

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 10, 2015

8:03 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

CONFIRMATION HEARING(S):

Department of Military & Veterans' Affairs

Laurie Hummel - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Alaska State Commission For Human Rights

Lester Lunceford - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

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 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
02/19/15	(H)	Heard & Held
02/19/15	(H)	MINUTE(STA)
03/03/15	(H)	STA AT 8:00 AM CAPITOL 106
03/03/15	(H)	Heard & Held
03/03/15	(H)	MINUTE(STA)
03/05/15	(H)	STA AT 8:00 AM CAPITOL 106
03/05/15	(H)	-- MEETING CANCELED --
03/10/15	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

LAURIE HUMMEL, Adjutant General

Commissioner Designee

Department of Military & Veterans' Affairs (DMVA)

Anchorage, Alaska

POSITION STATEMENT: Testified as commissioner designee of the Department of Military & Veterans' Affairs (DMVA).

ROBERT DOEHL, Deputy Commissioner

Department of Military & Veterans' Affairs (DMVA)

Anchorage, Alaska

POSITION STATEMENT: Testified during the confirmation hearing for Adjutant General Laurie Hummel as commissioner designee of the Department of Military & Veterans' Affairs (DMVA).

LESTER LUNCEFORD, Appointee

Alaska State Commission for Human Rights (ASCHR)

Anchorage, Alaska

POSITION STATEMENT: Testified as appointee for the Alaska State Commission for Human Rights (ASCHR).

CAROL BEECHER, Director

Anchorage Central Office

Child Support Services Division (CSSD)

Department of Revenue (DOR)

Anchorage, Alaska

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

YVETTE RIDDICK, Director
Division of Policy and Training
Office of Child Support Enforcement
Administration for Children and Families
U.S. Department of Health and Human Services
City and State

POSITION STATEMENT: Testified and answered questions during the hearing on HB 106.

LINDSAY BEAVER, Legislative Council
Uniform Law Commission
No address provided

POSITION STATEMENT: Testified in support of HB 106 and answered questions.

BATTLE ROBINSON
Uniform Law Commission
Dover, Delaware

POSITION STATEMENT: Testified during the hearing on HB 106.

ACTION NARRATIVE

[8:03:43 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:03 a.m. Representatives Keller, Stutes, Talerico, Vazquez, and Lynn were present at the call to order. Representatives Gruenberg and Kreiss-Tomkins arrived as the meeting was in progress.

CONFIRMATION HEARING(S): DEPARTMENT OF MILITARY & VETERANS' AFFAIRS

[8:04:04 AM](#)

CHAIR LYNN announced the first order of business was the confirmation hearing for Adjutant General Lauren J. Hummel, Commissioner Appointee, Department of Military & Veterans' Affairs.

CHAIR LYNN related his support for the military and listed the members of his family, including himself, who had served.

[8:06:11 AM](#)

LAURIE HUMMEL, Adjutant General/Commissioner Appointee, Department of Military & Veterans' Affairs (DMVA), talked about

her desire to join the military at the age of seven and her military father's guidance in that regard. She said her father was a model of selfless service, who served as a helicopter mechanic from 1948 to 1972, with four combat tours. She cited challenging work and good leadership as her reasons for serving for 30 years, and she said she retired in June 2012.

[8:09:26 AM](#)

ADJUTANT GENERAL HUMMEL said in 1998, she was given the opportunity to command a battalion within the field of intelligence or to be a tenured professor at The Military Academy, and she chose the latter. She studied at the University of Colorado for her doctorate, and wrote her thesis on the impact of military investment in Alaska during the Cold War. She said she served the latter part of her term in active duty at West Point, and she deployed a number of times. In 2012, she retired. A couple years later, the governor of Alaska asked her to serve as the commissioner of the DMVA and adjutant general [of the Alaska National Guard], which necessitated her husband leaving the ranks of the Alaska Army Guard to serve elsewhere.

ADJUTANT GENERAL HUMMEL named people who inspired and influenced her as leaders: Chancellor Tom Case, in Alaska; Phil Oats, former adjutant general in Alaska; and Debbie Beckworth (ph), who taught her about talent management. She said she hopes to create an organizational culture of moral, legal, and ethical correctness, deliberate and predictable decisions, mutual respect, and fun. She stated that she never expected to be in this position and found herself both excited and humbled.

[8:15:46 AM](#)

ADJUTANT GENERAL HUMMEL, in response to a question from Chair Lynn, said her last job in the U.S. Army was as senior advisor for the National Military Academy of Afghanistan. She performed her last administrative duties at West Point, New York, where she was released from active duty service. She talked about being a sergeant's daughter. In response to a question, she said she was not the first adjutant general to come out of active duty retirement. She talked about being a brigadier general in the Alaska National Guard and waiting for federal recognition. She explained that the governor has the authority to appoint her to a rank that is one rank higher than her federal recognition.

[8:18:57 AM](#)

ADJUTANT GENERAL HUMMEL, in response to a question from Chair Lynn, clarified that her husband was not retired from the military but was a colonel in the Alaska Army National Guard. She offered further details regarding his move from Alaska to work in National Guard Bureau headquarters in Washington, D.C., and explained that in order to comply with Alaska's nepotism statutes, his position was outside the chain of command of the Department of Military & Veterans' Affairs (DMVA).

[8:21:39 AM](#)

ADJUTANT GENERAL HUMMEL, in response to Chair Lynn, defined "command presence" as a personal asset where people believe in your abilities, they believe in your principles, and they want to follow you. She said it was a combination of tangible and intangible qualities, including intelligence that is "more than book smarts," emotional intelligence, and selflessness. She said she believed Governor Bill Walker had command presence. She said part of command presence was learned, but some was innate. She named Brigadier General Jack Grubs as a good example of someone with command presence. In response to Chair Lynn, she said she hoped she had command presence. She talked about the number of selfless people in DMVA who had the organization's best interest at heart.

[8:24:39 AM](#)

ADJUTANT GENERAL HUMMEL, in response to Chair Lynn, defined "esprit de corps" as the motivation that comes from realizing that the sum total of the body is more than just the additive sum of the individuals in it. She related an anecdote. She answered further questions from Chair Lynn, and relayed more of her background experiences.

[8:29:11 AM](#)

ADJUTANT GENERAL HUMMEL, in response to Chair Lynn, said working with people in the Alaska National Guard was different because some were weekend soldiers, some were federal general service employees during the week and "M-day" soldiers on the weekends, and some were in the active guard reserves. Each had different rights and responsibilities. She explained the difference between military command and military staff.

[8:32:24 AM](#)

ADJUTANT GENERAL HUMMEL, in response to Chair Lynn, relayed that the largest group she had commanded was a company comprising 190 personnel. She described how she had declined an offer to command a squadron because she determined it would have benefitted her, but would not have been the best choice to make for the good of the U.S. Army. She said the population of the Alaska Air National Guard was roughly 2,100, and the Alaska Army National Guard was between 1,950 and 2,000 - about 4,000 all-together.

CHAIR LYNN asked how many alleged victims and perpetrators there were in the Alaska National Guard scandal, and what percentage that was of the total.

ADJUTANT GENERAL HUMMEL estimated that over the last 6 years there had been approximately 16 cases of sexual assault, in which the perpetrators were a guardsmen, and about 35-40 cases of sexual assault, in which the perpetrators were outside the forces.

CHAIR LYNN indicated that that was a small percentage of the total number of people in that branch of the service.

[8:35:35 AM](#)

ADJUTANT GENERAL HUMMEL, in response to a question, said she first heard about the assaults through the Alaska Dispatch News. She said her husband served as one of the investigative officers which was the reason the issue was not discussed at home. She said she followed the reports, including the summary of a report by the Office of Complex Investigations (OCI) when it was made available on line.

CHAIR LYNN noted that Adjutant General Hummel was a member of the National Coalition for Homeless Veterans, and asked her how active she was in the coalition.

ADJUTANT GENERAL HUMMEL said she was not very active. She said she was cognizant of the need to be careful in her choice of organizations in which to be involved.

ADJUTANT GENERAL HUMMEL, in response to another question, said she qualified for Disabled American Veterans (DAV) because of a service-related disability.

[8:38:21 AM](#)

CHAIR LYNN said everyone in the military was subject to the Uniform Code of Military Justice (UCMJ). He asked what some of the differences were between the prohibitions on personal conduct for active duty personnel and "the rest of us in this room."

ADJUTANT GENERAL HUMMEL explained that she could not answer because she was not an attorney at law, but deferred to Robert Doehl.

[8:39:35 AM](#)

ADJUTANT GENERAL HUMMEL, in response to Chair Lynn, reiterated that she found out through public means about the indiscretions that occurred in the Alaska National Guard; she did not hear about it from her husband.

CHAIR LYNN asked Adjutant General Hummel if she had ever violated any of the UCMJ.

ADJUTANT GENERAL HUMMEL answered no.

[8:40:13 AM](#)

[Due to technical difficulties, brief portions of the remaining confirmation hearing for Adjutant General Hummel were not recorded, but were reconstructed from the committee secretary's log notes.]

REPRESENTATIVE VAZQUEZ asked for information about Adjutant General Hummel's husband.

ADJUTANT GENERAL HUMMEL responded that her husband had joined the [Alaska] National Guard in late 2001; he had left active duty service in September 2001. He relinquished his brigade command on February 5, after serving in that position for two years. In response to Representative Vazquez, she said she was certain her husband had knowledge of the issues going on within the Alaska National Guard, but said he did not discuss those issues with her. She said there were still pending investigations within the guard: a couple 15-6 investigations and the completion of an investigation by Judge Collins. She indicated that the federal investigations of personnel were complete, thus the only investigations still ongoing were internal, with the possible exception of some financial audits.

8:43:18 AM

REPRESENTATIVE GRUENBERG stated his understanding that several legislators, including himself, wanted to bring state statutes up to date, and the administration was working on that as well. He asked for information regarding that effort.

ADJUTANT GENERAL HUMMEL said she had appointed a full-time judge advocate general officer to serve as a legislative liaison to assist in the efforts begun to revise state statutes for the purpose of creating a workable state [code of military justice], as well as a workable regulation or statute that would enable non-judicial punishment. She said the judge advocate would work with the legislature to create a statute that the National Guard needed in order to create the disciplinary codes necessary "to keep our culture where it needs to be and to deliver disciplinary action where needed." She said the effort was in its early stages. She said she was due to receive an update later in the week to determine how much more work needed to be done. She said the issue was complex, and she emphasized the need for a "water-tight statute" that would "stand the tests that will come."

REPRESENTATIVE GRUENBERG asked if Adjutant General Hummel was looking to the legislature to draft legislation rather than coming to the legislature with a proposal.

ADJUTANT GENERAL HUMMEL stated her hope was for the Alaska National Guard and the Alaska State Legislature to work together. She acknowledged that the legislature had begun work on the issue. She opined that the department should have become involved sooner, but said it was currently working in partnership with the legislature. She emphasized her desire for constant communication. In response to a question, she said she did not think legislation would be completed during the current legislative session.

REPRESENTATIVE GRUENBERG asked what effort Adjutant General Hummel was making to coordinate with other states on the issue.

ADJUTANT GENERAL HUMMEL answered that she had copies of other states' codes and would use them where applicable; however, she said Alaska was different in a number of ways. For example, she said the model code in Pennsylvania, which had 14,000 members in the National Guard and the capacity to set up a court with judges and jury, would not work in Alaska, because Alaska was too small. She said she had access to the chief council of the

National Guard Bureau and was in close consultation with other states, as well.

8:48:50 AM

CHAIR LYNN noted that he, Representative Gruenberg, and Representative Keller also served on the House Judiciary Standing Committee (HJUD).

REPRESENTATIVE GRUENBERG noted that some HSTA Committee members also served on the House Special Committee on Military and Veterans' Affairs.

8:49:14 AM

REPRESENTATIVE STUTES asked when Adjutant General Hummel began working at Joint Base Elmendorf Richardson (JBER).

ADJUTANT GENERAL HUMMEL said she started working at JBER on February 5, 2015. In response to a follow-up question, she said prior to that she was retired.

REPRESENTATIVE STUTES thanked Adjutant General Hummel for her service.

8:49:50 AM

REPRESENTATIVE GRUENBERG said it sounded like some of the investigations were completed, while others were not. He asked Adjutant General Hummel to elaborate.

ADJUTANT GENERAL HUMMEL said the issues uncovered by the OCI had been adjudicated, and she recollected that she signed the last of the cases a week ago. She indicated that those adjudications had resulted in various punishments and administrative discharges. She said there were a couple cases ongoing, which may or may not have been open during the time the OCI was involved and may not have been within the scope of the OCI. She offered her understanding that "these cases do not have miscreants who were guard members." She explained, "In other words, there were some cases, perhaps, of sexual assault that were included in the purview of the OCI that were perpetrated by members outside the Guard, and so are outside the purview of the Guard, as far as the perpetrator; but the care of the victim is still inside of our organization."

REPRESENTATIVE GRUENBERG offered his understanding that there may have been some other types of potential violations that the National Guard's investigations had uncovered. He asked what they may have been and what the status of them was.

ADJUTANT GENERAL HUMMEL said other infractions, such as fraud and embezzlement, were discovered and published by the OCI, and she offered her understanding that the folks who committed those violations were not in the Alaska National Guard. She said there were a couple personnel actions still pending, which she could not discuss.

[8:53:59 AM](#)

ROBERT DOEHL, Deputy Commissioner, Department of Military & Veterans' Affairs, stated that a key difference between active military personnel and non-military personnel was that the former was expected to "step in harm's way" when necessary, while the latter was not. He said, "You need to have a disciplinary system that you can order them to do that." Further, he stated that other than in law enforcement, there was no other occupation outside of the military where a person could be ordered to take another person's life. He emphasized the importance of maintaining "good order and discipline" to do that. He said a person could quit his/her civilian job, but a person could not desert from the military. He talked about upholding the core values of the United States when wearing a military uniform. He said, "I could not make disparaging comments about anyone based on their ethnicity or otherwise, and that, again, is an example of where we need a Code of Military Justice to address those matters."

CHAIR LYNN commented on the complicated nature of the rules that may apply to someone who was a civilian in the National Guard.

DEPUTY COMMISSIONER DOEHL offered an example, and indicated that in the Alaska National Guard, the core values of the military had to be maintained in a civilian setting. He opined that that was far more difficult, which was why it was important not to rush toward a military code, but to "get it right the first time."

ADJUTANT GENERAL HUMMEL commented on the good leadership under her command, and she expressed enthusiasm for the work that was being done.

[8:57:27 AM](#)

REPRESENTATIVE VAZQUEZ asked Deputy Commissioner Doehl to confirm whether all the investigations by the OCI had been completed.

DEPUTY COMMISSIONER DOEHL answered that the OCI's action in Alaska were completed. The OCI had found there was no basis for criminal sanctions, but identified the need for ongoing audits to address fiscal issues and ensure proper accountability for "state [and] federal funds." In response to a follow-up question, he confirmed that the OCI was a federal entity, and its investigations were separate from those of the aforementioned Judge Collins. The OCI was created by policy as part of the National Guard Bureau, which operated under Title 10 of the United States Code, using federal funds, and providing a tool for the governor of Alaska to use to call for an investigation if there was an issue over whether or not the Alaska National Guard was maintaining discipline and order. Judge Collins' investigation, he said, was being done under a state statute authorizing the appointment of a special investigator by the Office of the Attorney General, using state resources "to evaluate solely based upon state statutes for compliance thereof in state regulations." In response to a follow-up question, he offered his understanding that Judge Collins' report would be ready in April of 2015, and 30 days later a report would be made available to the public.

[8:59:41 AM](#)

ADJUTANT GENERAL HUMMEL, in response to Representative Vazquez, explained that some people do not come forward for fear of retaliation or recrimination. She discussed creating an environment of mutual respect in order to encourage people to come forward. She said there were many ways that people could report activity that did not look right. She emphasized the need to ensure a consistent, written process for such things as recruiting and retention.

[9:01:58 AM](#)

REPRESENTATIVE GRUENBERG indicated that more so than at the federal level, the relationship between civilian and military employees made the commissioner's job complex in terms of accountability. He said he thought part of the problem emanated from "the lack of real civilian oversight and knowledge about what was going on before." He asked Adjutant General Hummel what steps she had taken to ensure "real" civilian control.

ADJUTANT GENERAL HUMMEL replied that most important was that the governor, as commander in chief, received the reports he/she wanted. Further, she reiterated the importance of emanating openness and trust across the command. She stated her belief that any Alaskan who had questions of the command should be able to ask those questions and have them answered. She expressed willingness to continue the conversation on the topic.

REPRESENTATIVE GRUENBERG stated that he needed more answers.

CHAIR LYNN thanked Adjutant General Hummel for her presentation.

[9:05:08 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Adjutant General Laurie Hummel, Commissioner Designee, Department of Military and Veterans' Affairs, to the joint session for consideration. There being no objection, the confirmation was advanced.

CONFIRMATION HEARING(S): ALASKA STATE COMMISSION FOR HUMAN RIGHTS

[9:05:36 AM](#)

CHAIR LYNN announced the next order of business was the confirmation hearing for Lester Lunceford as appointee for the Alaska State Commission for Human Rights.

[9:06:01 AM](#)

LESTER LUNCEFORD, Appointee, Alaska State Commission for Human Rights (ASCHR), relayed that he had served on the commission for the last 12 years; he was first appointed by Governor Frank Murkowski. He said he was a retired police officer, and he stated that the appointment to the commission was the right fit in order to continue serving the public.

[9:07:05 AM](#)

REPRESENTATIVE GRUENBERG expressed concern about backlog on the commission. He remarked that Mr. Lunceford had served on the commission for a long time, thus, he asked how the backlog compared currently and formerly.

MR. LUNCEFORD replied that the backlog seemed to be consistent over the years. He said there was a limited staff that addressed tens of thousands of complaints a year; those complaints were screened; a percentage of them turned out to be based on legitimate discrimination; and only half a dozen investigators dealt with hundreds of complaints. Further, he said the legislative process stretched out the time it took. He said the Office of Administrative Hearings had input on some of the cases. He said some hearings take months. Mr. Lunceford said that while the commission was concerned about the time, under its current process there was not much it could do about it. He said sometimes a complainant or a violator would ask for additional time to look into other aspects of a case.

[9:10:41 AM](#)

CHAIR LYNN asked how many commissioners served on the Alaska State Commissioner on Human Rights.

MR. LUNCEFORD answered seven. He added that there were always three assigned to each case. He said sometimes the commission would receive boxes of information on a case, often including audio tapes and other legal documents, which it had to sort through in order to prepare for the case. He said there was a mediation process. He shared his own experiences when he began serving on the commission. He observed that the commission seemed to be more efficient in settling cases before having to go to hearing.

[9:13:04 AM](#)

MR. LUNCEFORD, in response to a question from Chair Lynn, described the typical process. First, the case was presented to the commission, and the commissioners could have a representative from the Office of the Attorney General present to ensure the commissioners spoke on behalf of the state and in a manner that was right for the case. He said cases were presented to the commission fully investigated, with the investigator's findings on the case, and it was up to the three commissioners assigned to the case to either agree with those findings or ask the investigator to interview another person or continue the investigation in some manner. However, if the three members of the commission agreed with the investigator's findings, then they ruled as a body, and the case was "pretty much final at that time." The plaintiff or violator would then have the option of appealing the case to a court. He said on several occasions that had happened. If the court ruled in

favor of the findings of the commission, then that ruling was final. However, the court could require the commission to further investigate or hold additional interviews. He stated more often than not, in cases appealed to court level, the court's decision was that that commission "acted in good faith and ... found justly."

[9:15:58 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Lester Lunceford, Appointee, Alaska State Commission For Human Rights, to the joint session for consideration.

REPRESENTATIVE GRUENBERG objected to ask questions. He explained he wanted to know more about the issue of backlog related to Mr. Lunceford's time with the commission.

MR. LUNCEFORD responded that he did not have that information, which was usually compiled by the executive director of the commission. He said over the years, that number fluctuated between 6 and 12 percent.

REPRESENTATIVE GRUENBERG said he would have to pursue the answer elsewhere. He remarked on the length of time it had taken the commission to address complaints in the past, and he questioned whether that was still the case and what was being done about it.

[9:18:20 AM](#)

REPRESENTATIVE KELLER expressed appreciation for Mr. Lunceford's service. He expressed a desire to have Mr. Lunceford return before the committee some time to answer questions about the function and status of the commission, and he asked if Mr. Lunceford would be willing to do that.

MR. LUNCEFORD responded yes.

[9:19:37 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to the motion to advance the confirmation of Lester Lunceford, Appointee, Alaska State Commission For Human Rights, to the joint session for consideration. There being no further objection, the confirmation was advanced.

[9:19:55 AM](#)

The committee took an at-ease from 9:20 a.m. to 9:23 a.m.

^#hb106

HB 106-UNIFORM INTER.CHILD SUPPORT; PARENTAGE

[9:22:46 AM](#)

CHAIR LYNN announced that the final order of business was 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."

[9:23:21 AM](#)

CAROL BEECHER, Director, Anchorage Central Office, Child Support Services Division (CSSD), Department of Revenue (DOR), noted that, in response to a request made by the committee on 3/3/15, three individuals were available to testify: Yvette Riddick from the Office of Child Support Enforcement; Battle Robinson, a commissioner on the Uniform Law Commission; and Linsey Beaver, the legislative council for the Uniform Law Commission.

[9:24:36 AM](#)

YVETTE RIDDICK, Director, Division of Policy and Training, Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services, stated that the 2008 amendments to the Uniform Interstate Family Support Act (UIFSA) represented a collaborative effort among the Uniform Law Commission, federal and state child support officials, and representatives of national child support organizations that standardized the rules for enforcement and modifications of family support orders - both domestic and international. She said UIFSA 2008 built upon important 2001 amendments. She emphasized that [UIFSA 2008] would be wonderful for all citizens of the U.S., including Alaskans.

REPRESENTATIVE KELLER told Ms. Riddick there had been questions raised at the prior hearing as to whether the law would have to be adopted verbatim. He offered his understanding that the opinion of Alaska's Department of Law was that verbatim adoption was not a requirement under federal law.

MS. RIDDICK relayed [her office] worked closely with the Uniform Law Commission, and since its initial adoption in 1992, UIFSA had provided Universal and Uniform Rules for family support orders in the states. She explained it was that uniformity that had helped make interstate case processing so much better than it used to be prior to UIFSA 1996 and the 2001 and 2008 versions that followed. Without uniformity - "non-verbatim" - the process was dragged down. She cited Section 466(f) of the Social Security Act, which read as follows [original punctuation provided]:

(f) In order to satisfy section 454(20)(A), on and after January 1, 1998, each State must have in effect the Uniform Interstate Family Support Act, as approved by the American Bar Association on February 9, 1993, and as in effect on August 22, 1996, including any amendments officially adopted as of such date by the National Conference of Commissioners on Uniform State Laws.

MS. RIDDICK said when referencing Public Law 113-183, her office interpreted official adoption of UIFSA 2008 as verbatim. She said the office looked at previous congressional reports and reported to committees at the federal government level. For example, she stated that the National Child Support Enforcement Association provided testimony to the House Ways and Means Committee on March 20, 2012, and on page 7 of the report regarding how The Convention would be implemented, the opening paragraph read that the intent for Congress was to require states to adopt the 2008 UIFSA amendments verbatim or lose federal funding for the state federal child support enforcement programs. More recently, Congressional Research Services referred to Public Law 113-183, which included provisions to implement The Convention and other UIFSA treaty obligations, and which required states to adopt UIFSA 2008 amendments verbatim to ensure uniformity of procedures, requirements, and reporting forms. She stated, "If it was not verbatim, it would not serve the purpose that we would like for it to serve, which is to provide a ... streamline process for both domestic and international case processing."

[9:30:58 AM](#)

MS. RIDDICK said her office issued guidance to the states on a regular basis. She relayed that on February 17, 2015, the office issued Action Transmittal 1501 to all State of Alaska

child support programs. She said the office wanted to show sensitivity to state codes and things that might be a little different in state laws; therefore, in the action transmittal, the office indicated that states must enact UIFSA 2008 verbatim, by the effective date noted in Public Law 113-183, but - as with UIFSA 1996 - states may replace bracketed language with terminology that was appropriate under state law. For example, she said the word "tribunal" could be replaced by the word "court." She said states were not required to adopt the same numbering of the Uniform statute, because the numbering system under state code was sometimes different. Also, where a statute referred to other laws or statutes, even if the article or section number was not included in brackets, the state may replace the references with the appropriate article or section number of that state's statute. She said the federal Office of Child Support Enforcement (OCSE) would review "minor, non-substantive, and trivial" deviations between UIFSA 2008 and state law, on a case-by-case basis. She said all states were involved with passage of UIFSA 2008, and her staff was in the process of doing reviews and providing technical assistance. She said the OCSE had been able to "weigh local format to real changes"; however, she said significant changes to the core words of UIFSA 2008 legislation would have a negative impact on interstate case processing.

[9:33:33 AM](#)

REPRESENTATIVE KELLER offered his understanding that the word verbatim had caused problems for the committee. He mentioned proposed amendments that would not change the meaning or focus of the bill.

[9:34:28 AM](#)

REPRESENTATIVE GRUENBERG asked for written testimony from Ms. Riddick, if available.

MS. RIDDICK said she was not reading from a written statement, but could send some documents.

REPRESENTATIVE GRUENBERG emphasized the importance of Ms. Riddick as a witness from the federal government. He brought up federal overreach. He talked about the commissioner's decisions regarding uniformity of law, and said it was unusual to have a Uniform Act interpreted by another body - the federal government. He asked who, in this case, would be deciding uniformity.

MS. RIDDICK responded that the OCSE, as the administer of child support at the federal level, was in partnership with local state child support entities and programs and provided 66 percent federal funding for states to use in running their child support programs. She said each state was required to have a state plan, a contract between that state and the OCSE that the state would manage its programs in compliance with federal law and adopt procedures required by the federal government. Once a state was in compliance, which Alaska was, the OCSE would continue the 66 percent funding, and there was an audit process in place. When legislation was passed, it would become a state plan requirement if it was mandatory or "if it's actually put in." She said the aforementioned Action Transmittal 1501 contained a requirement of an amended state plan page, which indicated adoption of UIFSA [2008]. The page would be sent to the OCSE, and if it was approved, then there would be no risk of loss of federal funding. She indicated that in FY 12, the federal government partially funded the child support program and reimbursed the Temporary Assistance to Needy Families (TANF) program the amount of approximately \$60 million. She said, "With UIFSA 2008, we'll be monitoring that under the umbrella of the state plan, and ... the staff here, along with our attorneys, right now, I think, are reviewing proposals from the states to ensure that they're verbatim or, if they are not verbatim, that they are within the parameters of the description that I just provided a few minutes ago."

[9:42:22 AM](#)

REPRESENTATIVE GRUENBERG said the committee was focusing on the federal aspect in an effort to determine its limitations of power, and he requested that Ms. Riddick could remain available on line.

[9:43:18 AM](#)

LINDSAY BEAVER, Legislative Council, Uniform Law Commission, said she was in support of HB 106.

REPRESENTATIVE GRUENBERG remarked that usually there was some latitude to allow variations between states. He asked Ms. Beaver if UIFSA 2008 gave less than normal latitude to allow variations between the states.

[9:44:08 AM](#)

MS. BEAVER responded that from "a Uniform perspective," the commissioners were focused on uniformity and conforming to the true intent behind the law. A second factor was whether or not the legislation introduced by states was sufficiently close to verbatim, so as to satisfy the federal legislation and the OCSE. She said the verbatim analysis was stringent and was also tied to federal funds; therefore, the focus of the law had been on whether or not the law was verbatim.

[9:45:08 AM](#)

BATTLE ROBINSON, Uniform Law Commission, stated that "this legislation" would implement a federal treaty. She said when a federal government entered into an international treaty, it drafted, proposed, and adopted the implementing legislation. She said however the treaty was implemented, if it was done by federal law, it would be binding on all the states. She offered her understanding that this was the first time that the effort was being made to implement the treaty through uniform state legislation. The reason it was being done this way was that UIFSA was the very familiar child support statute, which all agencies, attorneys, and litigants used. She said the states were really being asked to implement the international treaty that the federal government had entered into. She said it was important to consider the alternative: without UIFSA [2008], states would probably have a federal Act that would bind the state to all its terms.

CHAIR LYNN remarked, "It sounds like blackmail."

[9:47:30 AM](#)

REPRESENTATIVE GRUENBERG said this was the first time he had seen the commissioners having to bow to a more stringent interpretation of uniformity from the federal government. He said it sounded as if Ms. Robinson was saying the commissioners were comfortable doing so. He indicated that the language of Section 466(f), UIFSA, would use "the normal standard of uniformity and not to require a standard of verbatim." He questioned whether this was done properly through the adoption of federal regulation or through an administrative interpretation.

MS. ROBINSON responded that she thought the requirement was one of the OCSE, which had supervisory functions, as well as joint functions to run the country's child support programs. She concurred with Ms. Beaver that whether or not the Uniform Law

Commission believes a particular act was uniform was a separate issue. She stated that when this law was developed, it was drafted from many interested people from many states, including judges, lawyers, representatives of child support agencies, and the federal government.

[9:50:23 AM](#)

CHAIR LYNN, in response to Representative Keller, said there would not be time during the present meeting for a sectional analysis, and the bill would be held over.

REPRESENTATIVE KELLER commented that previous testimony indicated this is unique in that the legislature is being asked to implement a treaty setting a precedence, which causes him pause. He noted that he needs time to consider the issue as this is something to be analyzed in light of the legislature's normal treaty implementation process, and the potentials of where this may go if the committee does something "novel."

CHAIR LYNN said he shared some of that concern.

REPRESENTATIVE GRUENBERG expressed thanks to all the testifiers.

CHAIR LYNN reiterated that the committee was not yet finished with its discussion on HB 106.

[9:53:15 AM](#)

REPRESENTATIVE VAZQUEZ emphasized her desire to hear from someone within Senator Lisa Murkowski's office because she would not be comfortable passing out HB 106, without having input from someone in our federal delegation.

CHAIR LYNN said he thought that was a good idea.

[9:54:28 AM](#)

MS. STEINBERG said "a congressional delegation in Senator Murkowski's office" had been contacted for input, and no one was available to testify; however, the office would be sending written testimony.

CHAIR LYNN said he would like someone on line to speak to the committee, at the invitation of both the administration and the House State Affairs Standing Committee.

MS. STEINBERG said, "We could continue to try."

CHAIR LYNN announced that HB 106 was held over.

[9:57:38 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:58 a.m.