

AMENDMENT <sup>#1</sup>

OFFERED IN THE HOUSE

BY REPRESENTATIVE GUTTENBERG

TO: HCS CSSB 78( ), Draft Version "Y"

1 Page 2, following line 20:

2 Insert a new bill section to read:

3 **"\* Sec. 2.** AS 11.66.280(3), as amended by sec. 1 of this Act, is amended to read:

4 (3) "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;

14 (B) playing an amusement device that

15 (i) confers only an immediate right of replay not  
16 exchangeable for something of value other than the privilege of  
17 immediate replay and does not contain a method or device by which the  
18 privilege of immediate replay may be cancelled or revoked;

19 (ii) confers only tickets, credits, allowances, tokens, or  
20 anything of value that can be redeemed for toys, candy, or electronic  
21 novelties offered at the same facility where the amusement device is  
22 located; or

23 (iii) allows a player to manipulate a claw machine or

1 similar device within an enclosure and enables a person to receive  
 2 merchandise directly from the machine; or

3 (C) an activity authorized by the Department of Revenue under  
 4 AS 05.15; [OR

5 (D) THE PERMANENT FUND DIVIDEND RAFFLE  
 6 AUTHORIZED UNDER AS 43.23.064;]"

7  
 8 Renumber the following bill sections accordingly.

9  
 10 Page 4, following line 9:

11 Insert a new bill section to read:

12 **"\* Sec. 4.** AS 43.23.055, as amended by sec. 3 of this Act, is amended to read:

13 **Sec. 43.23.055. Duties of the department.** The department shall

14 (1) annually pay permanent fund dividends from the dividend fund;

15 (2) subject to AS 43.23.011 and (8) of this section, adopt regulations  
 16 under AS 44.62 (Administrative Procedure Act) that establish procedures and time  
 17 limits for claiming a permanent fund dividend; the department shall determine the  
 18 number of eligible applicants by October 1 of the year for which the dividend is  
 19 declared and pay the dividends by December 31 of that year;

20 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)  
 21 that establish procedures and time limits for an individual upon emancipation or upon  
 22 reaching majority to apply for permanent fund dividends not received during minority  
 23 because the parent, guardian, or other authorized representative did not apply on  
 24 behalf of the individual;

25 (4) assist residents of the state, particularly in rural areas, who, because  
 26 of language, disability, or inaccessibility to public transportation, need assistance to  
 27 establish eligibility and to apply for permanent fund dividends;

28 (5) use a list of individuals ineligible for a dividend under  
 29 AS 43.23.005(d) provided annually by the Department of Corrections and the  
 30 Department of Public Safety to determine the number and identity of those  
 31 individuals;

1 (6) adopt regulations that are necessary to implement AS 43.23.005(d);

2 (7) adopt regulations that establish procedures for the parent, guardian,  
3 or other authorized representative of a disabled individual to apply for prior year  
4 permanent fund dividends not received by the disabled individual because no  
5 application was submitted on behalf of the individual;

6 (8) adopt regulations that establish procedures for an individual to  
7 apply to have a dividend disbursement under AS 37.25.050(a)(2) reissued if it is not  
8 collected within two years after the date of its issuance; however, the department may  
9 not establish a time limit within which an application to have a disbursement reissued  
10 must be filed;

11 (9) provide any information, upon request, contained in permanent  
12 fund dividend records to the child support services agency created in AS 25.27.010, or  
13 the child support enforcement agency of another state, for child support purposes  
14 authorized under law; if the information is contained in an electronic data base, the  
15 department shall provide the requesting agency with either

16 (A) access to the data base; or

17 (B) a copy of the information in the data base and a statement  
18 certifying its contents;

19 (10) establish a fraud investigation unit for the purpose of assisting the

20 (A) Department of Law in the prosecution of individuals who  
21 apply for or obtain a permanent fund dividend in violation of a provision in  
22 AS 11, by detecting and investigating those crimes; and

23 (B) commissioner to detect and investigate the claiming or  
24 paying of permanent fund dividends that should not have been claimed by or  
25 paid to an individual and to impose the penalties and enforcement provisions  
26 under AS 43.23.035 [; AND

27 (11) ADOPT REGULATIONS UNDER AS 44.62  
28 (ADMINISTRATIVE PROCEDURE ACT) SO THAT CONTRIBUTIONS UNDER  
29 AS 43.23.062 ARE GIVEN A PRIORITY OVER DONATIONS UNDER  
30 AS 43.23.064 IF THE TOTAL AMOUNT OF CONTRIBUTIONS AND  
31 DONATIONS ELECTED BY AN APPLICANT EXCEEDS THE AMOUNT OF

1 THE PERMANENT FUND DIVIDEND THAT THE APPLICANT IS ENTITLED  
2 TO RECEIVE]."

3  
4 Renumber the following bill sections accordingly.

5  
6 Page 6, line 14:

7 Delete all material and insert:

8 "\*\* Sec. 6. AS 43.23.063 and 43.23.064 are repealed.

9 \* Sec. 7. Sections 2, 4, and 6 of this Act take effect December 31, 2023.

10 \* Sec. 8. Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2019."