

CONFERENCE CS FOR HOUSE BILL NO. 32

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE CONFERENCE COMMITTEE

Offered: 3/21/96

Sponsor(s): REPRESENTATIVE GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to administrative proceedings involving a determination of
2 eligibility for a permanent fund dividend or authority to claim a dividend on
3 behalf of another; and providing for an effective date."

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

5 * Section 1. AS 43.23.015(g) is amended to read:

6 (g) If an individual is aggrieved by a decision of the department determining
7 the individual's eligibility for a permanent fund dividend or the individual's authority
8 to claim a permanent fund dividend on behalf of another, the individual may, upon
9 payment of a \$25 appeal fee, request the department to review its decision.
10 Within 12 months after the administrative appeal is filed, the department shall
11 provide the individual with a final written decision. If the individual is aggrieved
12 by the decision of the department after all administrative proceedings, the
13 individual may appeal that decision to the superior court in accordance with
14 AS 44.62.560. An appeal to the court under this section does not entitle the

1 aggrieved individual to a trial de novo. The appeal shall be based on the record of the
2 administrative proceeding from which appeal is taken and the scope of appeal is
3 limited to matters contained in the record of the administrative proceeding. **If, as a**
4 **result of an administrative proceeding or a court appeal, the individual prevails,**
5 **the \$25 appeal fee shall be returned to the individual by the department.**

6 * **Sec. 2.** AS 43.23.015 is amended by adding a new subsection to read:

7 (i) An indigent individual may apply for a waiver of the appeal fee required
8 under (g) of this section. The department shall prescribe and furnish a form for that
9 purpose. The department shall grant the waiver if, during the year immediately
10 preceding the year the form is submitted to the department, the individual was a
11 member of a family with an income equal to or less than the federal poverty guidelines
12 for Alaska set by the United States Department of Health and Human Services.

13 * **Sec. 3.** AUTHORIZATION TO ADOPT REGULATIONS. The Department of Revenue
14 may adopt regulations to implement secs. 1 and 2 of this Act; however, the regulations may
15 not be effective before the effective date of those sections.

16 * **Sec. 4.** Sections 1 and 2 of this Act take effect January 1, 1997.

17 * **Sec. 5.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).