

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. **Purpose.** It shall be the purpose of this Act to designate the design for the official seal of the government of the State of Alaska to adopt the unofficial seal used by custom but never officially adopted by the Congress of the United States or the Territorial Legisla-

ture for the Territory of Alaska.

Sec. 2. **Design.** The official seal of the State of Alaska shall be comprised of two concentric circles between which shall appear the words "The Seal of the State of Alaska" and within the inner circle there shall be placed the design of the seal in conformity with the rendering included in this section.



Approved April 18, 1960

CHAPTER 142  
AN ACT

Relating to coin-operated devices and distributors thereof; repealing and re-enacting Sec. 48-3-1, ACLA 1949 as amended by Ch. 31, SLA 1949; repealing and re-enacting Secs. 48-3-2, 48-3-3, 48-3-4, and 48-3-5, ACLA 1949; repealing and re-enacting Sec. 48-3-6, ACLA 1949 as amended by Ch. 31, SLA 1949; repealing and re-enacting Secs. 48-3-7 and 48-3-8, ACLA 1949; prescribing penalties; and providing for an effective date.

(C.S.S.B. 206)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. Sec. 48-3-1, ACLA 1949 as amended by Ch. 31, SLA 1949, is repealed and re-enacted to read as follows:

Sec. 48-3-1. **Amount of Tax.** Every person who maintains for use or permits the use on premises under his control of a coin-operated device class 1, class 2, or class 3, as defined in Sec. 48-3-2, shall first pay a tax as follows:

(1) \$48.00 per year for each coin-operated device class 1;

(2) \$120.00 per year for each coin-operated device class 2;

(3) \$240.00 per year for each coin-operated device class 3;

(4) No additional tax shall be levied where a device within a given classification is replaced by another of the same classification;

(5) The tax herein imposed shall be reduced by one-twelfth for the entirety of each month which has elapsed from and after the first day of January of each year to the date upon which said device is placed in operation. For the purposes of this Act any remaining portion of any month shall be considered as one full month.

Sec. 2. Sec. 48-3-2, ACLA 1949 is repealed and re-enacted to read as follows:

Sec. 48-3-2. **Terms Defined.** As used in Secs. 48-3-1 through 48-3-5, ACLA 1949, as amended, the following terms shall mean:

(1) "coin-operated device class 1" denotes any entertainment or amusement device or amusement apparatus which operates by means of insertion of a coin, token or other similar object, which does not involve an element of chance, excepting coin-operated radios.

(2) "coin-operated device class 2" denotes any pinball machine, including any bingo type coin-operated devices, horse race machine or any other apparatus or device which operates by means of insertion of a coin, token, or similar object and which, by embodying the elements of chance or skill, award free plays in any manner and which contain a device for releasing such free plays and a meter for registering or recording the plays so released, or with a provision for multiple coin insertion for increasing the odds. The term does not include bona fide vending machines in which are not incorporated gaming or amusement features.

(3) "coin-operated device class 3" denotes any slot machine or other apparatus or device which operates or may be operated by means of insertion of a coin, token or similar object and which by strict dependence upon the element of chance, may deliver or may entitle the person playing or operating the machine to receive cash, premiums, merchandise or tokens. Devices and apparatus otherwise falling within the classification of subsection (2) of this section, even though not strictly dependent upon the element of chance shall be taxed according to the rate applicable to slot machines where the device or apparatus itself delivers cash

directly to the person playing or operating the same.

(4) "distributor" denotes any person or persons, partnership, company, or corporation who directly provide or furnish one or more coin-operated devices as defined in this section on a lease, rental, or other basis, for operation on a premise or premises not owned by him and not under his jurisdiction or control.

Sec. 3. Sec. 48-3-3, ACLA 1949, is repealed and re-enacted to read as follows:

Sec. 48-3-3. **Payments to Be Made to Commissioner: Receipts: Penalties: Violations.** Tax payments specified in Sec. 48-3-1 shall be made to the commissioner of revenue prior to the installation for operation of any device taxable under Sec. 48-3-1; provided, however, that the tax shall be prorated for any taxable device installed after January 31 in any given year from the beginning of the month within which such device is installed through the remainder of the calendar year. The commissioner of revenue shall give the appropriate receipts therefor. Such receipts shall be kept for inspection in the manner required under such rules as the commissioner of revenue may prescribe.

In case of change of ownership of the taxable device or devices such receipts shall be transferred by the commissioner of revenue or his duly authorized agent to the new owner or operator upon payment of a transfer fee of \$5.00, which shall be covered into the general fund. Application for the transfer of the receipt shall be made within 30 days after the change of ownership. Taxes on devices on which all taxes have been paid and which are in operation at the close of the preceding calendar year shall be paid on or before the 31st day of January of the year in which the tax is due.

Any person who violates any provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100.00.

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

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

(2) For the second month or fraction thereof, 15% of the tax due;

(3) For the third month or fraction thereof, 20% of the tax due;

(4) For the fourth month or fraction thereof, 25% of the tax due;

(5) For the fifth month or fraction thereof, 30% of the tax due;

(6) Thereafter 50% of the tax due.

Sec. 4. Sec. 48-3-4, ACLA 1949, is repealed and re-enacted to read as follows:

**Sec. 48-3-4. Distributor Fees: Filing of Affidavit by Distributor.** Every distributor of coin-operated equipment as defined in Sec. 48-3-2 is required to:

(1) Pay an annual permit fee to the Department of Revenue in the amount of \$50.00 to be covered into the general fund.

(2) File an affidavit that he is a citizen of the United States and a bona fide resident of the State of Alaska for more than three years, and has never been convicted of a felony; provided, that in the case of a corporation such affidavit shall be required from each stockholder and employee of such corporation.

Sec. 5. Sec. 48-3-5, ACLA 1949 is repealed and re-enacted to read as follows:

**Sec. 48-3-5. Operations by Persons Under Eighteen: Location Near Schools.** The operation of any device, except music machines, covered by this Act by any person under the age of eighteen years shall not be permitted by any operator or other person having such device in his charge, and such operator

or person shall place a conspicuous notice of this prohibition, in accordance with standards to be fixed by the commissioner of revenue, on each device. Excepting music machines, no machine shall be placed, used, located or operated within a radius of one hundred yards of any school building.

Sec. 6. Sec. 48-3-6, ACLA 1949 as amended by Ch. 31, SLA 1949, is repealed and re-enacted to read as follows:

**Sec. 48-3-6. Distribution of Tax.** One-half of the proceeds of the gross revenue from the tax herein provided, excluding distributors' fees, penalties, and less the amount duly determined to have been spent by the state in its collection, shall be refunded to the incorporated municipality by action of the legislature in the proportion that such revenue was earned within the incorporated municipality and the balance shall be retained by the state and covered into its general fund.

Sec. 7. Sec. 48-3-7, ACLA 1949 is repealed and re-enacted to read as follows:

**Sec. 48-3-7. Orders, Rules and Regulations.** The commissioner of revenue has the power to issue all orders, rules and regulations necessary to carry out the provisions of this Act.

Sec. 8. Sec. 48-3-8, ACLA 1949 is repealed and re-enacted to read as follows:

**Sec. 48-3-8. Gambling Not Legalized.** This Act shall not be construed in any way to legalize gambling or the possession of any gambling device.

Sec. 9. This Act shall be retroactive to January 1, 1960.

Sec. 10. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 18, 1960

## CHAPTER 143

### AN ACT

**Establishing a Retirement System for the payment of pensions and other benefits to employees of the State of Alaska and to employees of political subdivisions which elect to participate in the system; providing for the accumulation of funds to pay for such benefits; providing for the administration of the Retirement System;**