

Introduced by: Atkinson
Date: Feb. 6, 1990
Hearing: Mar. 6, 1990
Vote: 9 No, 6 Yes/1 Abstain
Action: FAILED INTRODUCTION

KENAI PENINSULA BOROUGH

ORDINANCE 90-10

AMENDING KP.B 5.18.260(M) TO PROVIDE THAT THE SELLER EXEMPTION FROM COLLECTING SALES TAX DOES NOT APPLY TO GAMING SALES.

WHEREAS, KP.B 5.18.260(M) exempts qualified nonprofits from collecting sales tax on their sales; and

WHEREAS, this provision applies to gaming sales that would otherwise be taxable; and

WHEREAS, gaming sales by these organizations are not casual and infrequent but are of significant volume; and

WHEREAS, these sales should not be exempt when sales of food and other basic necessities are subject to the sales tax;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That KP.B 5.18.260(M) is amended to read as follows:

5.18.260(M). Retail sales, services and rentals by or to organizations not organized for business or profitmaking purposes, and which are engaged in the provision of charitable, educational, recreational, rehabilitative, hospital, cemetery, or other charitable purposes open to all interested members of the community without discrimination. In no event shall this exemption apply to sales of liquor or food through the course of regularly conducted operations. No exemption certificate shall be approved by the mayor until the applicant has produced suitable evidence that it is currently incorporated by the state of Alaska as a nonprofit corporation and that it has received tax-exempt status from the United States Internal Revenue Service. In no event shall the exemption provided by this section apply to any gaming sales or activities conducted pursuant to AS 05.15.

Section 2. That this resolution takes effect at 12:01 a.m., April 1, 1990.

Failed Introduction

~~==ENACTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6th DAY OF February, 1990.

ATTEST:

James W. Skogstad, Assembly President

Borough Clerk