

HOUSE BILL NO. 280

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE DYSON

Introduced: 1/14/02

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the allocation of the travel expenses that are necessary to exercise**
2 **visitation rights with a child when the parent with primary custody of the child changes**
3 **location; and amending Rule 90.3(g), Alaska Rules of Civil Procedure."**

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

5 *** Section 1.** Rule 90.3(g), Alaska Rules of Civil Procedure, is amended to read:

6 (g) **Travel Expenses.** After determining an award of child support under this
7 rule, the court shall allocate reasonable travel expenses which are necessary to
8 exercise visitation between the parties as may be just and proper for them to
9 contribute. **Upon request of a parent with joint legal custody of and visitation**
10 **rights to a child whose other parent has primary physical custody of the child,**
11 **the court shall consider making a new allocation of visitation travel expenses if**
12 **the travel expenses have increased because the primary parent has moved more**
13 **than 50 miles farther away from the parent with visitation rights compared to the**
14 **distance that previously existed between the residences of the two parents. The**

1 **court shall provide that the primary parent shall be responsible for 100 percent**
2 **of the increase in the travel expenses unless the court finds good cause for a**
3 **different allocation of the increase. Good cause for a different allocation of the**
4 **increase includes a finding that allocation of the increase entirely to the primary**
5 **parent would interfere with the primary parent's ability to provide basic**
6 **necessities for the child or other members of the parent's household.**

7 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 TWO-THIRDS VOTE NOT REQUIRED. Because Rule 90.3, Alaska Rules of Civil
10 Procedure, was adopted under the Alaska Supreme Court's interpretive authority exercised
11 under art. IV, sec. 1, Constitution of the State of Alaska, this Act takes effect without meeting
12 the two-thirds vote requirement normally applicable to changing court rules under art. IV, sec.
13 15, Constitution of the State of Alaska.

14 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 APPLICABILITY. This Act applies to situations where the primary parent of a child
17 changes the parent's residence by more than 50 miles on or after the effective date of this Act.