

CHAPTER 27

AN ACT

To sanction and authorize the conduct of bingo and certain raffles and certain ice pools of a bona fide nonprofit nature under permit from the Department of Revenue; authorizing the said department to make rules and regulations; and providing for an effective date.

(C.S.S.S.B. 143)

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

Section 1. **Authorized Games of Chance and Skill.** a. The commissioner of revenue shall have authority and may issue permits to certain qualified organizations which shall give such qualified organization the privilege of conducting any of the following activities:

(1) Bingo, which is defined as a game of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, five or more in one line, the holder covering numbers when objects similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card.

(2) Raffles and lotteries, if restricted to the selling of rights to participate, and the awarding of prizes, in the specified kinds of games of chance sometimes known as raffles or lotteries, conducted by the drawing for prizes by chance;

(3) Ice classics, which are defined as games of chance wherein a prize of money is awarded for the closest guess of the time the ice moves in a body of water or water course within the state and being limited to the Nenana and Chena Ice Pools in the same manner as they were conducted in 1959 and previous years.

(4) Dog mushers' contests in which prizes are awarded for the correct guess of the racing time of a dog team or of team position in the race, including prizes to the race contestants;

(5) Fish derbys, which are defined

as contests in which prizes are awarded for catching fish;

(6) Contests of skill, which are defined as contests or games in which prizes are awarded for the demonstration of human skills in marksmanship, races, and other athletic events.

b. The above activities may be permitted but only as a privilege and the enumeration of the foregoing activities in no way confers any right upon any person, firm, corporation, organization, or company to conduct such activities.

c. Only qualified organizations may be issued a permit. "Qualified organization" means any bona fide civic or service organization or any bona fide religious, charitable, fraternal, educational, police or fire department company, dog mushers' association, fishing-derby associations in the state, which operate without profits to its members and which has been in existence continually for a period of five years immediately prior to the making of an application for a license. Organizations may be firms, corporations, companies, associations or partnerships.

(1) "Civic or service organization" means any branch or lodge or chapter of a national or state organization which is a civic or service organization, not for pecuniary profit, and authorized by its written constitution, charter, or articles of incorporation, or by-laws to engage in a fraternal, civic or service purposes within this state and which has been so engaged for five years prior to making application for a license under this Act.

(2) "Religious organization" means any organization, church, body of communicants, or group, not for pecuniary profit, gathered in common membership for mutual support and edification in piety, worship and religious observances, or a society, not for pecuniary profit, of individuals united for religious purposes

at a definite place or places, and which organization, church, body of communicants, group, or society has been so gathered or united for five years prior to making application for a license under this Act and is recognized as a religious organization under the federal income tax laws and the selective service law.

(3) "Charitable organization" means any organization, not for pecuniary profit, which is operated for the relief of poverty, distress, or other condition of public concern within this state, and which has been so engaged for five years prior to making application for a permit under this Act.

(4) "Fraternal organization" means any civic, service, or charitable organization within this state, except college and high school fraternities, not for pecuniary profit, which is a branch or lodge or chapter of a national or state organization and exists for the common business, brotherhood, or other interest of its members and which has so existed for five years prior to making application for a license under this Act.

(5) "Educational organization" means any civic, service or charitable organization within this state, not for pecuniary profit, whose primary purpose is educational in nature and designed to develop the capabilities of individuals by instruction and which has been in existence for five years prior to making application for a license under this Act.

(6) "Veterans organization" means any civic, service or charitable organization within this state, or any branch or lodge or chapter of a national or state organization within this state, not for pecuniary profit, the membership of which consists of individuals who were members of the armed services or forces of the United States, which has been in existence for five years prior to making application for a license under this Act.

(7) "Police or fire department and company" means any civic, service or charitable organization within this state, not for pecuniary profit, established by the state or any of its political subdivisions which has been in existence for five years prior to making applications for a license under this Act.

(8) "Dog m u s h e r s' association" means any civic, service or charitable

organization within this state not for pecuniary profit, formed exclusively to promote interest in the breeding and training of dog teams for work or recreational and racing purposes and which has been in existence for five years prior to making application for a permit under this Act, but does not include organizations formed or operated for gaming or gambling purposes.

(9) "Fishing derby associations" means any civic, service or charitable organization within this state, not for pecuniary profit, whose primary purpose is to promote interest in fishing for recreational purposes and which has been in existence for five years prior to making application for a permit under this Act, but does not include organizations formed or operated for gaming or gambling purposes.

d. The commissioner of revenue shall have the power to supplement the above definitions of qualified organizations and activities by rules and regulations made pursuant to this Act adding to such definitions such additional requirements as the commissioner deems necessary for the best interests of the public or for the proper administration of this Act.

No permit may be issued or renewed hereunder except upon proof, satisfactory to the commissioner of revenue, that the applicant for such permit is a qualified organization, the activity is one which may be permitted under this Act, and the issuance of a permit will not be detrimental to the best interests of the public. Upon request of the commissioner of revenue, the applicant shall be required to prove conclusively each of the above requirements before a permit may be issued or renewed under this Act.

e. The authority granted by this section is contingent upon the dedication of the net proceeds of such raffles or contests, to the awarding of prizes to contestants or participants and to educational, civic, public, charitable, patriotic or religious uses in the state. "Educational, civic, public, charitable, patriotic, or religious uses" are defined to be the benefiting of an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or

constraint, or by assisting them in establishing themselves in life, or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government. Such terms do not include the erection, acquisition, improvement, maintenance, or repair of property, real, personal, or mixed, unless such property is and shall be used exclusively for one or more of the uses hereinabove stated.

The net proceeds derived from the activity must be devoted within one year to one or more of the uses hereinabove stated. Any organization desiring to hold the net proceeds for a period longer than one year must apply to the commissioner of revenue for special permission and upon good cause shown the commissioner may grant the request.

"Net proceeds" means the gross receipts less such expenses, prizes, dues, or charges, fees, and deductions as are specifically authorized under this Act.

No item of expense shall be incurred or paid in connection with the holding, operating or conducting of any activity, held, operated or conducted pursuant to any license issued under this Act, except bona fide expenses in reasonable amount for goods, wares, and merchandise furnished or services rendered, reasonably necessary for the holding, operating or conducting thereof.

"Gross receipts" means receipts from the sale of shares, tickets or rights in any manner connected with participation in any activity permitted under this Act or the right to participate therein, including any admission, fee or charge, sale of equipment or supplies, and all other miscellaneous receipts.

Sec. 2. Limitations. This Act shall not be construed to authorize the use of any playing cards, dice, roulette wheels, coin-operated instruments or machines, or other objects or instruments used, designed, or intended primarily for gaming or gambling or any other method or implement not expressly authorized by the commissioner.

No activity shall be licensed hereunder unless it existed in Alaska in substantially the same form and was conducted in substantially the same manner prior to January 1, 1959.

Sec. 3. Administration. Administration of the provisions hereof shall be under the Department of Revenue. No activity permitted under Sec. 1 hereof shall be conducted unless an annual permit therefor issued by the said department is first obtained and a fee of \$10.00 is paid to the department. No activity shall be permitted for a period of fifteen days after application. At the time of filing of application the applicant must notify the city or borough nearest to the location of the activity sought to be licensed of the application. During this period any local government unit can protest the conduct of the activity sought to be licensed in its jurisdiction by resolution stating the reasons for the protest to the Department of Revenue; protests shall be limited to lack of qualifications under this Act.

This resolution shall be considered only as a recommendation by the city which may be considered by the commissioner in his determination of whether a permit should be issued.

After the fee has been paid, a valid permit issued, and during such time as the permit continues to be valid and has not been revoked, suspended or otherwise invalidated, the organization will have the privilege of conducting the activity specifically named on the permit and permitted by this Act. In the event any permit is revoked, a permittee or holder thereof shall not be eligible to apply for another permit until after the expiration of the period of one year from the date of such revocation. A permit shall expire at the end of the period for which it was issued. No permit issued under this Act shall be transferable.

When a permit is ordered suspended or revoked, the permittee shall surrender up the permit to the Department of Revenue on or before the effective date of the suspension or revocation. No permit shall be valid beyond the effective date of the suspension or revocation, whether surrendered or not.

Sec. 4. Rules and Regulations. a. The commissioner of revenue shall, under the provisions of the Administrative Procedure Act, and is hereby required, within six months of the effective date of this Act to adopt rules and regulations, not inconsistent with law as may be necessary

to carry into effect the provisions of this Act and covering, but not limited to the following:

(1) The issuance, renewal, and revocation of permits;

(2) A method of ascertaining net proceeds, the determination of items of expense which may be incurred or paid and the limitation of the amount of such items of expense to prevent the proceeds from the activity permitted from being diverted to noncharitable, noneducational, nonreligious, or profit-making organizations, individuals or groups;

(3) The immediate revocation of permits should this law or regulations issued hereto be violated;

(4) The requiring of detailed, sworn, financial reports of operations from permittees including detailed statements of receipts and payments;

(5) The investigation of permittees and all their employees, including the fingerprinting of all such permittees and employees as he shall deem advisable;

(6) Exclusion from participation as a permittee or employee thereof of any person who has been convicted of a felony, any crime involving moral turpitude, or violation of any municipal, state, or federal gambling law;

(7) The method and manner of conducting such activity and awarding of prizes or awards, and the equipment which may be used;

(8) The number of activities which may be held, operated, or conducted pursuant to any permit issued under the Act, during any specified period;

(9) A method of accounting for all receipts and disbursements including the keeping of records and requirements for the separate banking of all receipts, and payments by check only;

(10) The disposition of any funds in possession of a permittee at the time a permit is surrendered, revoked or invalidated;

(11) To adopt such other rules and regulations which the commissioner deems necessary for carrying out the provisions of this Act or protect the best

interest of the public.

b. Notwithstanding the provisions of Sec. 4 a. of this Act, the commissioner of revenue may, during the year 1960, forthwith upon application issue a temporary permit to any qualified organization to relieve such organization from undue hardship upon such showing as the commissioner deems necessary. The commissioner shall have authority to promulgate emergency regulations which shall be applicable to all temporary permits issued under this section. The privilege of conducting any activity under this temporary permit may be immediately revoked by the commissioner at any time in the manner provided for the suspension of all permits issued pursuant to this Act. A temporary permit issued under this section shall be valid for a period not to exceed 90 days. The fee for such permit shall be \$3.00.

Sec. 5. Suspension of Permit. The commissioner of revenue may immediately suspend any permit issued under this Act pending investigation or hearing. The suspension shall be effective upon the giving of notice to the permittee. Such notice may be given by delivery or handing written notice to the permittee or any person conducting an activity under the permittee's permit or the mailing of such notice to the permittee at the address shown on the permit. A permit may be suspended under this section for a period of 90 days or until the end of any hearing or other proceeding commenced during such suspension. The authority given the commissioner under this section shall not be subject to the Administrative Procedure Act.

Sec. 6. Examination: Public Report. The commissioner shall have power to examine or cause to be examined the books and records of any permittee. The permittee may be required to pay the reasonable cost of any such examination. The commissioner shall have authority to issue subpoenas for the attendance of witnesses and the production of books, records, and other documents.

If the licensed activity grosses over \$500.00, the permittee shall, within 15 days after the holding of the specific activity, file for public inspection with the city or borough clerk nearest to the location of the activity licensed and with

the commissioner of revenue, an itemized statement showing all income and expense in connection with the specific activity licensed; if the licensed activity grosses over \$20,000.00, the time for filing the said report may be extended for a period not to exceed 60 days by the commissioner of revenue.

Sec. 7. Penalty. Every permittee and every officer, agent, or employee of the permittee and every other person or corporation who wilfully violates or who procures, aids, or abets in the wilful violation of this Act, shall be deemed guilty of a misdemeanor.

Sec. 8. Interpretation and Construction. If any provision of this Act, or regulation made pursuant to this Act, is determined to be unlawful, then all permits issued in connecton with the licensed activity to which the unlawful provision or regulation related shall be cancelled.

Sec. 9. Reports to the Legislature. Within 10 days after the convening of the legislature each year the commissioner of revenue shall submit a detailed report containing a summary of all reports required of permittees and recommending a permit fee scale that will cover costs of administration and enforcement. In addition, the attorney general and the commissioner of public safety shall, within 10 days after the convening of the legislature each year, submit a jointly prepared, detailed report outlining the effect, if any, of the operation of this Act on the legal and law enforcement activities of the state.

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

Became law over Governor's veto March 7, 1960

CHAPTER 28

AN ACT

Relating to marriage and Marriage Commissioners; repealing and re-enacting Secs. 21-1-31, 21-1-32, 21-1-34, 21-1-35, and 21-1-44, ACLA 1949; amending Sec. 21-1-41, ACLA 1949; and providing for an effective date.

(H.C.S.S.B. 158)

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

Section 1. Sec. 21-1-31, ACLA 1949, is repealed and re-enacted to read as follows:

Sec. 21-1-31. Marriage Commissioners: Office Created: Appointment. There is hereby created the office of Marriage Commissioner; any person appointed to such office shall have, within his jurisdiction, the power and authority now conferred upon magistrates to issue marriage licenses and solemnize marriages.

Whenever it appears to the presiding judge of the superior court of any judicial district that the public interest requires it, he shall appoint one or more suitable persons Marriage Commissioners for such district. In the

order of appointment he shall prescribe the area limits within which such Marriage Commissioner shall exercise his jurisdiction and shall also specify the duties to be performed by him and the power and authority he may exercise. When a Marriage Commissioner is appointed as herein provided, the clerk of said court shall issue to him a certified copy of the order of his appointment; and at the same time notify the Bureau of Vital Statistics of the appointment and the area involved.

Sec. 2. Sec. 21-1-32, ACLA 1949, is repealed and re-enacted to read as follows:

Sec. 21-1-32. Issuance of License. The Marriage Commissioner shall require the applicants for a marriage license to execute all the necessary forms the same as prescribed for magis-