Associations, Inc.

FEDERAL ANNUAL INSPECTIONTHIS VEHICLE HAS PASSED AN ANNUAL INSPECTION
CONDUCTED IN ACCORDANCE WITH 49 CFR, PART 396, FMCSR

MONTH YEAR

D2685333

VEHICLE ID (Company No.)

STATE/TAG NO. OR VIN

LOCATION OF RECORDS:

Company _____

Street Address _____

City, State, Zip _____

Frank Dillon:

HB 83 (Marina -
Trucking)

Wants it heard

~~OK -
Call him when
Scheduled~~

3/4/97
Called him
Will he
start
here!

~~276-1149 Frank
Dillon~~

Sgt. Brad
Brown

278 - ~~1779~~

0312

Affirmative Defense -
If covered in Fed
regs & laws.

3/14/97 - Sub Comm Mtg
RE HB 83

Wesley.
Madkins
Mike Ford
Conf. Call 4/97
Dillon & Brown.

3/17
Mike Ford

SO 98 & 99 have
taken effect -
Changes DMV to
Admin !!

also can't pursue A & J's
requests until they
get back.

~~~~~

REPRESENTATIVE  
**TERRY MARTIN**  
VICE-CHAIRMAN  
BUDGET & AUDIT COMMITTEE  
MEMBER  
HOUSE FINANCE COMMITTEE

# Alaska State Legislature



MAY 15 - JAN 15 258-8169  
716 W. 4TH, SUITE 650  
ANCHORAGE, AK 99504  
JAN 15 - MAY 15 465-3783  
STATE CAPITOL  
JUNEAU, AK 99801-1182

## MEMORANDUM

To: Representative Jeannette James, Chair  
House Committee on State Affairs

From: Representative Terry Martin *T.M.*

Date: February 12, 1997

Subject: Request for hearing

---

The House Transportation Committee has taken action on HB 83, a bill relating to commercial vehicle inspections, by adopting a committee substitute and sending it on to the State Affairs Committee. The CS has the strong backing of the Alaska Trucking Association and the State Troopers.

I would be most appreciative if, at your earliest opportunity, you could fit the bill into your committee schedule.

Support information for the Transportation CS are attached. If you have questions, please contact either myself or John Manly or my staff at 465-3783. Thank you for your kind attention to this request.



\*\*\*\*\*  
 \* P. 01 \*  
 \* TRANSACTION REPORT \*  
 \* MAR-17-97 MON 08:18 AM \*  
 \* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP \*  
 \* MAR-17 08:11 AM 919072698918 36" 0 SEND CANCEL 098 \*  
 \* 08:17 AM 33" 1 SEND OK 098 \*  
 \* TOTAL : 1M 9S PAGES: 1 \*  
 \*\*\*\*\*

**STATE OF ALASKA  
 HOUSE OF REPRESENTATIVES**

**Representative Jeannette James**



P.O. Box 56622  
 North Pole, AK 99705  
 TEL 488-1546, FAX 488-4271

State Capitol  
 Juneau, AK 99801  
 TEL 465-3743, FAX 465-2381

**DATE:** March 17, 1997 (Happy St. Patrick's Day!)  
**TO:** Bill Ward, Bob Franklin, Comm. Shively, et.al  
**FROM:** Barbara *Lee*

REPRESENTATIVE  
**TERRY MARTIN**  
VICE-CHAIRMAN  
BUDGET & AUDIT COMMITTEE  
MEMBER  
HOUSE FINANCE COMMITTEE

# Alaska State Legislature



MAY 15 - JAN 15 258-8169  
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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSHB 83(TRA)

Revision Date: 3/21/97 Dept. Affected: DOT&PF  
 Title: "An Act relating to commercial vehicle inspections; and providing for an effective date." BRU: Engineering and Operations  
 Component: Engineering and Operations  
 Sponsor: Representative Martin  
 Requester: State Affairs COMPONENT SERIAL NO. 547

**Expenditures/Revenues** (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 98      | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            |            |            |            |            |            |            |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

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

**FUND SOURCE** (Thousands of Dollars)

| FUND SOURCE              | FY 98      | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts    |            |            |            |            |            |            |
| 1003 GF Match            |            |            |            |            |            |            |
| 1004 GF                  |            |            |            |            |            |            |
| 1005 GF/Program Receipts |            |            |            |            |            |            |
| 1006 GF/MHTIA            |            |            |            |            |            |            |
| Other                    |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

| POSITIONS | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL-TIME |       |       |       |       |       |       |
| PART-TIME |       |       |       |       |       |       |
| TEMPORARY |       |       |       |       |       |       |

**ANALYSIS:** (Attach a separate page if necessary)

The proposed bill will not have a fiscal impact on the Department of Transportation and Public Facilities.

Prepared by: Mike Downing, P.E., Director Phone: 465-2960  
 Division: Engineering and Operations Date: 3/21/97  
 Approved by: Joseph L. Perkins Date: 3/21/97  
 Agency: Department of Transportation and Public Facilities  
 Joseph L. Perkins, Commissioner

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: CSHB 83 (TRA)

Revision Date: 03/10/97  
Title: Commercial Vehicle Inspections  
Sponsor: Rep. Martin  
Requestor: H.STA

Dept. Affected: Public Safety  
BRU: Alaska State Troopers  
Component: Commercial Vehicle Enforcement  
COMPONENT SERIAL NO. 1235

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

| OPERATING                                     | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 |
|-----------------------------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES                             |       |       |       |       |       |       |
| TRAVEL                                        |       |       |       |       |       |       |
| CONTRACTUAL                                   |       |       |       |       |       |       |
| SUPPLIES                                      |       |       |       |       |       |       |
| EQUIPMENT                                     |       |       |       |       |       |       |
| LAND & STRUCTURES                             |       |       |       |       |       |       |
| GRANTS, CLAIMS                                |       |       |       |       |       |       |
| MISCELLANEOUS                                 |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b>                        | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |
| <b>CAPITAL</b>                                | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |
| <b>CHANGE IN REVENUES ( )</b><br>Revenue Code | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |

**FUNDING: (Thousands of Dollars)**

|                       |     |     |     |     |     |     |
|-----------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts |     |     |     |     |     |     |
| 1003 GF Match         |     |     |     |     |     |     |
| 1004 GF               |     |     |     |     |     |     |
| 1005 GF/Program       |     |     |     |     |     |     |
| 1006 GF/MHTIA         |     |     |     |     |     |     |
| Other                 |     |     |     |     |     |     |
| <b>TOTAL</b>          | -0- | -0- | -0- | -0- | -0- | -0- |

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would not have any significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650  
Division: Alaska State Troopers Date: 03/10/97  
Approved by Commissioner: Ronald L. Otte Date: 3/10/97  
Agency: Department of Public Safety

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# FISCAL NOTE

NO. 1  
Bill Version: CSHB 83(TRA)

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO:** (H) Publish Date: 2/12/97

Revision Date: 1/31/97 Dept. Affected: Public Safety  
 Title: Commercial Vehicle Inspections BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Representative Martin  
 Requestor: House Transportation COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

| OPERATING                     | FY 98      | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      |
|-------------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES             |            |            |            |            |            |            |
| TRAVEL                        |            |            |            |            |            |            |
| CONTRACTUAL                   |            |            |            |            |            |            |
| SUPPLIES                      |            |            |            |            |            |            |
| EQUIPMENT                     |            |            |            |            |            |            |
| LAND & STRUCTURES             |            |            |            |            |            |            |
| GRANTS, CLAIMS                |            |            |            |            |            |            |
| MISCELLANEOUS                 |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |
| <b>CAPITAL</b>                | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |
| <b>CHANGE IN REVENUES ( )</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |
| Revenue Code                  |            |            |            |            |            |            |

**FUNDING: (Thousands of Dollars)**

|                       |            |            |            |            |            |            |
|-----------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts |            |            |            |            |            |            |
| 1003 GF Match         |            |            |            |            |            |            |
| 1004 GF               |            |            |            |            |            |            |
| 1005 GF/Program       |            |            |            |            |            |            |
| 1006 GF/MHTIA         |            |            |            |            |            |            |
| Other                 |            |            |            |            |            |            |
| <b>TOTAL</b>          | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)

This bill will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 269-5412  
 Division: Alaska State Troopers Date: January 31, 1997  
 Approved by Commissioner: *Ronald L. Otte* Date: 2/3/97  
 Agency: Ronald L. Otte, Department of Public

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 For further d **Fiscal Note** lative Office

**HB**

**84**

## Sponsor Statement

### HB 84

#### Limiting the authority to conduct pull-tab charitable gaming to qualified organizations that are exempt from taxation under 26 U.S.C. 501(c)(3) or (19).

Alaska's current charitable gaming program allows virtually any organization to apply for and obtain a permit to conduct gaming activities, including bingo, raffles, lotteries and pulltabs. These organizations include many that were never conceived to be included under even the most liberal definition of a charity, such as labor unions, professional organizations, political parties, and many others.

Alaskans did not intend for legalized charitable gaming to be abused in the ways it is today; they certainly did not anticipate that an unprecedented stream of gaming-generated dollars, mainly from pulltabs, would flow into the political process, as they now do. Research has shown that political contributions from organizations that raise money from pulltabs have now eclipsed political contributions from the oil industry in Alaska. In the meantime, Alaskan charities, the intended beneficiaries of the charitable gaming permits, are receiving a lower percentage return than ever.

In the past, subgroups of both political parties have used pulltab permits to raise campaign funds. While campaign finance reform cleaned up much of what was wrong with Alaska political financing, the loophole of charitable gaming is still there, although it remains to be seen (based on gaming permit applications) how many political subgroups will keep this lucrative option open to themselves. Alaska is the only state in the nation that allows direct access between gam(b)ling dollars and the political arena.

House Bill 84 seeks to remedy this deplorable situation by simply permitting only tax-exempt organizations under the IRS code to conduct pulltab games. Pulltabs would continue to be available to the gambling public; however, the proceeds would go to help the needy and other worthy causes, and not be diverted into the pockets of politicians. Other organizations, which would no longer be permitted to conduct pulltab gaming because they do not qualify for tax-exempt status, would still be able to raise money with raffles, bingo, lotteries, and myriad other classics, contests and derbies.

REPRESENTATIVE  
**TERRY MARTIN**  
VICE-CHAIRMAN  
BUDGET & AUDIT COMMITTEE  
MEMBER  
HOUSE FINANCE COMMITTEE

# Alaska State Legislature


MAY 15 - JAN 15 258-8169  
716 W. 4TH, SUITE 650  
ANCHORAGE, AK 99504  
JAN 15 - MAY 15 465-3783  
STATE CAPITOL  
JUNEAU, AK 99801-1182



## MEMORANDUM

March 6, 1997

To: Representative Jeannette James, Chair  
House Committee on State Affairs

From: Representative Terry Martin 

Subject: HB 84 - Pull tabs

---

Thank you for scheduling HB 84 for a hearing next week. I think it is important for the Legislature to engage in the debate about the intent of legalized gaming in Alaska, and especially to explore the question to what extent the most lucrative of the games -- pull tabs -- should be allowed.

As you may have observed, HB 84, as it was originally introduced, proposes a fairly narrow field of tax-exempt groups under IRS definitions that would be permitted to continue playing pull tab games. I fully anticipate that many groups that are currently permitted, but which would no longer be permitted under the bill, will raise objections and ask to have the bill amended to be included. I do not have a blanket objection to expanding the scope to include other tax exempt organizations found in the IRS code. For example, fraternal organizations such as the Elks and Moose are exempt under 501(c)(8). However, I think it would be a healthy exercise to have each and every one of these organizations -- that wish to be able to continue to raise funds under charitable gaming -- to document for us (and for themselves) just exactly how much of their pull tab income actually ends up being used for charitable purposes.

Support information and backup materials are attached. If you have questions, please contact either myself or John Manly of my staff at 465-3783. Thank you for your expeditious attention to this request.



# LEGAL SERVICES

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

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

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

## MEMORANDUM

January 27, 1997

**SUBJECT:** Sectional Summary of HB 84. (0-LS0181\E)

**TO:** Representative Terry Martin  
Attn: John Manly

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

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

**Section 1 of the bill** amends the authority of the Department of Revenue to issue a charitable gaming permit for the conduct of pull-tab games. If the bill becomes law the department may only issue a permit to conduct pull-tab games to those qualified organizations that meet the qualifications for a pull-tab gaming permit under AS 05.15.100(e).

**Section 2 of the bill** amends the authority of the department to issue multiple-beneficiary permits for the conduct of pull-tab games. If the bill becomes law only multiple-beneficiary permittees that consist solely of qualified organizations that are eligible for pull-tab gaming permits under AS 05.15.100(e) can conduct pull-tab games.

**Section 3 of the bill** provides that to be eligible to receive a permit to conduct pull-tab games a qualified organization must be an organization that is described in 26 U.S.C. 501(c)(3) or (19) and is exempt from taxation under 26 U.S.C. 501(a).

**Section 4 of the bill** provides that only permittees receiving a pull-tab permit under AS 05.15.100(e) can contract with an operator to conduct pull-tab games.

**Section 5 of the bill** provides that a pull-tab distributor may only distribute pull-tab games to those permittees and licensees eligible to conduct pull-tab games.

**Section 6 of the bill** provides that only qualified organizations that receive permits under AS 05.15.100(e) can conduct pull-tab games.

Representative Terry Martin

January 27, 1997

Page 2

Section 7 of the bill provides a technical amendment in response to the changes in the bill concerning which groups may conduct pull-tab games. Only qualified organizations that meet the requirements specified in AS 05.15.100(e) can conduct pull-tab games.

Section 8 of the bill provides a clarifying amendment that corresponds to the substantive changes in the bill.

Section 9 of the bill amends the session law that sunsets mushing sweepstakes to preserve the changes made to AS 05.15.100(a) in this bill when the sunset springs into effect in 1999.

Section 10 of the bill provides an effective date.

GPL:pl

97-020.plm

ORGANIZATION REVENUE CHART

| Section of 1986 Code | Description of organization                                                                                                                                                                                        | General nature of activities                                                                                                               |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 501(c) (1)           | Corporations Organized Under Act of Congress (including Federal Credit Unions)                                                                                                                                     | Instrumentalities of the United States                                                                                                     |
| 501(c) (2)           | Title Holding Corporation For Exempt Organization                                                                                                                                                                  | Holding title to property of an exempt organization                                                                                        |
| 501(c) (3)           | Religious, Educational, Charitable, Scientific, Literary, Testing for Public Safety, to Foster National or International Amateur Sports Competition, or Prevention of Cruelty to Children or Animals Organizations | Activities of nature implied by description of class of organization                                                                       |
| 501(c) (4)           | Civic Leagues, Social Welfare Organizations, and Local Associations of Employees                                                                                                                                   | Promotion of community welfare; charitable, educational or recreational                                                                    |
| 501(c) (5)           | Labor, Agricultural, and Horticultural Organizations                                                                                                                                                               | Educational or (instructive, the purpose being to improve conditions of work, and to improve products and efficiency                       |
| 501(c) (6)           | Business Leagues, Chambers of Commerce, Real Estate Boards, Etc.                                                                                                                                                   | Improvement of business conditions of one or more lines of business                                                                        |
| 501(c) (7)           | Social and Recreation Clubs                                                                                                                                                                                        | Pleasure, recreation, social activities                                                                                                    |
| 501(c) (8)           | Fraternal Beneficiary Societies and Associations                                                                                                                                                                   | Lodge providing for payment of life, sickness, accident, or other benefits to members                                                      |
| 501(c) (9)           | Voluntary Employees' Beneficiary Associations                                                                                                                                                                      | Providing for payment of life, sickness, accident or other benefits to members                                                             |
| 501(c) (10)          | Domestic Fraternal Societies and Associations                                                                                                                                                                      | Lodge devoting its net earnings to charitable, fraternal, and other specified purposes. No life, sickness, or accident benefits to members |
| 501(c) (11)          | Teachers' Retirement Fund Associations                                                                                                                                                                             | Teachers' association for payment of retirement benefits                                                                                   |
| 501(c) (12)          | Benevolent Life Insurance Associations, Mutual Ditch or Irrigation Companies, Mutual or Cooperative Telephone Companies, Etc.                                                                                      | Activities of a mutually beneficial nature similar to those implied by the description of class of organization                            |
| 501(c) (13)          | Cemetery Companies                                                                                                                                                                                                 | Burials and incidental activities                                                                                                          |

## Organization Reference Chart

| Section of<br>1986 Code | Description of<br>organization                                          | General nature of<br>activities                                                                             |
|-------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| 501(c)(14)              | State Chartered Credit Unions, Mutual Reserve Funds                     | Loans to members                                                                                            |
| 501(c)(15)              | Mutual Insurance Companies or Associations                              | Providing insurance to members substantially at cost                                                        |
| 501(c)(16)              | Cooperative Organizations to Finance Crop Operations                    | Financing crop operations in conjunction with activities of a marketing or purchasing association           |
| 501(c)(17)              | Supplemental Unemployment Benefit Trusts                                | Provides for payment of supplemental unemployment compensation benefits                                     |
| 501(c)(18)              | Employee Funded Pension Trust (created before June 25, 1959)            | Payment of benefits under a pension plan funded by employees                                                |
| 501(c)(19)              | Post or Organization of Past or Present Members of the Armed Forces     | Activities implied by nature of organization                                                                |
| 501(c)(21)              | Black Lung Benefit Trusts                                               | Funded by coal mine operators to satisfy their liability for disability or death due to black lung diseases |
| 501(c)(22)              | Withdrawal Liability Payment Fund                                       | To provide funds to meet the liability of employers withdrawing from a multi-employer pension fund          |
| 501(c)(23)              | Veterans Organization (created before 1880)                             | To provide insurance and other benefits to veterans                                                         |
| 501(c)(25)              | Title Holding Corporations or Trusts with Multiple Parents              | Holding title and paying over income from property to 35 or fewer parents or beneficiaries                  |
| 501(d)                  | Religious and Apostolic Associations                                    | Regular business activities. Communal religious community                                                   |
| 501(e)                  | Cooperative Hospital Service Organizations                              | Performs cooperative services for hospitals                                                                 |
| 501(f)                  | Cooperative Service Organization of Operating Educational Organizations | Performs collective investment services for educational organizations                                       |
| 501(k)                  | Child Care Organization                                                 | Provides care for children                                                                                  |
| 521(a)                  | Farmers' Cooperative Associations                                       | Cooperative marketing and purchasing for agricultural producers                                             |

26 USCS § 483, n 12

INTERNAL REVENUE CODE

ment: payments made by one spouse to another under marital property settlement agreement. *Gammill v Commissioner* (1980) 73 TC 921, affd (CA10) 710 F2d 607, 82-2 USTC ¶ 9514, 50 AFTR 2d 82-5469.

divorce settlement, and accordingly taxpayer is not entitled to deductions for imputed interest attributable to periodic payments made by him. *McCormick v Commissioner* (1987) TC Memo 1987-418, 54 TCM 242.

Imputed interest rules do not apply to taxpayer's

§§ 484-500. [Reserved for future use.]

SUBCHAPTER F.— Exempt Organizations

Part

- I. General rule.
- II. Private foundations.
- III. Taxation of business income of certain exempt organizations.
- IV. Farmers' cooperatives.
- V. Shipowners' protection and indemnity associations.
- VI. Political organizations.
- VII. Certain homeowners associations.
- VIII. Qualified State tuition programs.

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

- In 1996, P.L. 104-188, Sec. 1806(b)(2), added Part VIII.
- In 1976, P.L. 94-455, Sec. 2101(d), added Part VII.
- In 1975, P.L. 93-625, Sec. 10(d), added Part VI.
- In 1969, P.L. 91-172, Sec. 101(j)(58), redesignated former parts II, III, and IV as parts III, IV, and V respectively and added new part II.

PART I. GENERAL RULE

Sec.

- 501. Exemption from tax on corporations, certain trusts, etc.
- 502. Feeder organizations.
- 503. Requirements for exemption.
- 504. Status after organization ceases to qualify for exemption under section 501(c)(3) because of substantial lobbying or because of political activities.
- 505. Additional requirements for organizations described in paragraph (9), (17), or (20) of section 501(c).

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

- In 1987, P.L. 100-203, Sec. 10711(b)(2)(B), amended item 504.
- Prior to amendment, item 504 read as follows:  
"504. Status after organization ceases to qualify for exemption under section 501(c)(3) because of substantial lobbying."
- In 1984, P.L. 98-369, Sec. 513(b), added the item for Code Sec. 505.
- L. 94-455, Sec. 1307(d)(3)(B), added the item for Code Sec. 504.
- L. 91-172, Sec. 101(j)(61), repealed item 504 relating to denial of exemption.

on from tax on corporations, certain trusts, etc.  
from taxation. An organization described in subsection (c) or (d) or section exempt from taxation under this subtitle unless such exemption is denied under 13.

lated business income and certain other activities. An organization exempt under subsection (a) shall be subject to tax to the extent provided in parts II, III, and VI of this subchapter, but (notwithstanding parts II, III, and VI of this subchapter) if an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

(c) List of exempt organizations. The following organizations are referred to in subsection (a):

(1) Any corporation organized under Act of Congress which is an instrumentality of the United States but only if such corporation—

(A) is exempt from Federal income taxes—

(i) under such Act as amended and supplemented before July 18, 1984, or

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any provision of law which is not contained in a revenue Act, or

the purpose of holding title to property; collecting any amount thereof, less expenses, to an organization. Rules similar to the rules of subparagraph (G) of this paragraph.

(3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

(4)(A) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes.

(B) Subparagraph (A) shall not apply to an entity unless no part of the net earnings of such entity inures to the benefit of any private shareholder or individual.

(5) Labor, agricultural, or horticultural organizations.

(6) Business leagues, chambers of commerce, real-estate boards, boards of trade, or professional football leagues (whether or not administering a pension fund for football players), not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(7) Clubs organized for pleasure, recreation, and other nonprofitable purposes, substantially all of the activities of which are for such purposes and no part of the net earnings of which inures to the benefit of any private shareholder.

(8) Fraternal beneficiary societies, orders, or associations—

(A) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and

(B) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents.

(9) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or designated beneficiaries, if no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

(10) Domestic fraternal societies, orders, or associations, operating under the lodge system—

(A) the net earnings of which are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes, and

(B) which do not provide for the payment of life, sick, accident, or other benefits.

(11) Teachers' retirement fund associations of a purely local character, if—

(A) no part of their net earnings inures (other than through payment of retirement benefits) to the benefit of any private shareholder or individual, and

(B) the income consists solely of amounts received from public taxation, amounts received from assessments on the teaching salaries of members, and income in respect of investments.

(12)(A) Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations; but only if 85 percent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.

(B) In the case of a mutual or cooperative telephone company, subparagraph (A) shall be applied without taking into account any income received or accrued—

(i) from a nonmember telephone company for the performance of communication services which involve members of the mutual or cooperative telephone company,

(ii) from qualified pole rentals,

(iii) from the sale of display listings in a directory furnished to the members of the mutual or cooperative telephone company, or

(iv) from the prepayment of a loan under section 306A, 306B, or 311 of the Rural Electrification Act of 1936 (as in effect on January 1, 1987).

(C) In the case of a mutual or cooperative electric company, subparagraph (A) shall be applied without taking into account any income received or accrued—

(i) from qualified pole rentals, or

(ii) from the prepayment of a loan under section 306A, 306B, or 311 of the Rural Electrification Act of 1936 (as in effect on January 1, 1987).

(D) For purposes of this paragraph, the term "qualified pole rental" means any rental of a pole (or other structure used to support wires) if such pole (or other structure)—

(i) is used by the telephone or electric company to support one or more wires which are used by such company in providing telephone or electric services to its members, and

(ii) is used pursuant to the rental to support one or more wires (in addition to the wires described in clause (i)) for use in connection with the transmission by wire of electricity or of telephone or other communications.

For purposes of the preceding sentence, the term "rental" includes any sale of the right to use the pole (or other structure).

(13) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for the purpose of the disposal of bodies by burial or cremation which is not permitted by its charter to engage in any business not necessarily incident to that purpose, and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(14)(A) Credit unions without capital stock organized and operated for mutual purposes and without profit.

(B) Corporations or associations without capital stock organized before September 1, 1957, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of shares or deposits in—

(i) domestic building and loan associations,

(ii) cooperative banks without capital stock organized and operated for mutual purposes and without profit,

(iii) mutual savings banks not having capital stock represented by shares, or

(iv) mutual savings banks described in section 591(b) [.]

(C) Corporations or associations organized before September 1, 1957, and operated for mutual purposes and without profit for the purpose of providing reserve funds for associations or banks described in clause (i), (ii), or (iii) of subparagraph (B); but only if 85 percent or more of the income is attributable to providing such reserve funds and to investments. This subparagraph shall not apply to any corporation or association entitled to exemption under subparagraph (B).

(15)(A) Insurance companies or associations other than life (including interinsurers and reciprocal underwriters) if the net written premiums (or, if greater, direct written premiums) for the taxable year do not exceed \$350,000.

(B) For purposes of subparagraph (A), in determining whether any company or association is described in subparagraph (A), such company or association shall be treated as receiving during the taxable year amounts described in subparagraph (A) which are received during such year by all other companies or associations which are members of the same controlled group as the insurance company or association for which the determination is being made.

(C) For purposes of subparagraph (B), the term "controlled group" has the meaning given such term by section 831(b)(2)(B)(ii).

(16) Corporations organized by an association subject to part IV of this subchapter or members thereof, for the purpose of financing the ordinary crop operations of such members or other producers, and operated in conjunction with such association. Exemption shall not be denied any such corporation because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 percent per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the corporation, on dissolution or otherwise, beyond the fixed dividends) is owned by such association, or members thereof; nor shall exemption be denied any such corporation because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose.

(17)(A) A trust or trusts forming part of a plan providing for the payment of supplemental unemployment compensation benefits, if—

- (i) under the plan, it is impossible, at any time prior to the satisfaction of all liabilities, with respect to employees under the plan, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of supplemental unemployment compensation benefits.
  - (ii) such benefits are payable to employees under a classification which is set forth in the plan and which is found by the Secretary not to be discriminatory in favor of employees who are highly compensated employees (within the meaning of section 414(q)), and
  - (iii) such benefits do not discriminate in favor of employees who are highly compensated employees (within the meaning of section 414(q)). A plan shall not be considered discriminatory within the meaning of this clause merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.
- (B) In determining whether a plan meets the requirements of subparagraph (A), any benefits provided under any other plan shall not be taken into consideration, except that a plan shall not be considered discriminatory—
- (i) merely because the benefits under the plan which are first determined in a nondiscriminatory manner within the meaning of subparagraph (A) are then reduced by any sick, accident, or unemployment compensation benefits received under State or Federal law (or reduced by a portion of such benefits if determined in a nondiscriminatory manner), or
  - (ii) merely because the plan provides only for employees who are not eligible to receive sick, accident, or unemployment compensation benefits under State or Federal law the same benefits (or a portion of such benefits if determined in a nondiscriminatory manner) which such employees would receive under such laws if such employees were eligible for such benefits, or
  - (iii) merely because the plan provides only for employees who are not eligible under another plan (which meets the requirements of subparagraph (A)) of supplemental unemployment compensation benefits provided wholly by the employer the same benefits (or a portion of such benefits if determined in a nondiscriminatory manner) which such employees would receive under such other plan if such employees were eligible under such other plan, but only if the employees eligible under both plans would make a classification which would be nondiscriminatory within the meaning of subparagraph (A).
- (C) A plan shall be considered to meet the requirements of subparagraph (A) during the whole of any year of the plan if on one day in each quarter it satisfies such requirements.
- (D) The term "supplemental unemployment compensation benefits" means only—
- (i) benefits which are paid to an employee because of his involuntary separation from the employment of the employer (whether or not such separation is temporary) resulting directly from a reduction in force, the discontinuance of a plant or operation, or other similar conditions, and
  - (ii) sick and accident benefits subordinate to the benefits described in clause (i).
- (E) Exemption shall not be denied under subsection (a) to any organization entitled to such exemption as an association described in paragraph (9) of this subsection merely because such organization provides for the payment of supplemental unemployment benefits (as defined in subparagraph (D)(i)).
- (18) A trust or trusts created before June 25, 1959, forming part of a plan providing for the payment of benefits under a pension plan funded only by contributions of employees, if—
- (A) under the plan, it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees under the plan, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of benefits under the plan,
  - (B) such benefits are payable to employees under a classification which is set forth in the plan and which is found by the Secretary not to be discriminatory in favor of employees who are highly compensated employees (within the meaning of section 414(q)),
  - (C) such benefits do not discriminate in favor of employees who are highly compensated employees (within the meaning of section 414(q)). A plan shall not be considered discriminatory within the meaning of this subparagraph merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan, and
  - (D) in the case of a plan under which an employee may designate certain contributions as deductible—
    - (i) such contributions do not exceed the amount with respect to which a deduction is allowable under section 219(b)(3),

26 USCS § 501

REVENUE CODE

(ii) requirements similar to respect to such elective contributions (iii) such contributions are (other than paragraph (4) (iv) the requirements of section For purposes of subparagraph apply. For purposes of section treated as an excess contribution

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←

A)(ii) are met with of section 402(g)

tion 401(k)(8) shall clause (ii) shall be mt.

(19) A post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization—

- (A) organized in the United States or any of its possessions,
- (B) at least 75 percent of the members of which are past or present members of the Armed Forces of the United States and substantially all of the other members of which are individuals who are cadets or are spouses, widows, or widowers of past or present members of the Armed Forces of the United States or of cadets, and
- (C) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(20) an organization or trust created or organized in the United States, the exclusive function of which is to form part of a qualified group legal services plan or plans, within the meaning of section 120. An organization or trust which receives contributions because of section 120(c)(5)(C) shall not be prevented from qualifying as an organization described in this paragraph merely because it provides legal services or indemnification against the cost of legal services unassociated with a qualified group legal services plan.

(21)(A) A trust or trusts established in writing, created or organized in the United States, and contributed to by any person (except an insurance company), if—

- (i) the purpose of such trust or trusts is exclusively—
  - (I) to satisfy, in whole or in part, the liability of such person for, or with respect to, claims for compensation for disability or death due to pneumoconiosis under Black Lung Acts;
  - (II) to pay premiums for insurance exclusively covering such liability,
  - (III) to pay administrative and other incidental expenses of such trust in connection with the operation of the trust and the processing of claims against such person under Black Lung Acts, and
  - (IV) to pay accident or health benefits for retired miners and their spouses and dependents (including administrative and other incidental expenses of such trust in connection therewith) or premiums for insurance exclusively covering such benefits; and

(ii) no part of the assets of the trust may be used for, or diverted to, any purpose other than—

- (I) the purposes described in clause (i),
- (II) investment (but only to the extent that the trustee determines that a portion of the assets is not currently needed for the purposes described in clause (i)) in qualified investments, or
- (III) payment into the Black Lung Disability Trust Fund established under section 9501, or into the general fund of the United States Treasury (other than in satisfaction of any tax or other civil or criminal liability of the person who established or contributed to the trust).

(B) No deduction shall be allowed under this chapter for any payment described in subparagraph (A)(i)(IV) from such trust;

(C) Payments described in subparagraph (A)(i)(IV) may be made from such trust during a taxable year only to the extent that the aggregate amount of such payments during such taxable year does not exceed the lesser of—

- (i) the excess (if any) (as of the close of the preceding taxable year) of—
  - (I) the fair market value of the assets of the trust, over
  - (II) 110 percent of the present value of the liability described in subparagraph (A)(i)(I) of such person, or

- (ii) the excess (if any) of—
  - (I) the sum of a similar excess determined as of the close of the last taxable year ending before the date of the enactment of this subparagraph plus earnings thereon as of the close of the taxable year preceding the taxable year involved, over
  - (II) the aggregate payments described in subparagraph (A)(i)(IV) made from the



# NEWS RELEASE

For Immediate Release  
January 22, 1997

Contact: Rep. Terry Martin  
(907) 465-3783

## MARTIN INTRODUCES BILL TO LIMIT PULL-TAB GAMING TO 501(c)3 CHARITIES

JUNEAU, AK -- Representative Terry Martin (R-Anchorage) has introduced legislation that would limit the permitting of pull-tab gaming to organizations that qualify as tax-exempt charities under the Internal Revenue Service code.

Martin, a long-time opponent of gambling in Alaska, said the state's current charitable gaming program allows virtually any organization, from labor unions to professional associations to political parties, to raise money--under the guise of charity--through pull-tab permits.

"Many are not charities," Martin said. "The situation has simply gone far beyond what the legislature and the people of Alaska intended when they approved the charitable gaming program. What we have discovered is that there is now a heavy stream of dollars, generated mainly from pull-tabs, flowing into the political arena. In fact, the amount of money contributed to political campaigns by organizations with pull-tab permits is more than the total amount contributed by the oil industry."

Martin said his bill would allow only those organizations that qualify as tax-exempt under 26 U.S.C. 501(c)(3) to obtain pull-tab gaming permits from the state. "Is this extreme?" Martin asked. "Maybe so, but we need to explore all sides of this problem to determine what our solution ought to be."

Other organizations that do not qualify as tax-exempt, but which would like to continue to use charitable gaming activities to raise money could be issued permits to run raffles, bingo, lotteries, and myriad other classics, contests and derbies.

- more -

Martin's research has shown that subgroups of both major political parties in Alaska have in the past used pull-tab permits to raise campaign funds. "I am hopeful that some political parties or subgroups have ceased to use the pull-tabs, but I'm not sure they have," Martin said. "Even with campaign finance reform passed last session, we still have a big loophole, allowed by the abuse of charitable gaming permits."

"Alaska is the only state in the nation that has allowed gambling money direct access to the political process. This bill will put Alaska on par with other states by simply using the IRS definition of a charitable organization."

The bill, HB 84, was referred to the state affairs, labor and commerce and finance committees. Martin said he will ask for hearings right away on the bill.

- end -

# Lawmaker wants to limit pull-tab groups

By DIRK MILLER

The Associated Press

JUNEAU — An Anchorage lawmaker wants to limit the number of groups that can sell pull-tab games to those that meet the Internal Revenue Service's definition of nonpolitical charities.

The move would knock political parties, labor unions and many other nonprofit organizations out of the pull-tab business. Pull tabs are paper slot-machine type games that generally sell for up to \$1.

Rep. Terry Martin, R-Anchorage, said he wants to rein in the

kinds of groups that can get into the gaming business and to ensure that pull-tab money is kept out of political campaigns.

Last year, lawmakers passed legislation to do that by prohibiting use of money raised from pull-tab sales for political purposes. But Martin said that organizations can potentially get around the law by using the pull-tab prof-



its to pay for operating expenses — freeing up other money for political purposes.

"If you want to get gambling out of politics, you've got to restrict the charitable organizations," Martin said. "The biggest loophole in the campaign acts is gambling."

Former Rep. Cynthia Toohey, an Anchorage Republican, was behind the legislation that cut political use of pull-tab money. Toohey, who did not run for reelection, said Martin may be going too far with his proposal.

"I'm not sure that tightening it

up, you won't do more damage to the bona fide charities," Toohey said.

Alaska law allows a variety of organizations to qualify for charitable gaming permits, including fraternal organizations, chambers of commerce, business groups and others.

In 1995, according to the state charitable gaming division, the sale of pull tabs accounted for almost \$20 million that went to Alaska nonprofit groups.

Martin's bill would restrict the permits to those groups allowed

Please see Page B-3, PULL TABS

## PULL TABS: Measure seeks limits

Continued from Page B-1

under an IRS tax code provision as tax-exempt. They include religious, educational, scientific, literary, public safety testing and amateur sports groups, and organizations that aim to prevent cruelty to animals and children.

The bill also would allow military service groups to continue in the pull-tab business.

Dennis Poshard, state charitable gaming director, said several political organizations hold pull-tab permits and more than 1,000 groups are permitted by the state to sell pull tabs.

Poshard said the gaming division has not taken a position on Martin's bill.

The Democratic Party said Martin's bill could limit public participation in pol-

itics.

"We do rely on that money to help keep doors open and communicate with Democrats around the state," said Deborah Bonito, Democratic Party chairwoman. "In the light that he casts it, often it's as if the party is something devious."

The Republican Party is generally opposed to pull-tab gaming, although some GOP auxiliary organizations conduct the games, said Tom McKay, the party's vice chairman. The party has a pull-tab permit, according to the state. McKay said it has not been used in recent years.

"Creative people will always find ways to get good things done," McKay said. "I don't buy the argument that parties will dry up if they can't do gambling."

Anchorage  
Daily News  
Thursday, 2-06-96

# ALASKA

## JEDC gets \$100,000 revolving loan

■ *Money to provide loans for Southeast small businesses, housing developers*

By CATHY BROWN

THE JUNEAU EMPIRE

A revolving loan fund to provide credit to small businesses and housing developers in Southeast will soon be ready to start lending cash.

The Juneau Assembly Finance Committee on Wednesday gave the Juneau Economic Development Council's loan fund the green light to start making loans.

The committee also approved spending a total of \$103,400 on other development council needs, a Perseverance Theatre grant, a feasibility study for a cold storage facility and a part-time tourism coordinator position.

The assembly agreed in May 1996 to provide \$100,000 for the revolving loan fund, but said the money would not be released until the development council found enough matching funds to bring the balance to \$250,000.

Since then the city of Sitka has contributed \$250,000 to the fund

and Wrangell has pitched in \$100,000. Those communities, however, specified their money could only be used to fund businesses in their communities.

Juneau Finance Director Craig Duncan said, because of those restrictions, he wasn't sure the additional contributions met the assembly's requirements for matching funds. The fund was set up to provide credit throughout Southeast, and local officials had not limited their contribution to Juneau projects.

"It's a little troublesome, I guess, that ours is unrestricted," Finance Committee Chairman Rod Swope said.

Nonetheless, the assembly panel unanimously agreed to go ahead and release the money.

"The political situation in those communities has got to be really on the brink . . ." assembly member Rosemary Hagevig said. "I think we need to generate a little positive PR about the willingness of this community to reach out to our neighbors."

The money, despite the restrictions, will help the fund leverage money from other sources, JEDC Director Charles Northrip said.

The finance committee also



Assembly's Rod Swope:

"It's a little troublesome, I guess, that ours is unrestricted."

agreed to let JEDC spend \$47,500 in federal economic disaster funds to make up for an unexpected shortfall in a federal grant for the council's Microenterprise Development Project, which provides assistance to people starting small businesses.

Committee members also agreed to let the council spend \$15,000 to cover the council's costs

of administering the economic disaster fund program. That money would come out of interest earned by those funds.

In other decisions, the committee gave Perseverance a \$10,000 unsolicited donation because the theater company is in difficult financial times. The panel also authorized spending \$25,000 for a feasibility study on whether to build a cold storage facility in Juneau.

Committee members agreed to spend \$5,900 out of fees generated by the Mount Roberts tram to hire a part-time tourism coordinator to staff the city's Tourism Working Group. The money would pay that person's salary until the beginning of the next fiscal year in July.

Except for the revolving loan fund money, all other funding approved by the Finance Committee must still go through the full assembly in ordinance form.

The Finance Committee turned down a request of about \$300 from Southeast Alaska Guidance Association to cover the rental of Centennial Hall for an Earth Day celebration. Two assembly members who voted against that request, Ralph Kibby and John MacKinnon, offered to make a personal donation to the group.

## Kids on the Street rallies for homeless teens

■ *Homeless youths and other teens invited to Saturday gathering*

alize they're all homeless.

What Iannolino says he discovered that night is Juneau has a problem — teens with no place to

lessness is a problem he's witnessed first-hand. A youth community coordinator with SEARHC, Fink has also worked with Kids on

Kids on the Street is a chance for teens to get involved and give a ground-level perspective.

Kids on the Street has been

Pull-tab permittees that are not 501 (c)(3) or (19)

95 No SCH not c3orc19

| Permit  | NAME                                     | ADDRESS                        | CITY      | ZIP1  | IRS Status |
|---------|------------------------------------------|--------------------------------|-----------|-------|------------|
| P950055 | 35 Plus Singles Club, Inc.               | 1561 Muldoon Rd                | Anchorage | 99504 | C7         |
| P951539 | Advocates For Victims Of Violence        | P.O. Box 524                   | Valdez    | 99C86 |            |
| P951394 | Agdaagux Tribal Council                  | PO Box 18                      | King Cove | 99612 |            |
| P950931 | Alakanuk Center Committee                | P.O. Box 104                   | Alakanuk  | 99554 |            |
| P950626 | Alano Club Of Fairbanks                  | 830 6th Avenue                 | Fairbanks | 99701 | C4         |
| P951525 | Alaska 700 Bowling Club                  | P.O. Box 241622                | Anchorage | 99504 |            |
| P950428 | Alaska Alumnae Chapter Delta Sigma Theta | P.O. Box 141885                | Anchorage | 99514 | C7         |
| P951235 | Alaska Association Of Realtors           | 741 Sesame St. Suite 100       | Anchorage | 99501 | C6         |
| P950138 | Alaska Association Of The Deaf           | 1345 Rudakof Circle #107       | Anchorage | 99508 |            |
| P950059 | Alaska Bowling Proprietors Association   | 3717 Minnesota Drive           | Anchorage | 99503 | C6         |
| P950346 | Alaska Cabaret Hotel Rest Retailers Asso | 341 East 56th Avenue ste 200   | Anchorage | 99518 | C6         |
| P951166 | Alaska Charitable Gaming Assn Inc        | 3707 Woodland Drive, Suite 3   | Anchorage | 99517 |            |
| P950894 | Alaska Chiropractic Society              | P.O. Box 111507                | Anchorage | 99511 |            |
| P951133 | Alaska Dog Musers Association            | PO Box 70662                   | Fairbanks | 99709 | C4         |
| P950988 | Alaska Federation Of Republican Women    | 605 Benson Blvd.               | Anchorage | 99503 |            |
| P951112 | Alaska Gold Youth Soccer, Inc.           | P.O. Box 90536                 | Anchorage | 99509 |            |
| P950772 | Alaska Goldpanners Baseball Inc          | PO Box 71154                   | Fairbanks | 99707 |            |
| P950039 | Alaska Hotel & Motel Association         | P.O. Box 104900                | Anchorage | 99510 | C6         |
| P950853 | Alaska Humane Society, Inc.              | P.O. Box 103567                | Anchorage | 99510 |            |
| P951594 | Alaska Ironworkers Political Action Comm | 650 W International, Suite 101 | Anchorage | 99518 | C5         |
| P950126 | Alaska Laborers Local 341 Pol & Ed Comm  | 2501 Commercial Drive          | Anchorage | 99501 | C5         |
| P950426 | Alaska Laborers Training School          | 13500 Old Seward Highway       | Anchorage | 99515 |            |
| P950337 | Alaska Native Brotherhood Camp #1        | P.O. Box 72                    | Sitka     | 99835 | C5         |
| P950033 | Alaska Native Brotherhood Camp #12       | P.O. Box 352                   | Hoonah    | 99829 | C5         |
| P951520 | Alaska Native Brotherhood Camp #2        | 320 Willoughby Ave. Suite 100  | Juneau    | 99801 | C5         |
| P951654 | Alaska Native Brotherhood Camp #6        | P.O. Box 322                   | Hydaburg  | 99922 | C5         |
| P950940 | Alaska Native Brotherhood Camp #9        | P.O. 63                        | Klawock   | 99925 | C5         |
| P950099 | Alaska Native Brotherhood Grand Camp     | P.O. Box 32298                 | Juneau    | 99803 | C5         |
| P950096 | Alaska Native Sisterhood #5              | P.O. Box 749                   | Haines    | 99827 | C5         |
| P950816 | Alaska Native Sisterhood Camp #12        | P.O. Box 556                   | Hoonah    | 99829 | C5         |
| P950009 | Alaska Outdoor Council                   | P.O. Box 73902                 | Fairbanks | 99707 |            |
| P950431 | Alaska Shrine Temple                     | 1730 East Northern Lights Blvd | Anchorage | 99508 |            |
| P950877 | Alaska State Aerie                       | 502 Mckinley View Drive        | Fairbanks | 99701 |            |
| P950664 | Alaska State Aff-Cio                     | 2501 Commercial Drive          | Anchorage | 99501 | C5         |
| P950992 | Alaska State Home Builders Association   | 7801 Schoon #a                 | Anchorage | 99518 | C6         |
| P950834 | Alaska Women's Political Caucus          | P.O. Box 101571                | Anchorage | 99510 | C4         |
| P950132 | Alaska/Hawaii Moose Association          | 4909 Roger Dr.                 | Anchorage | 99507 | C8         |
| P950942 | Alaskan Korean Human Rights Committee    | 2217 East Tudor Road, Suite 11 | Anchorage | 99507 |            |
| P950434 | Alpine Civic Club                        | P.O. Box 344                   | Sutton    | 99674 |            |

| Permit  | NAME                                           | ADDRESS                    | CITY                        | ZIP1  | IRS Status |
|---------|------------------------------------------------|----------------------------|-----------------------------|-------|------------|
| P950650 | American Federation Gov Empl Council 121       | P.O. Box 100035            | Anchorage                   | 99510 | C5         |
| P950044 | American Legion Auxiliary #16                  | P.O. Box 2643              | Homer                       | 99603 |            |
| P950067 | American Legion Auxiliary #5                   | Box 706                    | Seward                      | 99664 |            |
| P951707 | American Legion Baseball Booster Club          | P O Box 1044               | Kenai                       | 99611 |            |
| P950016 | American Legion Post #12                       | P.O. Box 452               | Haines                      | 99827 |            |
| P950016 | American Legion Post #12                       | P.O. Box 452               | Haines                      | 99827 |            |
| P950156 | American Legion Post #13                       | P.O. Box 13                | Sitka                       | 99835 |            |
| P950498 | American Legion Post #16                       | P.O. Box 858               | Homer                       | 99603 |            |
| P950206 | American Legion Post #32                       | P.O. Box 238               | Kake                        | 99830 |            |
| P950212 | American Red Cross Southcentral Ak Chpt        | P.O. Box 101139            | Anchorage                   | 99510 |            |
| P951293 | American Red Cross, Tanana Valley Chaptr       | 626 Second Street, Graehl  | Fairbanks                   | 99701 |            |
| P951673 | Amvets Auxillary #4                            | 35390 K Beach Rd #30       | Soldotna                    | 99669 | C4         |
| P951572 | Amvets Department Of Alaska, Inc.              | 855 E. 38th Avenue         | Anchorage                   | 99503 | C4         |
| P950283 | Amvets Post 2 Inc.                             | 855 E. 38th                | Anchorage                   | 99503 | C4         |
| P951179 | Amvets Post 4                                  | 35390 K. Beach Rd #30      | Soldotna                    | 99669 | C4         |
| P950191 | Anchorage Amateur Radio Club, Inc.             | P.O. Box 101987            | Anchorage                   | 99510 | C7         |
| P950540 | Anchorage Cheechako Chorus                     | 502 Copperbush Court       | Anchorage                   | 99518 |            |
| P951390 | Anchorage East Rotary Club Inc.                | P.O. Box 100435            | Anchorage                   | 99510 |            |
| P951191 | Anchorage Firefighters Union                   | 1200 East 76th Ave. #1227  | Anchorage                   | 99518 |            |
| P950041 | Anchorage Home Builders Association            | 7801 Schoon Street, Unit A | Anchorage                   | 99518 | C6         |
| P951096 | Anchorage Opera Company                        | 1507 Spar Avenue           | Anchorage                   | 99501 |            |
| P950653 | Anchorage Republican Women's Club              | P.O. Box 240033            | Anchorage                   | 99524 |            |
| P950341 | Anchorage Restaurant & Beverage Assn           | 341 East 56th Ave, Ste 200 | Anchorage                   | 99518 | C6         |
| P951377 | Anchorage Russian Jac <sup>r</sup> Rotary Club | P.O. Box 90553             | Anchorage                   | 99509 | C4         |
| P950695 | Anchorage Senior/Anchor Age Center             | 1300 E. 19th Avenue        | Anchorage                   | 99501 | C4         |
| P950087 | Anchorage Sourdough Chorus/Sweet Adeline       | PO Box 141665              | Anchorage                   | 99514 |            |
| P950061 | Anchorage Sports Association, Inc.             | P.O. Box 92106             | Anchorage                   | 99509 | C4         |
| P950173 | Andreafski Townsite Womens Club                | General Delivery           | St. Mary's                  | 99658 |            |
| P951204 | Arctic Knights Youth Soccer Club               | P.O. Box 71840             | Fairbanks                   | 99707 |            |
| P951161 | Arctic Man Ski & Sno-Go Classic                | 416 Slater Drive           | Fairbanks                   | 99701 |            |
| P950907 | Arctic Masonic Lodge #7                        | P.O. Box 4583              | Eielson A.F.B.              | 99702 |            |
| P950907 | Arctic Masonic Lodge #7                        | P.O. Box 4583              | Eielson A.F.B.              | 99702 |            |
| P950306 | Arctic Native Brotherhood (Dont Issue)         | PO Box 949                 | Nome                        | 99762 | C7         |
| P951521 | Asa'carsarmiut Tribal Council                  | P.O. Box 32249             | Mt. Village                 | 99632 |            |
| P950526 | Atka Ira Council                               | P.O. Box 47030             | Atka                        | 99547 |            |
| P951421 | Atmautluak Traditional Council                 | General Delivery           | Atmautluak                  | 99559 |            |
| P951544 | Aurora International                           | P.O. Box 520581            | Big Lake                    | 99652 |            |
| P950960 | Aware, Inc.                                    | P.O. Box 020809            | Juneau                      | 99802 |            |
| P950995 | Bartlett High School Boys Basketball           | 18800 So.KAnaga Loop       | booster Club<br>Eagle River | 99577 |            |

| Permit  | NAME                                      | ADDRESS                       | CITY           | ZIP1  | IRS Status   |
|---------|-------------------------------------------|-------------------------------|----------------|-------|--------------|
| P950158 | Bering Sea Lions Club                     | P.O. Box 326                  | Nome           | 99762 | C4           |
| P951609 | Bethel League Inc                         | P.O. Box 927                  | Bethel         | 99559 |              |
| P950806 | Bethel Lions Club                         | P.O. Box 646                  | Bethel         | 99559 | C4           |
| P950241 | Big Lake Regatta Association              | Box 520921                    | Big Lake       | 99652 | C4           |
| P950324 | Boondox Lions Club                        | P.O. Box 55462                | North Pole     | 99705 | C4           |
| P950403 | Boosters Of Immaculate Conception School  | PO Box 70684                  | Fairbanks      | 99707 |              |
| P950289 | BPO Elks Lodge #1351 Anchorage            | P.O. Box 100640               | Anchorage      | 99510 | C8           |
| P950199 | BPO Elks Lodge #1483 Cordova              | Box 59                        | Cordova        | 99574 | C3           |
| P950106 | BPO Elks Lodge #1595 Wrangell             | P.O. Box 377                  | Wrangell       | 99929 | C8           |
| P950578 | BPO Elks Lodge #1615 Petersburg           | Box 609                       | Petersburg     | 99833 | C8           |
| P950007 | BPO Elks Lodge #1662 Sitka                | 412 Sawmill Creek Road        | Sitka          | 99835 | C8           |
| P950166 | BPO Elks Lodge #1772 Kodiak               | P.O. Box 846                  | Kodiak         | 99615 |              |
| P950887 | BPO Elks Lodge #1773 Seward               | Box 426                       | Seward         | 99664 | C8           |
| P950309 | BPO Elks Lodge #1842 Palmer               | 209 W. Evergreen Ave.         | Palmer         | 99645 | C8           |
| P950162 | BPO Elks Lodge #2425 Kenai                | Box 666                       | Kenai          | 99611 | C8           |
| P950312 | BPO Elks Lodge #2634 Haines               | P.O. Box 29                   | Haines         | 99827 | C8           |
| P950137 | BPO Elks Lodge #2682 Eagle River          | 17111 N. Eagle River Loop Rd. | Eagle River    | 99577 | C8           |
| P950662 | BPO Elks Lodge #2706 Soldotna             | P.O. Box 2030                 | Soldotna       | 99669 | C8           |
| P950261 | BPO Elks Lodge #420 Juneau                | 109 South Franklin Street     | Juneau         | 99801 | C8           |
| P950174 | BPO Elks Lodge #431 Skagway               | P.O. Box 416                  | Skagway        | 99840 | C8           |
| P950164 | Brevig Mission City Council               | PO Box 85021                  | Brevig Mission | 99785 |              |
| P950688 | Brevig Mission Traditional Council        | PO Box 85063                  | Brevig Mission | 99785 |              |
| P950361 | Brotherhood, Inc.                         | 625 E. 34th Ste 302           | Anchorage      | 99503 |              |
| P951181 | Caribou Hills Cabin Hoppers               | PO Box 39349                  | Ninilchik      | 99639 |              |
| P951181 | Caribou Hills Cabin Hoppers               | PO Box 39349                  | Ninilchik      | 99639 |              |
| P950533 | Carpenters Legislative Improvement Cornm. | 407 Denali, Suite 100         | Anchorage      | 99501 |              |
| P950734 | Catholic Community Resources, Inc         | P.O. Box 71544                | Fairbanks      | 99707 |              |
| P950923 | Challenge Alaska                          | P.O. Box 110065               | Anchorage      | 99511 |              |
| P951467 | Charitable Gaming Assoc. Of Alaska        | P.O. Box 93710                | Anchorage      | 99509 | C6           |
| P950660 | Chatanika Nonprofit Community Council     | 5760 Old Steese Highway North | Fairbanks      | 99712 |              |
| P950601 | Chiechako Lions Club                      | 558 Gaffney Rd                | Fairbanks      | 99701 | C4           |
| P951250 | Chefornak Traditional Council             | PO Box 110                    | Chefornak      | 99561 |              |
| P950832 | Chevak Traditional Council                | P.O. Box 140                  | Chevak         | 99563 |              |
| P951676 | Children Of The World, Inc.               | P.O. Box 23027                | Juneau         | 99802 |              |
| P950408 | Chistochina Village Council               | PO Box 241                    | Gakona         | 99586 |              |
| P950223 | Chugiak Eagle River Chamber Of Commerce   | P.O. Box 770353               | Eagle River    | 99577 | C6           |
| P950149 | Chugiak High School Boys Basketball       | 18241 Baronoff Ave            | Eagle River    | 99577 | booster Club |
| P950928 | City Of Akutan                            | P.O. Box 109                  | Akutan         | 99553 |              |
| P951294 | City Of Alakanuk                          | P.O. Box 167                  | Alakanuk       | 99554 |              |

| Permit  | NAME                           | ADDRESS           | CITY            | ZIP1  | IRS Status |
|---------|--------------------------------|-------------------|-----------------|-------|------------|
| P951366 | City Of Allakaket              | P.O. Box 30       | Allakaket       | 99720 |            |
| P951426 | City Of Anaktuvuk Pass         | P.O. Box 21030    | Anaktuvuk Pass  | 99721 |            |
| P951535 | City Of Aniak                  | P.O. Box 189      | Aniak           | 99557 |            |
| P950057 | City Of Atkasuk                | PO Box 91119      | Atkasuk         | 99791 |            |
| P951220 | City Of Barrow                 | P.O. Box 629      | Barrow          | 99723 |            |
| P951240 | City Of Chefornak              | P.O. Box 29       | Chefornak       | 99561 |            |
| P950302 | City Of Dillingham             | P.O. Box 889      | Dillingham      | 99576 |            |
| P950248 | City Of Diomedea               | P.O. Box 7060     | Diomedea        | 99762 |            |
| P950898 | City Of Eek                    | PO Box 21         | Eek             | 99578 |            |
| P950319 | City Of Fort Yukon             | Pob 269           | Fort Yukon      | 99740 |            |
| P950358 | City Of Hooper Bay             | Pob 29            | Hooper Bay      | 99604 |            |
| P951051 | City Of Huslia                 | P.O. Box 10       | Huslia          | 99746 |            |
| P950446 | City Of Kake                   | P.O. Box 500      | Kake            | 99830 |            |
| P950639 | City Of Kaktovik               | P.O. Box 27       | Kaktovik        | 99747 |            |
| P950765 | City Of Kavalina               | P.O. Box 50079    | Kivalina        | 99750 |            |
| P951563 | City Of Klawock                | P.O. Box 113      | Klawock         | 99925 |            |
| P950447 | City Of Kotlik                 | P.O. Box 20268    | Kotlik          | 99620 |            |
| P950036 | City Of Kotzebue               | P.O. Box 46       | Kotzebue        | 99572 |            |
| P950233 | City Of Koyuk                  | PO Box 29         | Koyuk           | 99753 |            |
| P951526 | City Of Kwethluk               | 9th & Pike Street | Kwethluk        | 99621 |            |
| P950975 | City Of Lower Kalskag          | PO Box 81         | Lower Kalskag   | 99626 |            |
| P950287 | City Of Marshall               | P.O. Box 9        | Marshall        | 99585 |            |
| P950521 | City Of Mountain Village       | PO Box 32085      | Mountain Villag | 99632 |            |
| P951084 | City Of Napakiak               | General Delivery  | Napakiak        | 99634 |            |
| P950610 | City Of Napaskiak              | P.O. Box 6109     | Napaskiak       | 99559 |            |
| P951597 | City Of Noorvik                | P.O. Box 146      | Noorvik         | 99763 |            |
| P951359 | City Of North Pole             | PO Box 55109      | North Pole      | 99705 |            |
| P950230 | City Of Pilot Station          | PO Box 5040       | Pilot Station   | 99650 |            |
| P951681 | City Of Point Hope             | P.O. Box 169      | Point Hope      | 99766 |            |
| P951160 | City Of Russian Mission        | P.O. Box 49       | Russian Mission | 99657 |            |
| P950909 | City Of Sand Point             | P.O. Box 249      | Sand Point      | 99661 |            |
| P950985 | City Of Savoonga               | P.O. Box 40       | Savoonga        | 99769 |            |
| P950729 | City Of Scammon Bay            | P.O. Box 90       | Scammon Bay     | 99662 |            |
| P951282 | City Of Selawik                | PO Box 49         | Selawik         | 99770 |            |
| P950262 | City Of Shishmaref             | General Delivery  | Shishmaref      | 99772 |            |
| P950542 | City Of Stebbins               | P.O. Box 22       | Stebbins        | 99671 |            |
| P950755 | City Of Teller                 | PO Box 548        | Teller          | 99778 |            |
| P950881 | City Of Toksook Bay            | P.O. Box 37008    | Toksook         | 99637 |            |
| P951663 | Cook Inlet Seiners Association | P.O. Box 4311     | Homer           | 99603 | C5         |

| Permit  | NAME                                     | ADDRESS                     | CITY           | ZIP1  | IRS Status |
|---------|------------------------------------------|-----------------------------|----------------|-------|------------|
| P951333 | Craig Parent Teacher Student Association | P.O. Box 1180               | Craig          | 99921 |            |
| P951353 | Craig Youth Center                       | P.O. Box 184                | Craig          | 99921 | C4         |
| P950580 | Delta Chamber Of Commerce                | P.O. Box 987                | Delta Junction | 99737 | C6         |
| P950193 | Democratic Party Of Alaska               | P.O. Box 104199             | Anchorage      | 99510 |            |
| P950340 | Dillingham Beaver Roundup Festival Assn  | PO Box 267                  | Dillingham     | 99576 | C4         |
| P951091 | Dillingham Chamber Of Commerce           | P.O. Box 348                | Dillingham     | 99576 |            |
| P950864 | Douglas Volunteer Fire Department        | P.O. Box 240323             | Douglas        | 99824 | C4         |
| P950203 | Downtown Association Of Fairbanks        | 535 2nd Avenue, Suite 211   | Fairbanks      | 99701 | C4         |
| P951164 | Downtown Business Association            | P.O. Box 20849              | Juneau         | 99802 | C6         |
| P950133 | Eagle River Lions Club                   | 17025 Park Place            | Eagle River    | 99577 | C4         |
| P951439 | Eek Traditional Council                  | P.O. Box 87                 | Eek            | 99578 |            |
| P950956 | Emblem Club #250 Seward                  | P.O. Box 1357               | Seward         | 99664 | C4         |
| P950571 | Emblem Club #455 Kenai                   | PO Box 2914                 | Kenai          | 99611 |            |
| P950528 | F.O.E. #3525                             | 5765 Spur Hwy               | Kenai          | 99611 | C10        |
| P950020 | F.O.E. Auxiliary #25                     | P.O. Box 257                | Skagway        | 99840 | C10        |
| P950299 | Fairbanks Amateur Hockey Association     | Box 81562                   | Fairbanks      | 99708 |            |
| P951280 | Fairbanks Choice Lions Club, Inc.        | 558 Gaffney                 | Fairbanks      | 99701 | C4         |
| P951592 | Fairbanks Convention & Visitors Bureau   | 550 First Avenue            | Fairbanks      | 99701 | C6         |
| P950646 | Fairbanks Curling Club, Inc.             | 1962 Second Avenue          | Fairbanks      | 99701 | C7         |
| P950271 | Fairbanks Curling Lions                  | P.O. Box 71429              | Fairbanks      | 99707 |            |
| P951208 | Fairbanks Historical Prservation Fdn.    | P.O. Box 70552              | Fairbanks      | 99707 |            |
| P950152 | Fairbanks Host Lions                     | P.O. Box 71908              | Fairbanks      | 99707 | C4         |
| P951706 | Fairbanks Motorcycle Racing Association  | P O Box 71872               | Fairbanks      | 99707 |            |
| P951687 | Fairbanks N.A.H.A. lions Club            | P.O. Box 74082              | Fairbanks      | 99701 |            |
| P951533 | Fairbanks North Star Borough Elementary  | P.O. Box 71250              | Fairbanks      | 99701 | schools    |
| P951532 | Fairbanks North Star Borough Middle Scho | P.O. Box 71250              | Fairbanks      | 99707 |            |
| P951192 | Fairbanks North Star Borough School Dist | P.O. Box 71250              | Fairbanks      | 99707 |            |
| P950904 | Fairbanks Ski Association                | P.O. Box 1752               | Fairbanks      | 99707 |            |
| P950142 | Fairbanks Youth Sports Inc               | 229 Iditarod                | Fairbanks      | 99701 |            |
| P951450 | Fast Break Club                          | P.O. Box 33215              | Juneau         | 99801 |            |
| P951434 | Filipino Community Club Of Ketchikan     | P.O. Box 6244               | Ketchikan      | 99901 |            |
| P951540 | First Samoan Con. Christian Chu Of Anch  | P.O. Box 231424             | Anchorage      | 99523 |            |
| P950260 | FOE Auxiliary #162                       | P.O. Box 5643               | Ketchikan      | 99901 |            |
| P951513 | FOE Auxiliary #4200                      | 2055 Jordan Ave #1          | Juneau         | 99801 | C10        |
| P951349 | FOE Auxiliary #4207                      | 2020 E. Dowling Road Unit 5 | Anchorage      | 99507 | C10        |
| P951243 | Fort Yukon Elders, Inc.                  | P.O. Box 59                 | Ft. Yukon      | 99740 |            |
| P950344 | Fraternal Order Of Eagles # 1037         | 200 1st Ave                 | Fairbanks      | 99701 | C10        |
| P951267 | Fraternal Order Of Eagles #4207          | 521 W Tudor                 | Anchorage      | 99503 | C10        |
| P950259 | Fraternal Order Of Eagles Aerie #162     | P.O. Box 8162               | Ketchikan      | 99901 | C10        |

| Permit  | NAME                                     | ADDRESS                         | CITY       | ZIP1  | IRS Status |
|---------|------------------------------------------|---------------------------------|------------|-------|------------|
| P950326 | Fraternal Order Of Eagles Auxiliary 1971 | Box 323                         | Valdez     | 99686 | C10        |
| P951172 | Funny River Chamber Of Commerce          | Hc1 Box 1424                    | Soldotna   | 99669 |            |
| P950994 | Galena Dog Musers                        | P.O. Box 14                     | Galena     | 99741 |            |
| P951137 | Golden Heart Dart Assn Inc               | PO Box 75250                    | Fairbanks  | 99707 |            |
| P950463 | Golden North Archery Association, Inc.   | P.O. Box 70254                  | Fairbanks  | 99707 | C7         |
| P950684 | Goldstream Valley Lions                  | 25891 Goldstream Road #a        | Fairbanks  | 99709 | C4         |
| P950011 | Golovin Volunteer Fire Department        | PO Box 62013                    | Golovin    | 99762 |            |
| P951381 | Grayling Ira Council                     | General Delivery                | Grayling   | 99590 |            |
| P951042 | Greater Fairbanks Board Of Realtors      | 1449 Gillam Way                 | Fairbanks  | 99701 |            |
| P950485 | Greater Soldotna Chamber Of Commerce     | P.O. Box 236                    | Soldotna   | 99669 |            |
| P950023 | Haines Chamber Of Commerce               | P.O. Box 1449                   | Haines     | 99827 | C6         |
| P950442 | Home Builders Assoc Of Juneau            | P.O. Box 33259                  | Juneau     | 99803 | C6         |
| P950167 | Homer Emblem Club #350                   | P.O. Box 614                    | Homer      | 99603 | C10        |
| P950496 | Homer Lodge #2127, B.P.O.E.              | 215 W. Jenny Lane               | Homer      | 99603 | C8         |
| P950163 | Hooper Bay Center Committee              | PO Box 130                      | Hooper Bay | 99604 |            |
| P950060 | Hotel Employees And Restaurant Ep Un 878 | PO Box 100564                   | Anchorage  | 99510 | C20        |
| P951132 | House Democratic Campaign Committee      | P.O. Box 100352                 | Anchorage  | 99510 |            |
| P951580 | Huslia Husler's Sports Association       | P.O. Box 64                     | Huslia     | 99746 |            |
| P951038 | Hydaburg City School District            | P.O. Box 109                    | Hydaburg   | 99922 |            |
| P950702 | I.B.E.W. local 1547                      | 2702 Denali Street              | Anchorage  | 99503 | C5         |
| P950183 | Interior Building Association            | P.O. Box 70727                  | Fairbanks  | 99707 | C6         |
| P950818 | Interior Dog Musers, Inc.                | P.O. Box 30                     | Manley     | 99756 |            |
| P951480 | Interior Fire Chiefs Assoc.              | P.O. Box 755540                 | Fairbanks  | 99775 |            |
| P950892 | Interior Girls Softball Association      | P.O. Box 70395                  | Fairbanks  | 99707 |            |
| P951277 | Intl Assoc Insulators & Asbestos Workers | 407 Denali St. Room 303         | Anchorage  | 99520 |            |
| P950079 | Iron Dog Inc./Gold Rush Classic          | PO Box 871567                   | Wasilla    | 99687 | C4         |
| P951088 | Jewish Congregation Of Fairbanks, Inc.   | P.O. Box 74863                  | Fairbanks  | 99707 |            |
| P951031 | Jom Native Education Parent Committee    | PO Box 418                      | Yakutat    | 99689 |            |
| P951667 | Juneau-Douglas Crimson Bears Rebounders  | 3291 Douglas Highway club, Inc. | Juneau     | 99801 |            |
| P951461 | Juneau Archery Club                      | P.O. Box 34866                  | Juneau     | 99803 | C4         |
| P951146 | Juneau Assoc Professional Mortgage Women | P.O. Box 32813                  | Juneau     | 99803 |            |
| P951119 | Juneau Boxing Club                       | 3000 Vintage Blvd. Suite 150    | Juneau     | 99801 |            |
| P950027 | Juneau Golf Club Inc                     | P.O. Box 020004                 | Juneau     | 99802 |            |
| P950693 | Juneau Montessori Center Inc.            | 750 St. Ann's Avenue            | Juneau     | 99824 |            |
| P950568 | Kake Parent Advisory                     | P.O. Box 155                    | Kake       | 99830 |            |
| P950939 | Kaltag Sport Association                 | P.O. Box 37                     | Kaltag     | 99748 |            |
| P950482 | Kenai Chamber Of Commerce                | 402 Overland                    | Kenai      | 99611 | C6         |
| P950189 | Kenai Peninsula Board Of Realtors        | 35477 Spur Highway. #201        | Soldotna   | 99669 | C6         |
| P950461 | Kenai Peninsula Builders Association     | Pob 1753                        | Kenai      | 99611 | C6         |

| Permit  | NAME                                     | ADDRESS                               | CITY           | ZIP1  | IRS Status |
|---------|------------------------------------------|---------------------------------------|----------------|-------|------------|
| P951342 | Kenai Peninsula Fishermen's Association  | 34824 Kalifornsky Beach Road, Suite E | Soldotna       | 99669 | C5         |
| P950072 | Kenai Visitors & Convention Bureau Inc.  | P.O. Box 1991                         | Kenai          | 99611 | C6         |
| P951085 | Kenaitze Indian Tribe                    | P.O. Box 988                          | Kenai          | 99611 |            |
| P950912 | Ketchikan All-City Halloween Party Assoc | P.O. Box 1013                         | Ward Cove      | 99928 |            |
| P951339 | Ketchikan Charr                          | 116 Front Street                      | Ketchikan      | 99901 |            |
| P951698 | Ketchikan Golf Association               | P.O. Box 1119                         | Ward Cove      | 99928 | C4         |
| P951089 | Ketchikan Wrestling Club, Inc.           | P.O. Box 8232                         | Ketchikan      | 99901 |            |
| P951470 | Ketchikan Youth Soccer League, Inc.      | C/O 228 Washington Street             | Ketchikan      | 99901 |            |
| P950335 | Kiana Bluff Jumpers Search & Rescue      | P.O. Box 7-I                          | Kiana          | 99749 |            |
| P950515 | Kiana Traditional Council                | P.O. Box 69                           | Kiana          | 99749 |            |
| P951285 | King Salmon Native Association           | P.O. Box 68                           | King Salmon    | 99613 |            |
| P950380 | Kivalina Health Board                    | General Delivery                      | Kivalina       | 99750 |            |
| P951117 | Kivalina Search & Rescue                 | PO Box 50033                          | Kivalina       | 99750 |            |
| P950929 | Kiwanis Club Of Delta Junction           | PO Box 563                            | Delta Junction | 99737 | C4         |
| P951623 | Klawock Parent Teacher Student Associati | P.O. Box 9                            | Klawock        | 99925 |            |
| P950563 | Knights Of Columbus #4859, Anchorage     | P.O. Box 91512                        | Anchorage      | 99509 | C8         |
| P950073 | Kodiak Chamber Of Commerce               | P.O. Box 1485                         | Kodiak         | 99615 |            |
| P951643 | Kodiak Island Liquor Lic Assn            | P.O. Box 589                          | Kodiak         | 99615 | C6         |
| P951053 | Kodiak Lions Club                        | P.O. Box 1735                         | Kodiak         | 99615 | C4         |
| P950396 | Kotlik Traditional Council               | P.O. Box 20096                        | Kotlik         | 99620 |            |
| P950030 | Kotzebue Dog Musers Association          | P.O. Box 964                          | Kotzebue       | 99752 |            |
| P950276 | Koyuk Ira Council                        | P.O. Box 30                           | Koyuk          | 99753 |            |
| P950018 | Kuskokwim 300 Race Committee, Inc.       | P.O. Box 300                          | Bethel         | 99559 | C4         |
| P950444 | Kwethluk I.R.A. Council                  | P.O. Box 129                          | Kwethluk       | 99621 |            |
| P950803 | La Societe National Des 40 Hommas        | 3841 Birch Lane                       | Fairbanks      | 99709 | C4         |
| P950378 | Larsen Bay Tribal Council                | P.O. Box 35                           | Larsen Bay     | 99624 |            |
| P950503 | Lions Club Inc. Of Big Lake              | PO Box 520048                         | Big Lake       | 99652 | C4         |
| P950095 | Lions Club Of Anderson/Clear             | Pob 3118                              | Anderson       | 99744 | C4         |
| P950081 | Lions Club Of Kotzebue                   | Box 342                               | Kotzebue       | 99752 | C4         |
| P951306 | Lions District 49a Foundation            | P.O. Box 212062                       | Anchorage      | 99521 | C4         |
| P950746 | Lions District 49b Foudnation            | PO Box 71908                          | Fairbanks      | 99707 | C4         |
| P950333 | Little Flower Of Jesus Parish Council    | General Delivery                      | Hooper Bay     | 99604 |            |
| P950421 | Loyal Order Of Moose Lodge #1092         | P.O. Box 222                          | Petersburg     | 99833 | C8         |
| P950334 | Loyal Order Of Moose Lodge #1206         | PO Box 113                            | Craig          | 99921 | C8         |
| P950240 | Loyal Order Of Moose Lodge #1266         | Pob 609                               | Cordova        | 99574 | C8         |
| P950075 | Loyal Order Of Moose Lodge #1350         | 337 Lincoln St                        | Sitka          | 99835 | C8         |
| P950323 | Loyal Order Of Moose Lodge #1392         | 98 Tenth Avenue                       | Fairbanks      | 99701 | C8         |
| P950308 | Loyal Order Of Moose Lodge #1534         | 4211 Arctic Blvd                      | Anchorage      | 99503 | C8         |
| P950424 | Loyal Order Of Moose Lodge #1942         | PO Box 1902                           | Kenai          | 99611 | C8         |

| Permit  | NAME                                     | ADDRESS                         | CITY            | ZIP   | IRS Status |
|---------|------------------------------------------|---------------------------------|-----------------|-------|------------|
| P950699 | Loyal Order Of Moose Lodge #224          | P.O.Box 5224                    | Ketchikan       | 99901 | C8         |
| P951302 | Loyal Order Of Moose Lodge #306          | 300 South Santa Clause Lane     | North Pole      | 99705 | C8         |
| P950042 | Loyal Order Of Moose Lodge #700          | P.O. Box 32980                  | Juneau          | 99803 | C8         |
| P950501 | Loyal Order Of Moose Lodge #793          | PO Box 772                      | Palmer          | 99645 | C8         |
| P950860 | Loyal Order Of Moose Lodge #911          | P.O. Box 1228                   | Delta Junction  | 99737 | C8         |
| P951549 | Marshall Traditional Council             | PO Box 110                      | Marshall        | 99585 |            |
| P950105 | Mat-Su Baseball, Inc.                    | Hc04 Box 9480                   | Palmer          | 99645 |            |
| P950644 | Mat-Su Democrats                         | P.O. Box 3365                   | Palmer          | 99645 |            |
| P950356 | Mat-Su Homebuilders Association          | P.O. Box 875536                 | Wasilla         | 99687 | C6         |
| P951289 | Mat-Su Mens Bowling Association          | P.O. Box 876502                 | Wasilla         | 99687 |            |
| P950647 | Mat-Su Softball Association, Inc.        | P.O. Box 87550                  | Wasilla         | 99687 | C4         |
| P951000 | Mid-Valley Seniors, Inc.                 | P.O. Box 940168                 | Houston         | 99694 |            |
| P951098 | Midnight Sun Lioness Club                | P.O. Box 72303                  | Fairbanks       | 99707 |            |
| P950314 | Midnight Sun Lions Club, Inc.            | 701 Hillcrest Drive             | Fairbanks       | 99712 |            |
| P950682 | Miss Alaska Scholarship Pageant, Inc.    | P.O. Box 2912                   | Kenia           | 99611 |            |
| P950178 | Monroe Booster Club                      | P.O. Box 71620                  | Fairbanks       | 99707 |            |
| P950077 | Montana Creek Dog Musers Assocn., Inc.   | P.O. Box 873278                 | Wasilla         | 99687 |            |
| P951492 | Most Worshipful Prince Hall Gnd Ldge Ak  | P.O. Box 100736                 | Anchorage       | 99510 | C10        |
| P950307 | Muscular Dystrophy Association, Ak Chpt. | 1838 West Northern Lights Blvd. | Anchorage       | 99517 |            |
| P951650 | Musers Club                              | Box 21                          | Russian Mission | 99657 |            |
| P951378 | Napaskiak Tribal Council                 | P O Box 6009                    | Napaskiak       | 99559 |            |
| P950611 | Native Village Of Gamboll                | PO Box 173                      | Gambell         | 99742 | C4         |
| P951297 | Native Village Of Goodnews Bay           | P.O. Box 03                     | Goodnews        | 99599 |            |
| P951015 | Native Village Of Hooper Bay             | Box 41                          | Hooper Bay      | 99604 |            |
| P951661 | Native Village Of Kwinhagak              | General Delivery                | Quinhagak       | 99655 |            |
| P951457 | Native Village Of Napakiak               | General Delivery                | Napakiak        | 99634 |            |
| P951612 | Native Village Of Nikolski               | P.O. Box 109                    | Nikolski        | 99638 | C4         |
| P951341 | Native Village Of Tyonek                 | P.O. Box 82034                  | Tyonek          | 99682 |            |
| P951144 | Nenana Native Association                | PO Box 356                      | Nenana          | 99760 |            |
| P951144 | Nenana Native Association                | PO Box 356                      | Nenana          | 99760 |            |
| P951632 | Nightmute Traditional Council            | P.O. Box 90021                  | Nightmute       | 99690 |            |
| P950451 | Noatak Lions Club                        | P.O. Box 62                     | Noatak          | 99671 |            |
| P950471 | Nome Arts Council                        | P.O. Box 233                    | Nome            | 99762 |            |
| P951295 | Nome Chamber Of Commerce, Inc.           | P.O. Box 251                    | Nome            | 99762 |            |
| P950635 | Nome Kennel Club                         | P.O. Box 1892                   | Nome            | 99762 |            |
| P950855 | Nome Public Schools                      | P.O. Box 131                    | Nome            | 99762 |            |
| P950014 | Nome Shrine Club                         | P.O. Box 82                     | Nome            | 99762 |            |
| P950015 | Nome Volunteer Fire Department           | P.O. Box 82                     | Nome            | 99762 |            |
| P950121 | Noorvik Sports Club                      | Po. Box 141                     | Noorvik         | 99763 |            |