

HOUSE BILL NO. 240

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MOSES, Bunde

Introduced: 3/19/93

Referred: Transportation, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing gaming devices on ferries."

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

3 * Section 1. AS 11.66.280(2) is amended to read:

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

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

14 (B) playing an amusement device that

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

4 (ii) does not contain a method or device by which the
5 privilege of immediate replay may be cancelled or revoked; or

6 (C) an activity authorized by the commissioner of revenue
7 [COMMERCE AND ECONOMIC DEVELOPMENT] under AS 05.15 or
8 AS 19.65.030;

9 * Sec. 2. AS 11.66.280(3) is amended to read:

10 (3) "gambling device" means any device, machine, paraphernalia, or
11 equipment that is used or usable in the playing phases of unlawful gambling, whether
12 it consists of gambling between persons or gambling by a person involving the playing
13 of a machine; "gambling device" does not include

14 (A) lottery tickets, policy slips, or other items used in the
15 playing phases of lottery or policy schemes; [OR]

16 (B) an amusement device as described in (2)(B) of this section;

17 or

18 (C) a gaming device authorized under AS 19.65.030;

19 * Sec. 3. AS 11.66.280(4) is amended to read:

20 (4) "gambling enterprise" means a gambling business that

21 (A) includes five or more persons who conduct, finance,
22 manage, supervise, direct, or own all or part of the business;

23 (B) has been or remains in substantially continuous operation
24 for a period in excess of 30 days or has a gross income of \$2,000 or more in
25 any single day; and

26 (C) is not

27 (i) a vessel of the Alaska marine highway system
28 lawfully conducting an activity licensed under AS 19.65.030; or

29 (ii) a municipality or a qualified organization under
30 AS 05.15.210, except that, for purposes of this subparagraph
31 [PARAGRAPH], no application for a license under AS 05.15 is

1 required to be considered a qualified organization;

2 * Sec. 4. AS 19.65 is amended by adding new sections to article 1 to read:

3 Sec. 19.65.030. GAMING DEVICES AUTHORIZED. (a) The Department
4 of Revenue may license a vessel of the Alaska marine highway system to operate
5 gaming devices in a portion of the vessel that persons under 21 years of age are
6 prohibited from entering.

7 (b) A license issued under (a) of this section is not valid when the vessel is
8 in a jurisdiction outside of the state unless that jurisdiction also allows the licensed
9 activity.

10 (c) The Department of Transportation and Public Facilities shall operate
11 gaming devices aboard a vessel of the Alaska marine highway system licensed under
12 (a) of this section or may contract for their operation under AS 36.30.

13 (d) The commissioner of revenue may adopt regulations under AS 44.62
14 (Administrative Procedure Act) to implement this section.

15 Sec. 19.65.035. PROHIBITIONS ON GAMING DEVICE OPERATION;
16 PENALTIES. (a) An employee of the Alaska marine highway system or of a
17 contractor under AS 19.65.030(c) may not with criminal negligence allow a person
18 under 21 years of age to use a gaming device authorized under AS 19.65.030. A
19 person under 21 years of age may not use a gaming device authorized under
20 AS 19.65.030. In this subsection, "criminal negligence" has the meaning given in
21 AS 11.81.900.

22 (b) A person may not manipulate or attempt to manipulate the outcome or
23 payoff of a gaming device authorized under AS 19.65.030 by physically tampering or
24 otherwise interfering with the proper functioning of the device.

25 (c) Violation of this section is a class A misdemeanor.

26 Sec. 19.65.040. DEFINITION FOR AS 19.65.030 - 19.65.040. In
27 AS 19.65.030 - 19.65.040, "gaming device" means a coin operated mechanical,
28 electromechanical, or electronic contrivance, component, or machine that by strict
29 dependence on the element of chance may deliver or entitle the person playing or
30 operating the device to receive free games, merchandise, credit, premiums, or tokens
31 that may be exchanged for cash; "gaming device" does not include a machine that

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directly dispenses coins or cash.