

**CS FOR HOUSE BILL NO. 32(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/22/95

Referred: Rules

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. 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.

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

14 \* **Sec. 4.** Sections 1 and 2 of this Act take effect January 1, 1996.

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