

CS FOR HOUSE BILL NO. 32(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/13/95

Referred: Judiciary, Finance

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."

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. If the**
10 **individual is aggrieved by the decision of the department after all administrative**
11 **proceedings,** the individual may appeal that decision to the superior court in
12 accordance with AS 44.62.560. An appeal **to the court** under this section does not
13 entitle the aggrieved individual to a trial de novo. The appeal shall be based on the
14 record of the administrative proceeding from which appeal is taken and the scope of

1 appeal is limited to matters contained in the record of the administrative proceeding.

2 **If, as a result of an administrative proceeding or a court appeal, the individual**
3 **prevails, the \$25 appeal fee shall be returned to the individual by the department.**

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

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