

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 23, 2004

8:10 a.m.

TAPE(S) 04-51

MEMBERS PRESENT

Senator Ralph Seekins, Chair
Senator Scott Ogan, Vice Chair
Senator Gene Therriault
Senator Johnny Ellis
Senator Hollis French

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 378

"An Act relating to the Alaska Food, Drug, and Cosmetic Act, including sales, advertising, certain devices, food donors, and food banks; making certain violations of organic food provisions and of the Alaska Food, Drug, and Cosmetic Act unfair methods of competition and unfair or deceptive acts or practices under certain of the state's unfair trade practices and consumer protection laws; and providing for an effective date."

MOVED HB 378 OUT OF COMMITTEE

SENATE BILL NO. 246

"An Act relating to the commission of an offense or a juvenile delinquency act involving the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin; relating to sentencing, informal adjustment, and adjudication for those offenses and acts; relating to a diversity tolerance program for certain juvenile delinquency acts; relating to a civil cause of action for certain acts involving discriminatory harassment; and providing for an effective date."

SCHEDULED BUT NOT HEARD

CS FOR HOUSE BILL NO. 514(FIN) am

"An Act relating to child support modification and enforcement, to the establishment of paternity by the child support enforcement agency, and to the crimes of criminal nonsupport and

aiding the nonpayment of child support; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 378

SHORT TITLE: FOOD, DRUGS, COSMETICS, CERTAIN DEVICES

SPONSOR(S): FINANCE

01/12/04	(H)	READ THE FIRST TIME - REFERRALS
01/12/04	(H)	HES, JUD
02/05/04	(H)	HES AT 3:00 PM CAPITOL 106
02/05/04	(H)	Moved Out of Committee
02/05/04	(H)	MINUTE(HES)
02/09/04	(H)	HES RPT 2DP 1DNP 2NR
02/09/04	(H)	DP: SEATON, WILSON; DNP: WOLF;
02/09/04	(H)	NR: GATTO, COGHILL
02/09/04	(H)	FIN REFERRAL ADDED AFTER JUD
02/23/04	(H)	JUD AT 1:00 PM CAPITOL 120
02/23/04	(H)	Moved Out of Committee
02/23/04	(H)	MINUTE(JUD)
02/24/04	(H)	JUD RPT 1DP 3NR 1AM
02/24/04	(H)	DP: MCGUIRE; NR: HOLM, GARA, SAMUELS;
02/24/04	(H)	AM: GRUENBERG
03/02/04	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
03/02/04	(H)	Moved Out of Committee
03/02/04	(H)	MINUTE(FIN)
03/03/04	(H)	FIN RPT 4DP 6NR
03/03/04	(H)	DP: MEYER, FATE, FOSTER, WILLIAMS;
03/03/04	(H)	NR: HAWKER, STOLTZE, JOULE, CROFT,
03/03/04	(H)	MOSES, HARRIS
04/01/04	(H)	GRUENBERG CHANGED JUD RPT TO DP UC
04/05/04	(H)	TRANSMITTED TO (S)
04/05/04	(H)	VERSION: HB 378
04/06/04	(S)	READ THE FIRST TIME - REFERRALS
04/06/04	(S)	STA, JUD, FIN
04/20/04	(S)	STA AT 3:30 PM BELTZ 211
04/20/04	(S)	Moved HB 378 Out of Committee
04/20/04	(S)	MINUTE(STA)
04/21/04	(S)	STA RPT 1DP 2NR
04/21/04	(S)	NR: STEVENS G, STEDMAN; DP: COWDERY
04/23/04	(S)	JUD AT 8:00 AM BUTROVICH 205

BILL: HB 514

SHORT TITLE: CHILD SUPPORT ENFORCEMENT/ CRIMES

SPONSOR(S): REPRESENTATIVE(S) KOTT

02/16/04 (H) READ THE FIRST TIME - REFERRALS
02/16/04 (H) JUD
02/23/04 (H) JUD AT 1:00 PM CAPITOL 120
02/23/04 (H) Heard & Held
02/23/04 (H) MINUTE(JUD)
02/27/04 (H) JUD AT 1:00 PM CAPITOL 120
02/27/04 (H) Moved CSHB 514(JUD) Out of Committee
02/27/04 (H) MINUTE(JUD)
03/03/04 (H) JUD RPT CS(JUD) 5DP
03/03/04 (H) DP: GARA, SAMUELS, GRUENBERG, OGG,
03/03/04 (H) MCGUIRE
03/03/04 (H) FIN REFERRAL ADDED AFTER JUD
03/08/04 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/08/04 (H) Heard & Held
03/08/04 (H) MINUTE(FIN)
03/23/04 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/23/04 (H) Moved CSHB 514(FIN) Out of Committee
03/23/04 (H) MINUTE(FIN)
03/24/04 (H) FIN RPT CS(FIN) 4DP 3NR 2AM
03/24/04 (H) DP: HAWKER, FOSTER, FATE, WILLIAMS;
03/24/04 (H) NR: JOULE, CHENAULT, HARRIS;
03/24/04 (H) AM: STOLTZE, CROFT
03/31/04 (H) TRANSMITTED TO (S)
03/31/04 (H) VERSION: CSHB 514(FIN) AM
04/01/04 (S) READ THE FIRST TIME - REFERRALS
04/01/04 (S) JUD, FIN
04/16/04 (S) JUD AT 8:00 AM BUTROVICH 205
04/16/04 (S) Scheduled But Not Heard
04/19/04 (S) JUD AT 8:00 AM BUTROVICH 205
04/19/04 (S) Heard & Held
04/19/04 (S) MINUTE(JUD)
04/20/04 (S) JUD AT 8:00 AM BUTROVICH 205
04/20/04 (S) Heard & Held
04/20/04 (S) MINUTE(JUD)
04/21/04 (S) JUD AT 8:00 AM BUTROVICH 205
04/21/04 (S) Bill Postponed To 4/23/04
04/23/04 (S) JUD AT 8:00 AM BUTROVICH 205

WITNESS REGISTER

Representative Bill Williams
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of HB 378

Commissioner Ernesta Ballard
Department of Environmental Conservation
410 Willoughby
Juneau, AK 99801-1795

POSITION STATEMENT: Supports and answered questions about HB 378

Ms. Kristin Ryan
Division of Environmental Health
Department of Environmental Conservation
410 Willoughby
Juneau, AK 99801-1795

POSITION STATEMENT: Answered questions about HB 378

Mr. John Main
Staff to Representative Kott
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Answered questions about HB 514

Mr. John Mallonee
Child Support Enforcement Division
Department of Revenue
PO Box 110400
Juneau, AK 99811-0400

POSITION STATEMENT: Answered questions about CSED and HB 514

Ms. Landa Bailey
Special Assistant
Department of Revenue
PO Box 110400
Juneau, AK 99811-0400

POSITION STATEMENT: Answered questions regarding HB 514

Ms. Diane Wendlandt
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Answered questions regarding HB 514

ACTION NARRATIVE

TAPE 04-51, SIDE A

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at 8:10 a.m. Senators French, Ogan, Ellis and Chair Seekins were present. The committee took up HB 378.

HB 378-FOOD, DRUGS, COSMETICS, CERTAIN DEVICES

REPRESENTATIVE BILL WILLIAMS, co-chair of the House Finance Committee, sponsor of HB 378, told members that he has sat on the House Finance subcommittee on the Department of Environmental Conservation (DEC) for the last six years. One thing he has continually heard during that time is that DEC's food inspection program could sustain no more budget cuts and continue to do inspections. Restaurant and bar owners complain about the high fees they are paying; those fees were originally \$50 per year and are now about \$450 per year, yet fewer inspections are being done. The waitlist for an inspection is 18 months to two years. Unaware that the Alaska Constitution requires the legislature to provide for the protection of the public health, he asked the administration to discontinue the service three years ago since people were paying for a service they were not getting. That administration refused. When the current administration came in, he again asked that food inspection program be discontinued and was told it could not do so because of the constitutional requirement.

REPRESENTATIVE WILLIAMS said that HB 378 will require DEC to inspect for unsafe holding temperatures, inadequate cooking, food from unsafe sources, contaminated equipment, and poor personal hygiene. DEC has set up a program that allows facility owners to do the inspections, which DEC will monitor. He said he hopes the food inspection program fees decrease as a result of HB 378.

COMMISSIONER ERNESTA BALLARD, DEC, told members that HB 378 will give DEC the statutory authority to run a new program to replace its under-funded and failing consultative inspection program, which is simply inadequate to the scope and size of Alaska. Over the last two decades, DEC's best performance has been to inspect 60 percent of the high-risk restaurants in the state once per year. It is important to acknowledge that the current inspection program is not a regulatory program and does not achieve the protection or relationship that DEC maintains with all of its other regulated industries. HB 378 will replace the outdated and failed program with an adequately funded and comprehensive regulatory program that is modeled after successful programs. It will work because it addresses the three, well-documented causes of food borne illness: poor personal hygiene, inadequate attention to temperature and cooking procedures, and inadequate training. The consequences of failure in these three areas are unacceptable. Illness and death from contaminated food is the

direct result of an incident of poor performance and is not accidental. DEC knows how to prevent contamination and the spread of infection. She reminded members that an outbreak recently occurred in McGrath during the Iditarod and followed the race down the trail. Before the mushers arrived in Nome, 78 cases of Norovirus were documented. The Division of Environmental Health took precautionary measures so that there was not a single outbreak in Nome.

COMMISSIONER BALLARD explained that the new program relies on three elements: training and certification of a knowledgeable workforce; managing risks and food handling through standard operating procedures; and enforcement. The failed program was designed for the pre-World War II era, when 20 million meals were served in restaurants per day nationwide. Today, the American Restaurant Association estimates 70 billion meals will be served in restaurants every day nationwide.

SENATOR OGAN asked if any businesses that serve food will be exempted, such as a remote fishing lodge or a guide out in the field who serves meals.

MS. KRISTIN RYAN, Director of the Division of Environmental Health, DEC, told Senator Ogan that the division has not yet studied that level of detail in determining how it will implement the new food safety system. The fundamental concept of the program is that the responsibility for safe food handling will lie with the owner/operator and food handler, since those people will be serving the food year-round. The program has an advisory board of regulated industry and other members who have been helping to design the framework of the new program. Once DEC is ready to promulgate regulations, it will address the finer details of implementation using a process called negotiated rule making. In that process, industry participants will sit down with the division and help design the regulations so that they address the problems without creating an undue burden on the industry.

SENATOR OGAN noted that at a small lodge, workers wear many hats and often take turns as the chef. He said he would like to see an exemption for small, remote, family-run businesses, and for guides.

MS. RYAN said DEC does not intend to use the new system on any facilities that aren't already being regulated. Therefore, temporary food service providers, operators at fairs, or smaller camps will not fall under the new system as they are not

regulated now. She maintained that DEC is only interested in the large businesses that it currently regulates.

SENATOR OGAN asked where that is written in the bill.

MS. RYAN said it is not written in the bill but is in DEC's current regulations.

CHAIR SEEKINS asked what DEC's current regulations say about size.

MS. RYAN said the current regulations are very complex and have about 15 different categories of facilities. She explained that the requirements for a temporary food service permit at a fair would not change with the new system. DEC provides two-hours of training for those permits.

CHAIR SEEKINS asked if all of the people engaged in food preparation during a fair must be trained, such as a Girl Scout troop, or if only the supervisor is trained.

MS. RYAN thought only the owner and operator would be trained but offered to get back to Chair Seekins with the details.

COMMISSIONER BALLARD pointed out that the situations that he and Senator Ogan have described represent a very small percent of the food delivered to the public in Alaska daily. DEC's obligation is to focus on the year-round restaurant industry. DEC's regulations for sewage treatment, drinking water, food safety, and waste disposal are all capable of accommodating seasonal, camp, or itinerant situations. She noted that DEC deals with those situations regularly and in a way that works for both parties. She repeated the vast majority of food service businesses are in business on a regular basis and deal with employees who must be trained.

CHAIR SEEKINS said DEC's intent sounds good but he was asking because if HB 378 passes, businesses will be subject to additional penalties under the Unfair Trade Practices and Consumer Protection Act, which can be very severe.

SENATOR OGAN added that during his years as a legislator, he has heard a number of businesses complain about the food inspection program.

COMMISSIONER BALLARD said DEC is fully aware of the complaints about the existing program and is not proud of that program. DEC

does not believe the existing program serves industry, the consumer, the legislature, or the administration, so it is proposing a new system for its replacement.

8:35 a.m.

SENATOR FRENCH said the debate on this bill in the House centered around the fact that the state is losing an inspection process and gaining a training program. He noted that while people acknowledge that better inspection efforts could be made, they are reluctant to do away with inspectors completely. He questioned whether it makes sense to maintain some overlap until the public is confident in the new program.

COMMISSIONER BALLARD said there will be a period of overlap. DEC knows it must pace the change so that it will work in the field. New regulations will take several years to write, and she does not expect the new program to be fully functional until 2006. During that period of time, DEC will work with industry to deal with the transitional issues. She emphasized that DEC will not be abandoning its presence in the field; it will shift to compliance and enforcement. The field itself will be better prepared by virtue of a robust training program and required standard operating procedures, with self monitoring and documentation.

MS. RYAN maintained that DEC does not intend to quit doing inspections. It will maintain its same level of inspections but it will no longer rely only on inspections. It will be adding to its program.

CHAIR SEEKINS noted that Senator Therriault joined the committee.

SENATOR OGAN asked for an explanation of Section 12.

CHAIR SEEKINS pointed out that Section 12 is the Unfair Trade Practices and Consumer Protection Act provision, which gives DEC more enforcement power.

MS. RYAN said DEC added that change because it is often asked to enforce labeling violations that are not a food safety issue. For example, local producers were concerned that Budweiser tried to market a beer that looked like it was made in Alaska and would compete with Alaskan beers. DEC feels that is not a safety issue; it is a consumer protection matter. HB 378 will allow DEC to share enforcement with the Department of Law.

CHAIR SEEKINS indicated that section would apply to food safety issues if someone wanted to prosecute.

SENATOR OGAN asked how Section 13, pertaining to organic foods, would be enforced.

MS. RYAN said the Division of Agriculture will be enforcing the Organic Food Labeling Act under a similar section in its own statute. It will be going after the certifications from the Food and Drug Administration to implement it.

COMMISSIONER BALLARD added that the principle inspection and enforcement functions will have to do with whether the food product has been certified as organic, and not with testing the product itself. She noted that few food producers in Alaska have been certified as organic, but she expects more certifications in the future.

CHAIR SEEKINS said the legislature is taking a big leap of faith with the language on page 2 in that it must trust that DEC will not unnecessarily restrict businesses.

COMMISSIONER BALLARD said it makes DEC nervous that rules that are simple to understand and implement may not be available for lack of training and standard operating procedures in licensed establishments that are serving food to the public. She repeated that food borne illness is not an accident - it is an incident of poor performance. DEC believes it can deliver the protection required by the Constitution with this program, which has been tested elsewhere in the country. She pointed out that Alaska is the only state that is not delivering health inspections at the county or lower health department level.

CHAIR SEEKINS said that is what the legislature needs to be assured of. The legislature's intent is to allow DEC to train and assist people to perform in a safe manner, not to impose draconian methods.

COMMISSIONER BALLARD said a year ago, DEC conducted an inspection at a supermarket deli in Kodiak. All appeared to be fine, however within two weeks, the operator notified DEC that an employee she had sent to the hospital was diagnosed with hepatitis. The division took 500 inoculations to Kodiak at great expense to the state and difficulty and inoculated 496 people who had purchased food from that operator; no one contracted hepatitis. She said hepatitis changes one's quality of life for

life. She believes that is one of the fundamental core responsibilities that the Constitution gave to the legislature. DEC cannot continue to operate a program where its inspections achieve nothing. She believes the new program would have prevented that incident from occurring.

SENATOR THERRIAULT asked if DEC will have the latitude to accept an inspection and training program offered by a franchise in lieu of DEC's program.

MS. RYAN pointed out that even restaurant chains have significant problems and, because they serve so many people, they are a greater risk. DEC is currently proposing that a person get a food handler card, which will require taking a test. Therefore, if the company provides training, that will help the employee pass the test faster. DEC will offer the training on-line, free of cost. The applicant can print the booklet off of the Internet and then take a written test. She noted that most large chains require their managers to be certified in a nationally accredited program. DEC will accept that certification.

COMMISSIONER BALLARD added that one aspect of the new program is that in addition to the training and certification, DEC expects the level of attention to standard operating procedures to increase because DEC will require it to be documented. She likened those procedures to those used by airline pilots, who check their instruments before every take-off and document readings.

CHAIR SEEKINS took public testimony.

MS. ALICIA [INDISC.] from Anchorage commented about additional enforcement powers under Section 12.

SENATOR THERRIAULT moved HB 378 from committee with individual recommendations and its attached fiscal notes.

CHAIR SEEKINS announced that without objection, the motion carried.

CHAIR SEEKINS announced that the sponsor of SB 246 asked that it be addressed the following week.

HB 514-CHILD SUPPORT ENFORCEMENT/ CRIMES

MR. JOHN MAIN, staff to Representative Pete Kott, sponsor of HB 514, said he was available to answer additional questions about HB 514.

SENATOR ELLIS asked if Senator Ogan's concerns have been addressed.

CHAIR SEEKINS announced a recess at 8:55 a.m. until Senator Ogan returned. He then reconvened the meeting at 9:00 a.m.

SENATOR ELLIS explained that he and former Senator Drue Pearce co-chaired a family support task force several years ago. At that time, several families testified that they were upset with the state and judges and the ordering of child support and lack of modifications of those orders. Most of those testifying were men, many on their third or fourth marriages. He and Senator Pearce were amazed at what goes on in the real world. He asked whether the current child support system takes subsequent marriages into account when modifying child support orders.

MR. JOHN MALLONEE, Acting Director of the Child Support Enforcement Division (CSED), said Court Rule 90.3 recognizes prior child support orders so, in a situation where there is a second child support order, the previous order is included in the computation of the new order.

TAPE 04-51, SIDE B

SENATOR ELLIS asked if the forgiveness provision might provide an incentive for people to get behind on child support payments, especially from the aspect of people with three or four families.

MR. MALLONEE said one can strike a balance with the incentive provision because while an individual might try to elude enforcement to try to get a debt forgiven, CSED will be trying to use all enforcement options available during that process. That individual would have to work under the table or go underground to prevent CSED from collecting anything. He repeated the focus of the forgiveness provision will be on those people who get behind on child support payments but have the desire to pay their debt.

SENATOR ELLIS asked whether the 20 percent forgiveness would only be for the state portion of the debt and whether that will impact the state portion of Temporary Assistance for Needy Families' (TANF) funds.

MR. MALLONEE explained that the TANF block grant will be in place regardless of what CSED does. The forgiveness provision would impact the general fund. He noted that CSED collects the debt and splits that with the federal government. The state portion is deposited into the general fund.

SENATOR ELLIS affirmed that no families will be forced to forego TANF funds because CSED will be forgiving 20 percent of the state obligation of child support.

MR. MALLONEE said that is correct.

MS. LANDA BAILY, special assistant to the Department of Revenue, reassured Senator Ellis that the amendment to Section 12, adopted by the committee last week, requires that CSED consider the best interest of the child and the best interest of the state when implementing the forgiveness provision.

SENATOR ELLIS asked if the interest of the state and child are co-equal.

MS. DIANE WENDLANDT, Assistant Attorney General, said the amendment made both interests co-equal.

CHAIR SEEKINS said if he had to assess the intent of the committee, he believes members hope to protect the best interests of the child before the best interests of the state. He asked Ms. Bailey if she considers DOR to be an advocate for the child as well as the state.

MS. BAILY said she does; CSED's mission is to collect and pay child support to Alaskan children. Regarding the best interest of the state, she said that is important when DOR contemplates its competitive profile to ensure federal incentive funds. That pool of money is ever shrinking and requires all states to meet certain standards. The better a state does in meeting those standards, the more money it receives. The federal guidelines have cautioned the states to not set up an incentive for people to not pay child support with the idea the debt would eventually vanish. That is why DOR wanted some discussion and statutory direction that the state's best interest be considered.

SENATOR FRENCH said a person can become a felon in three ways under this bill. He noted that according to the fiscal note, 14,946 cases fall under two of those categories. He expressed concern about passing a law that makes 15,000 Alaskans felons

and questioned whether the \$10,000 amount of debt should be increased to \$15,000, because a person with four children could easily be required to make a \$1,000 per month payment.

CHAIR SEEKINS noted that a person must be in arrears \$10,000 without lawful excuse. He said if the current system doesn't provide enough incentive for a person to make payments without lawful excuse, maybe it needs more teeth, which is what HB 514 will do. He hoped CSED would work with those people with lawful excuses. He added that Alaska has a serious problem if it has 15,000 cases of people who do not pay child support without lawful excuse.

9:15 a.m.

SENATOR FRENCH noted the committee previously heard a bill that promotes self-regulation and did not propose making felons out of every restaurant that was unclean. He questioned whether the committee should slow down and consider that it will be making felons out of 15,000 Alaskans for non-payment of child support.

CHAIR SEEKINS said if he learned those restaurants were starving 15,000 children he'd be pretty upset.

SENATOR OGAN asked if, under current law, people who do not pay child support can be convicted of a class A misdemeanor.

MR. MAIN said that is correct and explained the punishment is up to one year in jail, up to a \$10,000 fine, and informal probation.

SENATOR OGAN asked if all debts, other than child support, are addressed in civil court.

MR. MAIN said that is correct, however with child support, the individual is being prosecuted for failure to comply with a court or administrative order, not for the debt.

SENATOR OGAN asked what the typical penalty is for violating a court order.

SENATOR FRENCH noted it is a \$300 fine and maybe 6 months of jail time but he has never seen any jail time imposed by the court.

SENATOR OGAN said he is trying to establish some logic with how things are traditionally dealt with. He fears this bill will drive people further underground.

CHAIR SEEKINS said this bill is intended to stop that and force people into the open where they either provide a lawful excuse or get penalized. He then said according to page 1, line 11, criminal non-support is a misdemeanor, except criminal non-support without lawful excuse is a class C felony with the three trigger points. He asked members whether they wished to offer any amendments or how they wished to proceed.

SENATOR OGAN asked what section of the bill must pass to secure federal funds.

MR. MAIN said Section 15.

SENATOR FRENCH moved to amend the bill to increase the \$10,000 debt amount to \$20,000 [Amendment 3] on page 2, lines 5 and 31.

CHAIR SEEKINS announced that without objection, Amendment 3 was adopted.

SENATOR OGAN asked if Amendment 3 will also apply to people who aid and abet.

SENATOR FRENCH said it would apply to both - the obligor and the person aiding or abetting the obligor.

SENATOR OGAN moved to strike sections 2, 3, and 4 [Amendment 4]. He commented that the class A misdemeanor penalty is severe enough and it is obviously not being enforced if 15,000 people are in arrears.

CHAIR SEEKINS objected for the purpose of discussion and asked the current penalty for aiding or abetting non-support.

MR. MAIN said it is a class A misdemeanor.

CHAIR SEEKINS asked if the three trigger points exist in current law.

MR. MAIN said they do not and that those trigger points are modeled after federal language for criminal non-support. Currently, a person who owes one month of child support is in violation.

CHAIR SEEKINS pointed out that HB 514 establishes "knowingly" and the trigger points, and applies to a much more serious level of arrearage. He said he prefers to have some kind of penalty for a person who knowingly avoids payment of child support.

SENATOR FRENCH said in looking at the aiding and abetting and non-payment provisions, they were written so that those behaviors must be intentional, which is tantamount to fraud. He said yesterday a person was convicted in federal court for having signed a loan package, having made a misrepresentation in the insurance paperwork to hide a sex offense conviction. Intentionally withholding a fact is a felony under federal law, which is what HB 514 will do.

SENATOR OGAN said his intent with Amendment 4 was to do away with the felony. He asked if Section 4, aiding, is a felony.

CHAIR SEEKINS said it would be a felony if the person aided and knew the aggregate amount owed was \$20,000 or more, knew that no payment was made in 24 months, or that the person was previously convicted of a misdemeanor for non-payment.

SENATOR FRENCH added that knowing all of that, the person also must intentionally withhold information.

CHAIR SEEKINS agreed and said that is a high standard.

SENATOR OGAN said he objected to the bill moving out of committee at this time.

CHAIR SEEKINS noted the committee has a busy calendar during the next week and that he personally has no problem with the bill as is. He agreed to hold the bill in committee and asked Senator Ogan to talk to the sponsor about his concerns.

SENATOR OGAN withdrew Amendment 4.

CHAIR SEEKINS adjourned the meeting at 9:30 a.m.