

1 IN THE HOUSE

BY JUDICIARY COMMITTEE

2 HOUSE BILL NO. 204

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to coin-operated amusement
7 and gaming devices; amending subsection (c)
8 of Sec. 48-3-1, ACLA 1949 as added by Ch. 31,
9 SLA 1949; amending Secs. 48-3-2, 48-3-3 and
10 48-3-5, ACLA 1949; and providing for an
11 effective date."

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

13 Section 1. Subsection (c) of Sec. 48-3-1, ACLA 1949 as added
14 by Ch. 31, SLA 1949 is hereby amended to read as follows:

15 (c) Persons who commence such amusement or gaming
16 device operations: after March 31st of any year shall be
17 taxed at three-fourths the amount stated for a full year;
18 after June 30th ~~JULY 1ST~~ of any year shall be taxed at one-
19 half the amount stated for a full year; after September 30th
20 ~~1ST~~ of any year shall be taxed at one-fourth the amount
21 stated for the full year.

22 Sec. 2. Sec. 48-3-2, ACLA 1949 is hereby amended to read as
23 follows:

24 Sec. 48-3-2. TERMS DEFINED. As used in Section 1
25 hereof (Sec. 48-3-1 herein), the following terms shall mean:

26 (a) "Coin-operated amusement device" denotes any
27 amusement device or apparatus which operates by means of
28 insertion of a coin, token or other similar object, which
29 does not involve an element of chance, excepting coin operated

1 radios. Any device described in subsection (b) of this sec-
2 tion which does not entitle the person playing or operating
3 the machine to receive cash, premiums, merchandise or tokens
4 may be taxed as a "coin-operated amusement device", provided,
5 that the taxpayer first submit a sworn statement that the
6 particular device does not entitle the person playing or
7 operating the machine to receive cash, premiums, merchandise
8 or tokens.

9 (b) "Coin-operated gaming device" denotes any so-
10 called slot machine, pin-ball, horse-race machine or any
11 other apparatus or device which operates or may be operated
12 by means of insertion of a coin, token or similar object and
13 which, by embodying the element of chance, may deliver, or
14 entitle the person playing or operating the machine to receive
15 cash, premiums, merchandise or tokens. The term does not
16 include bona fide vending machines in which are not incor-
17 porated gaming or amusement features. For the purpose of
18 this section, a vending machine operated by means of a one-
19 cent coin, which, when it dispenses a prize, never dispenses
20 a prize of a retail value of, or entitles a person to receive
21 a prize of a retail value of, more than five cents, and if
22 the only prize dispensed is merchandise and not cash or tokens,
23 shall be classified under Section 1 (a) hereof (Sec. 48-3-1
24 (a) herein).

25 Sec. 3. Sec. 48-3-3, ACLA 1949 is hereby amended to read as
26 follows:

27 Sec. 48-3-3. PAYMENTS TO BE MADE TO ~~TAX~~ COMMISSIONER
28 OF REVENUE: RECEIPTS: PENALTIES: VIOLATIONS. Tax payments
29 specified in Section 1 (Sec. 48-3-1 herein) shall be made to

1 the ~~TAX~~ Commissioner of Revenue, who shall give appropriate
2 receipts therefor. Such receipts must be kept for inspection
3 in the manner required under such rules as the ~~TAX~~ Commis-
4 sioner of Revenue may prescribe.

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

8 The following penalties shall be assessed and collected
9 for failure or omission to pay any such tax when due: (a)
10 for the first month or fraction thereof, 5% of the tax due;
11 (b) for the second month or fraction thereof, 10% of the tax
12 due; (c) for the third month or fraction thereof, 15% of the
13 tax due; (d) for the fourth month or fraction thereof, 20%
14 of the tax due; (e) for the fifth month or fraction thereof,
15 25% of the tax due; and (f) thereafter 25% of the tax due.

16 All penalties assessed and collected under this Act
17 shall be covered into the General Fund for the benefit of the
18 State.

19 Any violation of the provisions of this Act shall be a
20 misdemeanor. Any person convicted of a misdemeanor hereunder
21 shall be punished by a fine of not less than \$200.00 for each
22 violation.

23 Sec. 4. Sec. 48-3-5, ACLA 1949 is hereby amended to read as
24 follows:

25 Sec. 48-3-5. OPERATION BY PERSONS UNDER NINETEEN
26 EIGHTEEN: LOCATION NEAR SCHOOLS. The operation of any
27 device, except music machines, covered by this Act by any
28 person under the age of nineteen EIGHTEEN years shall not
29 be permitted by any operator or other person having such

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device in his charge. Excepting music machines, no machine shall be placed, used, located or operated within a radius of one hundred yards of any school building.

Sec. 5. This Act shall take effect on January 1, 1960.