

CS FOR HOUSE BILL NO. 32(FIN) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 2/13/96

Offered: 3/22/95

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, file an
9 administrative appeal with the department. After completion of an informal
10 conference held as part of the administrative appeal proceeding, the individual
11 may, upon payment of a \$25 appeal fee, request a formal hearing before the
12 commissioner. Within eight months after the administrative appeal is filed, the
13 department shall provide the individual with a final written decision. If the
14 department fails to provide the written decision within the eight-month period,

1 all issues raised in the administrative appeal shall be considered to have been
2 decided in favor of the individual. If the individual is aggrieved by the decision
3 of the department after all administrative proceedings, the individual may appeal
4 that decision to the superior court in accordance with AS 44.62.560. An appeal to the
5 court under this section does not entitle the aggrieved individual to a trial de novo.
6 The appeal shall be based on the record of the administrative proceeding from which
7 appeal is taken and the scope of appeal is limited to matters contained in the record
8 of the administrative proceeding. If, as a result of an administrative proceeding or
9 a court appeal, the individual prevails, the \$25 appeal fee shall be returned to the
10 individual by the department.

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

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

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

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

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