

CS FOR SENATE BILL NO. 19(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 1/25/01

Referred: Health, Education and Social Services, Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act repealing the termination date of changes made by ch. 87, SLA 1997, and ch.**
2 **132, SLA 1998, regarding child support enforcement and related programs; repealing**
3 **the nonseverability provision of ch. 132, SLA 1998; repealing uncodified laws relating to**
4 **ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for an effective date."**

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

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 FINDINGS; PURPOSE; INTENT. (a) The legislature finds that

9 (1) many Alaska children are dependent on regular and adequate child support
10 payments in order to meet basic needs;

11 (2) the child support enforcement program in this state helps Alaska children
12 receive the support that has been ordered to meet those children's needs;

13 (3) in 1997 and 1998, legislation was enacted that improved and strengthened
14 the child support enforcement program and provided additional protections for parents and

1 children who are subject to child support orders, but the legislation included provisions that
2 will result in the repeal of those amendments on July 1, 2001;

3 (4) the changes to the child support enforcement program implemented
4 through the 1997 and 1998 Acts have now been tested in practice in this state and have been
5 found successful in ensuring that more children receive the support required to meet basic
6 needs; following the enactment of the 1997 and 1998 Acts, child support collections increased
7 and reached \$85,000,000 in fiscal year 2000, the largest annual child support collection in the
8 state's history;

9 (5) in addition to increasing child support collections, the changes made by the
10 1997 and 1998 Acts are needed to assure compliance with federal requirements designed to
11 encourage accurate determination of child support obligations and timely payment of those
12 obligations;

13 (6) the federal government provides millions of dollars to assist the state in
14 financing effective child support enforcement programs; compliance with federal
15 requirements is a condition of receiving this federal financial participation;

16 (7) if the repeal provisions of the 1997 and 1998 Acts are not removed before
17 July 1, 2001, the state will be placed out of compliance with federal requirements for
18 continued federal financial participation in the state's child support enforcement program and
19 for a federal public assistance block grant to this state; according to federal law, if the repeal
20 provisions take effect the state will lose

21 (A) all federal child support enforcement funding, which amounted to
22 over \$14,000,000 in federal fiscal year 2000; and

23 (B) the annual federal temporary assistance for needy families program
24 block grant administered under the state's Alaska temporary assistance program
25 (ATAP), which amounted to over \$65,000,000 in federal fiscal year 2000; and

26 (8) the 1998 Act included a nonseverability provision requiring that if any one
27 of the majority of the provisions of that Act were to be ruled unconstitutional as to any person
28 or circumstance, the majority of the provisions of the Act would be considered invalid; if the
29 nonseverability provision is triggered, all federal financial participation for the state's child
30 support enforcement and ATAP programs would be lost, even if the unconstitutional
31 provision were a relatively minor one.

1 (b) The primary purpose of this Act is to ensure that the current law and court rules of
2 this state relating to child support enforcement and related programs continue in effect so that
3 significant improvements to the child support enforcement program will remain in effect and
4 that the mandates for receiving federal financial participation in the state's child support
5 enforcement and ATAP programs are met, thus assuring that children in this state can timely
6 receive needed child support from their parents and needy children can receive necessary
7 temporary assistance.

8 (c) The intent of this Act is that

9 (1) statutory changes made by ch. 87, SLA 1997, and ch. 132, SLA 1998,
10 regarding child support enforcement and related programs that would have been repealed
11 under sec. 148(c), ch. 87, SLA 1997, and secs. 53 and 54(b), ch. 132, SLA 1998, on July 1,
12 2001, instead remain in effect on and after July 1, 2001, unless and until amended by other
13 laws, along with any changes made to those statutory provisions by the revisor of statutes
14 under authority of AS 01.05.031(b);

15 (2) any other amendments relating to child support enforcement and related
16 programs that affect the statutory provisions described in (1) of this subsection and that were
17 enacted in 1997, 1998, 1999, 2000, or 2001, other than by ch. 87, SLA 1997, or ch. 132, SLA
18 1998, continue in effect on and after July 1, 2001, unless and until amended by other laws,
19 along with any changes made to those statutory provisions by the revisor of statutes under
20 authority of AS 01.05.031(b);

21 (3) amendments to court rules made by ch. 87, SLA 1997, continue in effect
22 on and after July 1, 2001, unless and until amended by other laws or court orders, and that the
23 further amendments to those courts rules provided for in sec. 148(c), ch. 87, SLA 1997, and
24 sec. 53, ch. 132, SLA 1998, not occur; and

25 (4) any other amendments to the court rules described in (3) of this subsection
26 that relate to child support enforcement and related programs and that were enacted or
27 adopted in 1997, 1998, 1999, 2000, or 2001, other than by ch. 87, SLA 1997, or ch. 132,
28 SLA 1998, continue in effect on and after July 1, 2001, unless and until amended by other
29 laws or court orders.

30 * **Sec. 2.** The following are repealed:

31 (1) Section 148(c), ch. 87, SLA 1997, as amended by sec. 53, ch. 132, SLA

- 1 1998;
- 2 (2) Sections 2, 14, and 16, ch. 37, SLA 1998;
- 3 (3) Section 53, ch. 132, SLA 1998;
- 4 (4) Section 54(b), ch. 132, SLA 1998, as amended by sec. 101, ch. 21, SLA
- 5 2000;
- 6 (5) Section 54(c), ch. 132, SLA 1998;
- 7 (6) Section 56, ch. 132, SLA 1998;
- 8 (7) Section 92, ch. 58, SLA 1999; and
- 9 (8) Section 103, ch. 21, SLA 2000.
- 10 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).