

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 19, 2015

8:04 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative David Talerico
Representative Liz Vazquez
Representative Louise Stutes
Representative Max Gruenberg
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 93

"An Act relating to the duties of probation officers; and relating to conditions of parole."

- MOVED CSHB 93(STA) OUT OF COMMITTEE

HOUSE BILL NO. 68

"An Act relating to the preparation, electronic distribution, and posting of reports by state agencies."

- MOVED CSHB 68(STA) OUT OF COMMITTEE

HOUSE BILL NO. 106

"An Act relating to the Uniform Interstate Family Support Act, including jurisdiction by tribunals of the state, registration and proceedings related to support orders from other state tribunals, foreign support orders, foreign tribunals, and certain persons residing in foreign countries; relating to determination of parentage of a child; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 93

SHORT TITLE: PROBATION AND PAROLE: WORK, TRAVEL ACCOM.
SPONSOR(s): REPRESENTATIVE(s) TILTON

01/30/15 (H) READ THE FIRST TIME - REFERRALS
01/30/15 (H) STA
02/17/15 (H) STA AT 8:00 AM CAPITOL 106
02/17/15 (H) Moved CSHB 93(STA) Out of Committee
02/17/15 (H) MINUTE(STA)
02/19/15 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 68

SHORT TITLE: ELECTRONIC DISTRIB. OF REPORTS
SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS

01/21/15 (H) READ THE FIRST TIME - REFERRALS
01/21/15 (H) STA, FIN
02/12/15 (H) STA AT 8:00 AM CAPITOL 106
02/12/15 (H) Heard & Held
02/12/15 (H) MINUTE(STA)
02/17/15 (H) STA AT 8:00 AM CAPITOL 106
02/17/15 (H) Heard & Held
02/17/15 (H) MINUTE(STA)
02/19/15 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 106

SHORT TITLE: UNIFORM INTER.CHILD SUPPORT;PARENTAGE
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/11/15 (H) READ THE FIRST TIME - REFERRALS
02/11/15 (H) STA, JUD
02/19/15 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

HEATH HILYARD, Staff
Representative Cathy Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 93 on behalf of Representative Tilton, prime sponsor.

JERRY BURNETT, Deputy Commissioner
Department of Revenue (DOR)
Juneau, Alaska

POSITION STATEMENT: Presented HB 106 on behalf of the House Rules Standing Committee, sponsor by request of the governor.

STACY STEINBERG, Chief Assistant Attorney General
Collections and Support Section
Civil Division (Anchorage)
Department of Law (DOL)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 106.

CAROL BEECHER, Director
Child Support Services Division (CSSD)
Department of Revenue
Anchorage, Alaska

POSITION STATEMENT: Offered a history of the child support programs in the United States and answered questions during the hearing on HB 106.

ACTION NARRATIVE

[8:04:35 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Keller, Talerico, Vazquez, Stutes, Gruenberg, Kreiss-Tomkins, and Lynn were present at the call to order.

HB 93-PROBATION AND PAROLE: WORK, TRAVEL ACCOM.

[8:05:42 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 93 "An Act relating to the duties of probation officers; and relating to conditions of parole."

[8:06:04 AM](#)

REPRESENTATIVE KELLER moved to rescind the committee's action on 2/17/15 to move [HB 93, Version-LS0404\W, as amended] out of committee. There being no objection, HB 93, Version-LS0404\W, as amended, was before the committee.

[8:06:55 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HB 93, Version 20-LS0404\H, Gardner/Martin, 2/18/15, as the working document.

REPRESENTATIVE STUTES objected for the purpose of discussion.

[8:07:18 AM](#)

HEATH HILYARD, Staff, Representative Cathy Tilton, Alaska State Legislature, presented HB 93 on behalf of Representative Tilton, prime sponsor. He explained that Version H would incorporate [a change offered on 2/17/15, as Amendment 1, to the original bill version], which was to move the word "only" [from the beginning of paragraph (12), found on page 4, line 30, through page 5, line 1], so that the language read as follows:

(12) refrain from traveling in the state to make diligent efforts to secure or maintain steady employment only if the travel violates other condition of parole.

CHAIR LYNN, after ascertaining no one further wished to testify, closed public testimony on HB 93.

REPRESENTATIVE STUTES said she was happy to see the bill language "tidied up a little bit."

[8:08:25 AM](#)

REPRESENTATIVE STUTES removed her objection to the motion to adopt the proposed committee substitute (CS) for HB 93, Version 20-LS0404\H, Gardner/Martin, 2/18/15, as the working document. [There being no further objection, Version H was before the committee.]

REPRESENTATIVE KELLER remarked that he had offered [Conceptual Amendment 2 to the original bill version during the 2/17/15 meeting], but that Legislative Legal and Research Services had advised that the language did not clarify the situation and opined that Version H was a good change.

[8:08:45 AM](#)

REPRESENTATIVE KELLER moved to report CSHB 93, Version 20-LS0404\H, Gardner/Martin, 2/18/15, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 93(STA) was reported from the House State Affairs Standing Committee.

HB 68-ELECTRONIC DISTRIB. OF REPORTS

[8:09:15 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 68, "An Act relating to the preparation, electronic distribution, and posting of reports by state agencies."

[Before the committee was CSHB 29-LS0352\H, Nauman, 2/16/15.]

[8:09:29 AM](#)

REPRESENTATIVE KREISS-TOMKINS, as prime sponsor, stated that following the House State Affairs Standing Committee's decision [on 2/17/15] to hold HB 68, he and his staff had worked with Representative Keller's staff to discuss "the tightness of definition," and concluded moving [Version H] in its current form; however, he wants to keep an eye on the definition issue, in case other agencies express interest in attempting to be unintentionally included in the scope of this bill.

CHAIR LYNN, after ascertaining no one wished to testify, closed public testimony on HB 68.

REPRESENTATIVE KELLER said he accepted the prime sponsor's commitment to keep an eye on the proposed legislation as it moves through the legislature.

[8:10:57 AM](#)

REPRESENTATIVE KELLER moved to report CSHB 68, Version 29-LS0352\H, Nauman, 2/16/15, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 68(STA) was reported from the House State Affairs Standing Committee.

[8:11:19 AM](#)

The committee took an at-ease from 8:11 a.m. to 8:14 a.m.

HB 106-UNIFORM INTER.CHILD SUPPORT;PARENTAGE

[8:14:22 AM](#)

CHAIR LYNN announced that the final order of business was HB 106, HOUSE BILL NO. 106, "An Act relating to the Uniform Interstate Family Support Act, including jurisdiction by tribunals of the state, registration and proceedings related to support orders from other state tribunals, foreign support orders, foreign tribunals, and certain persons residing in

foreign countries; relating to determination of parentage of a child; and providing for an effective date."

[8:14:38 AM](#)

JERRY BURNETT, Deputy Commissioner, Department of Revenue (DOR), presented HB 106 on behalf of the House Rules Standing Committee, sponsor, by request of the governor. He explained that HB 106 is proposed in order to adopt federally accepted changes to the Uniform Interstate Family Support Act (UIFSA). He said he would ask Ms. Steinberg and Ms. Beecher to present the proposed legislation. Mr. Burnett stated the Child Support Services Division serves approximately one-sixth of the people in Alaska and receives approximately \$20 million annually in federal funding. He emphasized the importance of the passage of HB 106 to the continued operation of the division.

MR. BURNETT, in response to Chair Lynn, said HB 106 would make Alaska's international and interstate child support collections laws consistent with that of other states. He deferred to Ms. Steinberg and opined that every state, and a number of other jurisdictions, have programs under Title IV-D of the Social Security Act.

[8:16:48 AM](#)

STACY STEINBERG, Chief Assistant Attorney General, Collections and Support Section, Civil Division (Anchorage), Department of Law (DOL), in response to Chair Lynn's previous question, related that the proposed legislation would bring Alaska's laws and that of the other 49 states, Washington, D.C., Guam, Puerto Rico, and the U.S. Virgin Islands, under the same uniform law. In response to a follow-up question, she said that all of the other states currently have a version of UIFSA. She added that 12 states adopted the 2008 version, 19 states introduced legislation that is pending, and the remaining jurisdictions are currently drafting bills.

[8:18:00 AM](#)

CHAIR LYNN asked how an amendment made by one state might affect the legislation throughout the other states.

MS. STEINBERG answered that it would have a dramatic effect, because a uniform law must be enacted without change.

CHAIR LYNN asked whether the legislation would have to go back to the other states to address any changes made here.

MS. STEINBERG answered no. She related that the legislation was recommended by the [National Conference of Commissioners on Uniform State Laws]. She continued:

It is important, because CSSD receives federal funds, and to make sure this whole process works, they have tied it to CSSD's funding - to continue [to] receive federal funding.

MS. STEINBERG stated that because the U.S. signed on to The Hague Convention, in order for it to be able to ratify the convention, all its states and jurisdictions have to adopt uniform laws to have processes in place necessary for international child support cases. She said Ms. Beecher would address this issue in more detail.

[8:19:21 AM](#)

MS. STEINBERG, in response to Chair Lynn, said Ms. Beecher would give the committee an overview and Ms. Steinberg would follow with a sectional analysis of HB 106.

[8:19:58 AM](#)

REPRESENTATIVE KELLER asked whether a "no vote" would mean that he was not going to go along with the other states or if it meant something specifically related to CSSD.

MS. STEINBERG responded, "It does a couple different things." She said The Hague Convention brought different countries together to attempt effective enforcement of international cases where people are moving to different countries. The U.S. signed on to the convention, but the states must make changes in their laws in order to ratify the treaty. She explained the purpose of the proposed legislation is to make those changes in state law, so the U.S. could ratify the treaty. She emphasized the importance of Alaska's ability to enforce international cases to the benefit of its citizens. Further, she emphasized how vitally critical this issue is for the division, which receives a 66 percent federal match totaling \$19-\$20 million. The proposed legislation must be passed in order for the division to continue to receive that federal funding, and it must be in effect by July 1, 2015. She added that the proposed legislation

would also benefit Alaskans who may be involved in an international child support case.

[8:22:14 AM](#)

REPRESENTATIVE KELLER said he had no problem with the intent of the bill, but said he could not help but be a little frustrated that the only options for the proposed legislation is yes or no.

REPRESENTATIVE STUTES asked for confirmation that the option was to pass the bill, as is, or not at all.

MS. STEINBERG answered that is correct.

[8:23:05 AM](#)

REPRESENTATIVE GRUENBERG opined that the committee was dealing with an international treaty for child support that would involve substantial changes in the way child support is collected. He said only six or seven countries had ratified the treaty, and noted a question about what the penalty if the legislature does not adopt the legislation or adopts changes to it. He reviewed, adoption of a uniform law doesn't have to be word for word; it just has to be substantially similar and uniform in its application. He said changes are annotated within uniform law.

REPRESENTATIVE GRUENBERG said he had asked "these folks" to have a witness from the federal government who could personally answer what [the Alaska State Legislature] could and could not do and what the ramifications would be. He offered his understanding that there would be two steps: [U.S. Congress] must pass the uniform law and all the states must ratify the treaty. If even one state does not adopt the law, then the treaty cannot be ratified. He said he wanted first-hand proof of that.

REPRESENTATIVE GRUENBERG recalled the former testifier had said that 12 [states] had adopted the law, but he said he thought he had been told that 38 had adopted it and wanted that clarified. He indicated concern about rushing through the proposed legislation.

CHAIR LYNN assured Representative Gruenberg that the committee would not rush.

[8:26:02 AM](#)

REPRESENTATIVE GRUENBERG further cautioned rushing into a decision without knowing if every other single state would be adopting the legislation or knowing whether there were enough votes in the U.S. Senate to enter into the international treaty. He reiterated that he would like some of these questions answered directly regarding the restriction on making changes and the July 1 deadline. He said he doesn't think the bill is bad, but opined the legislature needs to know what discretion it has in the matter. He asked whether he was substantially wrong in anything he had just said in summary of the issue.

[8:27:51 AM](#)

CAROL BEECHER, Director, Child Support Services Division (CSSD), Department of Revenue, in response to Representative Gruenberg, offered her understanding that approximately 33 countries had signed on, including the European Union, which comprises 28 countries. She indicated that the other countries include Hungary, Ukraine, Burkina Faso, and Albania.

REPRESENTATIVE GRUENBERG said he assumed that the [European] Union's having signed on binds those countries. He offered his understanding that there was a country in Africa that had joined.

[8:28:44 AM](#)

MS. BEECHER announced she would give a general background on the history of child support programs in the U.S. She relayed that in 1975, child support programs were formed by the U.S. Congress through [Title IV, Part D] of the Social Security Act. She said the initial purpose was a recovery program for monies spent by governmental entities for welfare programs. Over time the child support program proved an effective way of keeping people off welfare with the focus becoming family oriented. She stated that the child support programs are funded 66 percent with federal funds and 34 percent with state funds. She said all states and U.S. jurisdictions were mandated to adopt UIFSA in 1996, and the jurisdictions had done so by 1998. She said there are several versions that have had amendments applied; in 2007, the U.S. signed on to The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. She continued as follows:

The 2008 Uniform Law Commission then took the language from that, as mandated by that treaty, and that is

what is incorporated in this version, in Article 7 of this bill that you have before you.

[8:31:05 AM](#)

MS. BEECHER stated that the new Preventing Sex Trafficking and Strengthening Families Act was passed in September 2014 and signed by President Barack Obama. She said, it requires the passage of UIFSA 2008 into law by the various states in the Union during the first session of the legislature, and for Alaska that is by July 1, 2015. She explained that this mandate is tied to funding, which means that federal monies would be lost if Alaska does not enact the law. She added that part of the Act requires that [HB 106] be adopted verbatim.

REPRESENTATIVE KREISS-TOMKINS asked whether Ms. Beecher was saying that the law passed by Congress read that all state legislatures must pass [the proposed legislation] by July 1, 2015.

MS. BEECHER answered that is correct.

[8:32:40 AM](#)

MS. STEINBERG clarified that existing federal law under 42 U.S.C. 666, read that all states had to adopt the 1996 version of UIFSA. She said the [Preventing Sex Trafficking and Strengthening Families Act] was just signed in September, and it "updated and amended those sections to replace 1996 with the 2008 version of UIFSA."

MS. STEINBERG, in response to Representative Kreiss-Tomkins, said she did not know what the vote total was, but could look up the information.

[8:33:27 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that Ms. Beecher had said that Alaska "may" lose funding if it did not comply with the mandate, and he asked her if she meant "may" or "will."

MS. BEECHER advised that within the Uniform Commission documents the word is "may."

CHAIR LYNN asked who the person [or group] would be to decide whether to do it or not,

MS. BEECHER asked Chair Lynn if he was asking who decides whether or not the mandate is that the legislation be adopted verbatim.

CHAIR LYNN answered yes.

MS. BEECHER said she did not know, but could check with the department's representative, who is part of the federal Office of Child Support Enforcement.

[8:34:52 AM](#)

REPRESENTATIVE GRUENBERG stated three issues: verbatim versus non-verbatim; may versus will; and what we're relying on. He opined that when dealing with a treaty, the committee needs to hear directly from "someone from the top." He said he thinks this issue may be one of federal, or even international, overreach. He said before Alaska gives away any of its sovereignty, he wants to be sure it is necessary to do so.

CHAIR LYNN expressed his appreciation for what Representative Gruenberg stated.

[8:36:25 AM](#)

REPRESENTATIVE KELLER observed that the requirement for all states to be in agreement would put any one state in a position of power. He asked whether that point had been considered.

MS. BEECHER answered that it had, and that all of the states have uniform law commissioners "who had part in these amendments and in the drafting of UIFSA 2008." She continued as follows:

The original UIFSA was put together by the states, and ... worked so well that the federal government decided to mandate it in 1996. All of the states did sign on to it within the two years. ... I'm sure part of that is because of the tie to the federal funding.

[8:37:48 AM](#)

REPRESENTATIVE GRUENBERG said there were previous Acts, such as the Revised Uniform Reciprocal Enforcement of Support Act, and even though the Acts were tied to federal funding, that did not mean [each state's corresponding legislation] had to be verbatim. He said there is a large volume of bound books

entitled, The Uniform Laws Annotated, which list the Uniform Acts and every change made by every state. He ventured that many states had individual changes, but those changes neither destroyed the uniformity in the Act nor disqualified those states from federal funding. He asked Ms. Beecher if she knew whether he was right.

MS. BEECHER answered she did not know.

REPRESENTATIVE GRUENBERG pointed out that was something else the committee needed to know. He said normally a uniform act can be enacted and changes can be made to it as long as those changes do not destroy the uniformity. He said the [National Conference of Commissioners on Uniform State Laws] want to make them broad so states adopt them.

[8:39:25 AM](#)

CHAIR LYNN asked whether that was the same as initiatives, wherein regulations drafted cannot destroy the intent of the initiative.

REPRESENTATIVE GRUENBERG answered yes, and talked about a method by which Alaska adopts uniform rules. He said he was wondering whether other countries felt constrained from not being able "to change anything in their internal enactment of these things." He said at times the state is asked to support various treaties, and the question is whether the state can make changes in those treaties. He opined that the Law of the Sea Treaty was brought before the U.S. Senate with many changes, and President Ronald Reagan did not like the treaty until changes were made. He advised that this is not an easy issue.

[8:41:37 AM](#)

MS. BEECHER pointed out that the proposed legislation would clean up some of the language in the 1996 version of UIFSA; it would add definitions to include foreign countries. She said the 1996 version was instrumental in clearing up the method of determining jurisdictional issues and controlling orders between states. Prior to that, someone could get an order in one state, then move to another state and get another order there. As a result, it was difficult for the families and the child support agencies in the states to know which order to follow. Ms. Beecher said interstate orders make up approximately 33 percent of the child support orders dealt with by CSSD. She said the bulk of "this version," which is 41 pages in length, adds

language addressing foreign countries. She relayed that Section 7 of UIFSA is new and addresses language adopted at The Hague Convention. She stated that it is important to note that that portion of this bill will not go into effect, it is not something that they will be following - until the ratification and the passage of this throughout all of the states.

[8:43:39 AM](#)

REPRESENTATIVE GRUENBERG asked whether the rest of the bill, not tied to The Hague Convention, would be effective immediately.

MS. BEECHER answered yes.

REPRESENTATIVE GRUENBERG asked how many countries would have to ratify The Hague Convention before it became effective. He clarified, "In other words, let us say only two countries had ever ratified it. Would it have been effective for those two countries?"

MS. BEECHER offered her understanding that the answer was yes. She said, for those that have signed onto The Hague Convention, it will be in effect for them. It will not be in effect for the United States until all of the states have passed it so it can be ratified and the instrument can be signed and ...

REPRESENTATIVE GRUENBERG interjected he was focused on international, rather than the internal, application. He offered a hypothetical situation wherein the relevant number of states passed the Act, but the U.S. Senate failed to ratify the treaty. He said it seemed to him that even under this scenario, the states that had adopted the Act would be bound.

MS. BEECHER responded that she did not believe Representative Gruenberg was correct. She continued as follows:

My understanding of the bill is that until it is ratified by Congress, which cannot happen until all the states and the territories pass the UIFSA 2008 bill in their various jurisdictions, that it will not be in effect - the Article 7 component of it.

[8:45:54 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that there would be an immediate effective date, and he directed attention to Sections 90 and 91, on page 41, of HB 106. He asked whether

there is something in Section 7 that says that that only takes effect upon ratification of the treaty, and said he did not recall seeing a special delayed effective date on Section 7.

MS. STEINBERG responded that under HB 106, the Act would take effect immediately. She said she thinks part of the question addresses the issue of treaties and the ratification process, and she said she would like to do some research to find out exactly what the process is. She opined that although the U.S. had signed the treaty, in order for it to work, all the states would have to pass the UIFSA 2008. She said the U.S. must agree upon a central authority in each state with whom other countries would interact, and that would have to be done at the state level. She continued:

So, it's my understanding that although the U.S. has signed it, all the states have to implement this law so we have everything in place, that we have the structure in place so the United States can then go and ratify it and say, yes, we have in place all the requirements that are necessary for us to sign on to this treaty.

[8:48:16 AM](#)

CHAIR LYNN asked whether U.S. territories would have the same requirements related to adoption.

MS. STEINBERG answered that was her understanding. She listed the Virgin Islands, Guam, Puerto Rico, and the District of Columbia as the four that are part of the child support program.

[8:48:49 AM](#)

REPRESENTATIVE GRUENBERG recalled an earlier discussion, in which someone had said some of the states had adopted the Uniform Act, but with the condition that it would become effective only if the treaty were effective.

MS. STEINBERG answered that was correct, but offered her understanding that those states that did that would have to amend statutes, because now that language isn't the correct language and that is not the situation with Alaska. In response to Chair Lynn, she explained that since UIFSA 2008, some states wanted to jump ahead and adopt it in advance, but they had to have a provision that said it would not be effective until a certain time. She said she would have to look at the specific

language to say whether that specific time was when the treaty was signed or when it was ratified. She said she thinks Minnesota was one of the states.

[8:51:27 AM](#)

CHAIR LYNN asked how HB 106 would affect child support receivers and providers who move from state to state.

MS. STEINBERG answered that one component addresses a parent who continues to reside in the U.S., and there are provisions in HB 106 that would affect that. She explained that HB 106 includes changes made to 2001 UIFSA, as well as 2008 UIFSA. The latter focuses on international child support cases. She said there are some changes that clarify the 1996 version of UIFSA. She related that prior to UIFSA, there could be multiple orders with which a parent had to comply. She stated that this law was designed to effect a "one-order world," and this version provides some additional changes detailing which state is supposed to be the controlling order determination.

MS. STEINBERG reiterated that the 2008 version would make a difference for parents who have international child support cases, for example, when an Alaskan resident has an Alaskan child support order, but one parent moves to another country. She said it could also affect CSSD's efforts to enforce a foreign child support order in Alaska, in a situation in which a parent from a foreign country that has signed on to The Hague Convention moves to Alaska. She emphasized that the 2008 changes provide an efficient method for enforcing these orders, either here or overseas, and includes helpful provisions, such as requiring the foreign country to provide a translation of the order. She remarked that CSSD had a case recently where it had an order from another country that had to be translated, at a cost of \$500.

[8:55:51 AM](#)

MS. STEINBERG clarified that currently there are provisions in the current UIFSA to provide for international cases, but the process is not efficient. She said, "It basically says, 'Well, if the foreign country has laws that are substantially similar to ours, then, you know, Alaska can recognize that order.'" She said each state has tried to have reciprocal agreements with foreign countries - for example, CSSD has one with Germany - but if you have 50 states, and each state is trying to set up

reciprocal agreements with a foreign country, it's not a very efficient process.

MS. STEINBERG stated that the initiation of UIFSA increased interstate support and resulted in more effective interstate collection. She remarked that it wasn't until the '70s and '80s that people really started moving among states. Under the old law, often parents would jump from state to state to avoid their child support, and sometimes it took up to a year just to get child support set up. She added that there was a problem under the old laws with "form shopping" in that sometimes a parent would move to another state to determine where to get the best support order.

MS. STEINBERG pointed out that it is more common now for people to move between countries, especially in the European nations. The resulting challenges in the collection of child support cases include having to work with different time zones, languages, and rules.

[9:00:18 AM](#)

CHAIR LYNN asked which countries in Central America were participants in The Hague Convention.

MS. STEINBERG said she was not certain whether the countries in Central America had been participants in The Hague Convention and offered that none of them have signed onto The Hague Convention at this point.

[9:01:02 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked for a specific case in recent history where someone attempted to escape international law or boundaries in an effort to avoid complications.

MS. STEINBERG deferred to Ms. Beecher.

[9:01:52 AM](#)

MS. BEECHER said she could not give a specific case. She said currently Alaska does not have a lot of international cases in which one of the parties resides in a foreign country. She said the division has many overseas military cases; however, those cases are usually under a U.S. order. She expressed a willingness to look for an example for Representative Kreiss-Tomkins.

CHAIR LYNN asked who has jurisdiction.

MS. BEECHER answered the country in which the order was first established.

[9:03:21 AM](#)

REPRESENTATIVE KELLER said he would like answers to the following questions: how many yearly cases does the division have in which the law would apply, and how much money comes to the state that funds the CSSD. He opined there is zero general fund (GF) impact, "because this is pretty much operated from afar." He noted that some of his constituents have been frustrated by the inflexibility and standardization of the laws and he would like to know whether it is "just that block of money to fund CSSD in Alaska."

CHAIR LYNN asked Ms. Beecher and Ms. Steinberg to respond to those questions at an appropriate time during their presentation.

[9:05:23 AM](#)

REPRESENTATIVE GRUENBERG opined that when a military couple gets divorced in Alaska with one stationed overseas and the other stationed in another U.S. state, normally a case would go back to the Alaska Superior Court for an order of enforcement or modification. In the event an enforcement order is obtained, it would be given to the military and attached to the payor's paycheck. He asked Ms. Steinberg to confirm whether he was correct.

MS. STEINBERG responded yes. She said a person in the military maintains U.S. residency and the jurisdiction to modify the orders can remain in Alaska. Further, the enforcement of the order is fairly straightforward because CSSD can send a wage withholding order, she explained.

[9:07:08 AM](#)

REPRESENTATIVE GRUENBERG surmised that if "we passed this and country 'X' does not pass theirs," then Alaska would be bound by the provisions, while country 'X' would not be, because they would not be party to the treaty.

MS. BEECHER responded that CSSD would deal with those cases as it currently does: if a country is not a signer of the treaty, then CSSD makes a determination based on similar laws. She added, "In the bill, if there was something ... abhorrent to Alaska policy, ... we would not have to enforce that order with that country."

REPRESENTATIVE GRUENBERG stated that the proposed legislation would make some changes in the method by which foreign orders would be enforced or how foreign countries would have to enforce [Alaska's child support orders]. He reiterated that if the proposed legislation was adopted, then Alaska would be bound by it, while any country without a similar law would not be treaty-bound. He continued as follows:

In other words, they could force us to enforce their order under the provisions of this new state law, but they would not be bound to enforce our order. It would be a one-way door in that case.

CHAIR LYNN asked if that was correct.

[9:09:11 AM](#)

MS. STEINBERG answered that if a country has not signed the treaty, it would not be covered under the proposed Article 7, which provides "how we deal with countries who have signed on to the treaty." She echoed Ms. Beecher's previous statement that Alaska would deal with any country who does not sign the treaty the same as it does currently. She said, "We would be enforcing it for the parents, not for the foreign country." She said if CSSD made requests of that foreign country, it may or may not comply.

[9:10:18 AM](#)

REPRESENTATIVE GRUENBERG recollected that Section 7 states that without limitation, "this is the way Alaska will treat that order for enforcement." He reiterated that under HB 106, Alaska would be bound by the provisions of the state law, while another country that had no such legislation would not. He noted that this bill provides very limited ability to challenge the order and compared the situation to the Uniform Arbitration Act. He said, "There are very few basis that you can challenge an arbitration under Title 9," and added that this basically makes that the same principle here. He reiterated that the foreign country would not be treaty-bound.

MS. STEINBERG stated that Article 7 deals only with countries that have signed on to The Hague Convention, only to Hague Convention orders.

REPRESENTATIVE GRUENBERG asked for the citation.

CHAIR LYNN suggested Ms. Steinberg could provide that later and asked the committee whether they were ready to hear a sectional analysis.

[9:14:19 AM](#)

REPRESENTATIVE VAZQUEZ opined that in light of the significant, unanswered questions asked, it would be a waste of time to proceed with a sectional analysis.

CHAIR LYNN remarked that good questions had been asked and he reiterated that the committee was not in a hurry to rush the proposed legislation.

REPRESENTATIVE KELLER echoed that there were a lot of questions pending answers and it would be frustrating to go into detail about the sections of the proposed bill.

CHAIR LYNN concurred.

[9:16:26 AM](#)

REPRESENTATIVE TALERICO indicated that the term "reciprocating countries" was used in the proposed legislation, and he said he was trying to connect the prior comments made by Representative Gruenberg with the idea that "this" would be applicable only to those connected with the agreement. He said answers to that particular issue would be beneficial.

REPRESENTATIVE GRUENBERG indicated that, assuming [Ms. Steinberg] was correct, then "that" would create two international classes: those to whom the proposed legislation would apply and "all the rest."

MS. STEINBERG confirmed that was correct; there would be one class of international cases from countries that had signed on to The Hague Convention, and one from those that had not.

[9:18:15 AM](#)

REPRESENTATIVE GRUENBERG emphasized that The Hague Convention on the International Abduction of Children had been helpful and said the U.S. is a signatory, along with "almost every other country." He questioned, "Do we need to be implementing that, too?"

MS. STEINBERG responded that CSSD handles child support, but it is not involved in child custody cases.

[9:19:16 AM](#)

CHAIR LYNN asked how long the division needed to produce answers to the questions asked during the hearing.

MS. STEINBERG answered she thought within a week the division could supply answers to the committee's questions, as well as finding someone to testify on some of these other areas.

[9:20:07 AM](#)

REPRESENTATIVE GRUENBERG requested any related reference documents be provided for the committee in advance of the next hearing, so that the committee could see the legal basis behind testimony.

CHAIR LYNN ascertained there was no one on line to contribute to testimony.

[9:21:21 AM](#)

REPRESENTATIVE VAZQUEZ asked whether the US congressional delegation from Alaska had been approached regarding this issue.

MS. STEINBERG said she did not know, but could inquire.

[9:21:51 AM](#)

CHAIR LYNN requested that the division contact the U.S. Senators and Representative from Alaska to ascertain their thoughts on HB 106. He recognized the difficulty of coming up with answers to so many questions right away because the legislation is complicated and the committee must be careful to avoid unintended consequences.

REPRESENTATIVE VAZQUEZ inquired as to the number of cases CSSD addresses and its time frame.

REPRESENTATIVE GRUENBERG said from time to time the legislature is asked to consider a treaty, and it should consider which questions to ask. He said the committee is dealing with international, federal, and state laws and expressed his hope that the House State Affairs Standing Committee would remain involved in the issue.

CHAIR LYNN indicated the relation of the proposed legislation to state affairs. He offered his understanding that the next committee of referral for HB 106 was the House Judiciary Standing Committee.

MS. STEINBERG thanked the committee and said she would advise Chair Lynn's staff when the answers to the committee's questions were obtained.

CHAIR LYNN announced that HB 106 was held over.

[9:25:05 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:15 a.m.