

STATE OF ALASKA
EXECUTIVE ORDER NO. 74

1989



Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, I order the following:

* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to transfer the function of regulating games of chance and contests of skill from the Department of Revenue to the Department of Commerce and Economic Development.

* Sec. 2. AS 05.15.010 is amended to read:

Sec. 05.15.010. DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT [REVENUE] TO ADMINISTER CHAPTER. The Department of Commerce and Economic Development [REVENUE] shall administer this chapter.

* Sec. 3. AS 05.15.140(a) is amended to read:

(a) The commissioner may not issue or renew a permit except upon satisfactory proof that the applicant is a municipality or qualified organization, the activity may be

permitted under this chapter, and the issuance of a permit is not detrimental to the best interests of the public. Upon request of the commissioner [OF REVENUE], the applicant shall prove conclusively each of these requirements before a permit may be issued or renewed.

* Sec. 4. AS 05.15.210(6) is amended to read:

(6) "commissioner" means the commissioner of commerce and economic development [REVENUE];

* Sec. 5. AS 05.15.210(8) is amended to read:

(8) "department" means the Department of Commerce and Economic Development [REVENUE];

* Sec. 6. AS 11.66.280(2) is amended to read:

(2) "gambling" means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that that person or someone else will receive something of value in the event of a certain outcome; "gambling" does not include

(A) bona fide business transactions valid under the law of contracts for the purchase or sale at a future date of securities or commodities and agreements to compensate for loss caused by the happening of chance, including contracts of indemnity or guaranty and life, health, or accident insurance; or

(B) playing an amusement device that

(i) confers only an immediate right of replay not exchangeable for something of value other than the privilege of immediate replay; and

(ii) does not contain a method or device by which the privilege of immediate replay

may be cancelled or revoked;

(C) an activity authorized by the commissioner of commerce and economic development [REVENUE] under AS 05.15;

* Sec. 7. AS 44.33.020 is amended by adding a new paragraph to read:

(31) regulate games of chance and contests of skill under AS 05.15.

* Sec. 8. TRANSITION. Regulations relating to games of chance and contests of skill, adopted by the Department of Revenue under authority of AS 05.15 before the effective date of this Order, remain in effect until regulations relating to that function are adopted by the Department of Commerce and Economic Development under AS 05.15 as amended by this Order, and take effect. The Department of Commerce and Economic Development shall administer those Department of Revenue regulations until its own take effect.

* Sec. 9. This Order takes effect July 1, 1989.

DATED: January 9, 1989.

/s/ Steve Cowper

Steve Cowper

Governor