

SENATE FINANCE COMMITTEE
April 9, 2009
9:25 a.m.

9:25:46 AM

CALL TO ORDER

Co-Chair Stedman called the Senate Finance Committee meeting to order at 9:25 a.m.

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair
Senator Bert Stedman, Co-Chair
Senator Charlie Huggins, Vice-Chair
Senator Johnny Ellis
Senator Donny Olson
Senator Joe Thomas

MEMBERS ABSENT

None

ALSO PRESENT

Senator Bettye Davis; Lynda Zaugg, Staff, Senator Bettye Davis; Ginger Blaisdell, Director, Division of Administrative Services, Department of Revenue; Bob Loescher, representative, Central Council Tlingit Haida Indian Tribes of Alaska (CCTHITA); Darwin Peterson, Staff to Co-Chair Stedman; Alice Edwards, Acting Director, Department of Environmental Conservation/Air quality.

PRESENT VIA TELECONFERENCE

Stacy Steinburg, Chief Assistant Attorney General, Statewide Section Supervisor, Department of Law.

SUMMARY

SB 96 "An Act relating to nonpayment of child support; relating to certain judicial and administrative orders for medical support of a child; relating to periodic review and adjustment of child support orders; relating to relief from administrative child support orders; relating to child support arrearages; relating to medical support of a child and the Alaska Native family assistance program; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date."

CSSB 96 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with a previously published zero fiscal note

SB 183 "An Act authorizing the Department of Environmental Conservation to award grants for the control of air emissions or the development and administration of air quality control programs; and providing for an effective date."

SB 183 was HEARD and HELD in Committee for further consideration.

#sb96

SENATE BILL NO. 96

"An Act relating to nonpayment of child support; relating to certain judicial and administrative orders for medical support of a child; relating to periodic review and adjustment of child support orders; relating to relief from administrative child support orders; relating to child support arrearages; relating to medical support of a child and the Alaska Native family assistance program; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date."

[9:25:52 AM](#)

Co-Chair Stedman stated the goal today to introduce and adopt work draft version P for SB 96.

Senator Ellis MOVED to ADOPT proposed committee substitute, work draft #26-LS0485\P, Mischel, 4/7/09. Co-Chair Stedman OBJECTED.

LYNDA ZAUGG, STAFF, SENATOR BETTYE DAVIS, discussed the change in the CS representing a definition of legislative intent. The language conforms to the Uniform Interstate Family Support Act as approved by the American Bar Association. She informed that SB 96 is designed to bring Alaska in compliance with the federal regulations allowing the child support enforcement division to continue receiving federal funds. She noted that SB 96 represents the addition of Indian tribes under definition of state.

[9:29:42 AM](#)

Senator Huggins asked about the terms "states must order either parent" and for the tribal section "give the authority". He asked how authority can be given without orders.

GINGER BLAISDELL, DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES, DEPARTMENT OF REVENUE noted that members of the

department were available to speak to the bill. She thought the Department of Law (DOL) best to answer Senator Huggins' questions. Senator Huggins asked if the DOL was available.

[9:31:52 AM](#)

STACY STEINBURG, CHIEF ASSISTANT ATTORNEY GENERAL, STATEWIDE SECTION SUPERVISOR, DEPARTMENT OF LAW admitted that she did not understand the question. She required further direction regarding the section.

Senator Huggins explained that he was reading the sponsor statement which notes that the federal government requires states have guidelines noting "under the federal regulations states must order either or both parents to purchase reasonably priced health insurance." He continued that the next paragraph states "this bill adds to existing law the authority for a tribe to order either or both parents to pay cash medical support. He asked about the terms "order" and "authority."

Ms. Steinburg responded that there are three distinct parts of the bill. One part addresses cash medical support, which under federal regulations must include orders for either or both parents to provide for cash medical support. She noted the reference to existing authorities providing for medical support refers to the tribunal's consideration of whether either or both parents have health insurance. A separate portion of the bill addresses the addition of "Indian tribe" to the definition of state in our Uniform Family Support Act, which is separate from the cash medical support bill.

[9:35:04 AM](#)

Senator Huggins informed about the location of the portion of the sponsor statement Page 1, 2nd paragraph, line 1 stating "adds to the existing law the authority." Ms. Steinburg noted that she did not have the sponsor statement, but sought a copy.

Senator Huggins repeated that the first sentence in the sponsor statement notes that "states must order" and the second paragraph notes that "this bill adds to existing law the authority for a tribe to order either or both parents to pay cash medical support." He opined that the statements appear to be incongruent.

Ms. Steinburg responded that she found the sponsor statement and believed that a typographical error exists. She noted that her copy states that "this bill adds to existing law the authority for a tribunal to order either or both parents to pay cash medical support." She noted that the word was not tribe but tribunal. Senator Huggins agreed with Ms. Steinburg and asked to stand corrected. Ms. Steinburg stated

that the law is such because in certain circumstances the agency has the authority to set an administrative child support order through their procedure.

Co-Chair Stedman asked if the administration supports the bill. Ms. Blaisdell answered yes.

Co-Chair Stedman removed his OBJECTION. There being NO OBJECTION, it was so ordered.

[9:38:48 AM](#)

BOB LOESCHER, REPRESENTATIVE, CENTRAL COUNCIL TLINGIT HAIDA INDIAN TRIBES OF ALASKA (CCTHITA), spoke in support of the legislation including the words "Indian tribes and US Virgin Islands" and the intent language. He understood that the recognition was for the purpose of inclusion in the Uniform Child Support Act.

Co-Chair Hoffman MOVED to report CSSB 96/P out of Committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CSSB 96 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with a previously published zero fiscal note.

#sb183

SENATE BILL NO. 183

"An Act authorizing the Department of Environmental Conservation to award grants for the control of air emissions or the development and administration of air quality control programs; and providing for an effective date."

[9:41:06 AM](#)

DARWIN PETERSON, STAFF TO CO-CHAIR STEDMAN explained that SB 183 provides the statutory authority for the Department of Environmental Conservation (DEC) to grant funds for the control of air emissions or the development or administration of air quality control programs in the state. The committee recalls the hearing on SB 161, The American Recovery and Reinvestment Act of 2009 as one of DEC appropriations. During the hearing the department approached the committee and requested introduction of this legislation to give authority to receive and expend those grants if the administration accepts that appropriation in the American Recovery and Reinvestment Act. The legislation is verbatim as requested by the department. During the SB 161 hearing the department gave the committee information about the intent of expenditure as well as those who qualify.

Co-Chair Stedman asked what would happen if the legislation were enacted and the American Recovery Act funds are declined. Mr. Peterson answered that if the funds are not accepted by the administration, this legislation would remain on the books allowing statutory grant authority to exist if funds are appropriated by the legislature. He stated that there would be no negative impact to the state.

Co-Chair Stedman asked if the department was in support of the bill.

[9:43:31 AM](#)

ALICE EDWARDS, ACTING DIRECTOR, DEPARTMENT OF ENVIRONMENTAL CONSERVATION/AIR QUALITY responded that the department was in support of the bill. Co-Chair Stedman asked if the administration agreed that the legislation was "do no harm legislation." Ms. Edwards concurred.

Senator Olson stated that air quality remains an issue plaguing the Red Dog mine. He asked how the legislation affects the issues raised in the last several years regarding air quality in the mine.

Ms. Edwards answered that this legislation does not specifically address the issue; however, with the ability to grant the funds under competitive process, an entity could apply for the funds and perhaps make improvements to equipment.

Senator Thomas asked about Section b, Lines 10 and 11 noting that the department may adopt regulations to carry out the purposes of this section. He asked if this means that the department could adopt regulations specific to the awarding of grants. Ms. Edwards concurred that the legislation would pertain to adopting regulations related to issuing grants not for other purposes.

[9:45:44 AM](#)

Senator Huggins recalled a similar debate regarding low sulfur production transportation. He opined that the state was now taking low sulfur diesel and hauling it up the road. He understood the issue to be about diesel emissions and was perplexed about grants to address diesel emissions. He asked about a timeline regarding a yes or no answer about acceptance of the stimulus money. Ms. Edwards responded that she did not know the answer. She stated that the administration preserved the ability to accept the fund and a grant application was submitted per the federal timelines to accept the grant.

Co-Chair Stedman asked if the committee could take action on the bill during the next session or is the legislation time sensitive.

[9:48:29 AM](#)

Ms. Edwards answered that the stimulus funds must be expended by September 30 2010 making it unlikely that the administration could perform the work envisioned by the American Recovery and Reinvestment Act if passed next session.

Co-Chair Stedman commented about the challenges of understanding which pieces of the legislations must move forward in a timely manner preventing loss of stimulus money available to the state. The risk with legislation accompanied by high fiscal notes is the precarious position of having the fiscal note flow against the general fund as opposed to being offset by federal revenue.

SB 183 was HEARD and HELD in Committee for further consideration.

[9:50:25 AM](#)

Co-Chair Stedman stated that the legislature is now on the 24 hour rule.

[9:51:12 AM](#)

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ADJOURNMENT

The meeting was adjourned at 9:51 AM.