

1 IN THE HOUSE

BY THE LEGISLATIVE COUNCIL

2

HOUSE BILL NO. 11

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

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For an Act entitled: "An Act relating to coin-operated amusement slot machines and gaming devices; amending Sections 48-3-1, 48-3-2, 48-3-3, 48-3-4 and 48-3-5 ACLA 1949; and setting an effective date."

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BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

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Section 1. Sec. 48-31-1 ACLA 1949 is hereby amended to read

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as follows:

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Sec. 48-3-1. AMOUNT OF TAX. Every person who desires

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to maintain for use, or permits the use of, in any place or

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premises occupied by him, a coin-operated amusement device,

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slot machine or a coin-operated gaming device as hereinafter

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defined, shall first pay a tax as follows:

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(a) \$10.00 [\$50.00] per year for each coin-operated

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entertainment or amusement device defined in Section 2 (a)

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[\$ 48-3-2 herein].

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(b) \$100.00 [\$200.00] per year for each device defined

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in Section 2 (b) [\$ 48-3-2 herein].

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(c) \$200.00 per year for each device defined in Section

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2 (c) [48-3-2 herein]; provided, however, that no addi-

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tional tax shall be levied where a device within a given

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classification is replaced by another of the same classifi-

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cation.

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Sec. 2. Sec. 48-3-2 ACLA 1949 is hereby amended to read as

HB #11

1 FOLLOWING:

2 Sec. 49-3-2. TERMS DEFINED. As used in Section 1
3 hereof §§ 49-3-1 hereof, the following terms shall mean:

4 (a) "Coin-operated amusement device" denotes any
5 ~~amusement~~ amusement device or apparatus which operates
6 by means of insertion of a coin, token or other similar
7 object WHERE DOES NOT INVOLVE AN ELEMENT OF CHANCE, EX-
8 CERTAIN COIN OPERATED MACHINES. This definition includes but
9 is not limited to the devices defined in subsection (b) of this
10 section when the operation thereof is strictly limited to
11 amusement and no prizes is permitted. Provided, however,
12 that every person who has a device described in subsection
13 (b) and whose no prize is permitted.

14 (b) "Coin-operated gaming device" denotes any § 50-
15 called slot machine, pin-ball, horse-race machine or any
16 other apparatus or device which operates or may be operated
17 by means of insertion of a coin, token or similar object
18 and which, by causing the element of chance, THAT DELIVER,
19 OR entitles the person playing or operating the machine to
20 receive cash, premiums, merchandise, or tokens. The term
21 does not include ban slide vending machines in which are not
22 incorporated gaming or amusement features. For the purpose
23 of this section, a vending machine operated by means of a
24 one-cent coin, which, when it dispenses a prize, never dis-
25 penses a prize of a retail value of, or entitles a person
26 to receive a prize of a retail value of, more than five cents,
27 and if the only prize dispensed is merchandise and not cash
28 or tokens, shall be classified under Section 1 (a) hereof
29 § 49-3-1 hereof.

1 such receipts shall be transferred by the Tax Commissioner
2 or his duly authorized agent to the new owner or operator
3 upon payment of a transfer fee of \$5.00.

4 Taxes on devices in operation at the close of the
5 calendar year shall be paid on or before the 31st day of
6 January of the year in which the tax is due.

7 The following penalties shall be assessed and collected
8 for failure or omission to pay any such tax when due:

9 (a) For the first month or a fraction thereof,
10 5% of the tax due;

11 (b) For the second month or a fraction thereof,
12 10% of the tax due;

13 (c) For the third month or a fraction thereof,
14 15% of the tax due;

15 (d) For the fourth month or a fraction thereof,
16 20% of the tax due;

17 (e) For the fifth month or a fraction thereof,
18 25% of the tax due;

19 (f) Thereafter 25% of the tax due.

20 Sec. 4. Sec. 48-3-4 ACLA 1949 is hereby amended to read
21 as follows:

22 Sec. 48-3-4. TAX RETURNS; CONTENTS. Any person sub-
23 ject to the provisions of Section 1 [§48-3-1 herein]
24 hereof shall file monthly [QUARTERLY] returns on forms to
25 be available at any office of the Tax Commissioner, showing
26 the exact number of devices in operation on the date there-
27 of and the location of each, and such other information as
28 the Tax Commissioner may require.

29 Sec. 5. Sec. 48-3-5 ACLA 1949 is hereby amended to read in

1 (c) "Slot machine" denotes any apparatus or device
2 which operates or may be operated by means of insertion of
3 a coin, token or similar object and which by strict depend-
4 ence upon the element of chance, may deliver or entitle
5 the person playing or operating the machine to receive,
6 cash, premiums, merchandise or tokens. Devices and appara-
7 tuses otherwise falling within the classification of sub-
8 section (b) of this section, even though not strictly
9 dependent upon the element of chance shall be taxed accord-
10 ing to the rate applicable to slot machines where the device
11 or apparatus itself delivers cash directly to the person
12 playing or operating the same.

13 Sec. 3. Sec. 48-3-3 ACLA 1949 is hereby amended to read as
14 follows:

15 Sec. 48-3-3. PAYMENTS TO BE MADE TO TAX COMMISSIONER:
16 RECEIPTS AND PERMITS. Tax payments specified in Section 1
17 [48-3-1 herein] shall be made to the Tax Commissioner
18 prior to the installation for operation of any taxable
19 device under this Act; provided, however, that the tax shall
20 be pro-rated for any taxable device installed after Janu-
21 ary 31st in any given year from the beginning of the month
22 within which such device is installed through the remainder
23 of the calendar year. The Tax Commissioner [WHO] shall
24 give appropriate receipts therefor. Such receipts must be
25 kept for inspection in the manner required under such rules
26 as the Tax Commissioner may prescribe.

27 In case of change of ownership or operation of the
28 premises in which a taxable device or devices are located,

1 full as follows:

2 Sec. 49-3-5, OPERATION BY PERSONS UNDER TWENTY-ONE
3 [EIGHTEEN]: LOCATION NEAR SCHOOLS. The operation of any
4 device, except music machines, covered by this act by any
5 person under the age of twenty-one [EIGHTEEN] shall not be
6 permitted by any operator or other person having such
7 device in his charge. Excepting music machines, no machine
8 shall be placed, used, located or operated within a radius
9 of one hundred yards of any school building.

10 Sec. 6. This Act shall take immediate effect and be in
11 force from and after its passage and approval or upon its be-
12 coming law without such approval, and it is so enacted,

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