

SB

252

SENATE COMMITTEE REPORT

DATE: 3/23/98

FURTHER: Judiciary
Finance

DATE TURNED
IN TO OFFICE: 4/30/98

Resources Committee considered SENATE BILL NO. 252

"An Act relating to paternity establishment and child support; relating to the crimes of criminal nonsupport and aiding the nonpayment of child support; and amending Rule 37(b)(2)(D), Alaska Rules of Civil Procedure; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 252 (RES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Chair: Tom...</i>			X
		<i>...</i>			X
		<i>...</i>	✓		
		<i>...</i>			X
		<i>...</i>			✓
CHAIR:		CHAIR: <i>Rich Helford</i>			✓

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>1 Cat - FN</i>			
<i>1 F+H - FN</i>			
<i>Ketchikan</i>			

PREVIOUS FISCAL NOTE(S):*

#	Department	Date	Zero	Fiscal
<i>#1</i>	<i>Revenue</i>	<i>11/24/97</i>	✓	
<i>#2</i>	<i>Administrational / Public Defender</i>	<i>11/28/97</i>		***
<i>#3</i>	<i>Admin / Public Defender</i>	<i>11/28/97</i>	✓	
<i>#4</i>	<i>Admin / Motor Vehicles</i>	<i>12/1/97</i>	✓	

*Apply Review to CS

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 4

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: SB252

(S) Publish Date: 1/22/98

Revision Date (Note if correction) _____	Dept. Affected <u>Administration</u>
Title <u>"An Act relating to paternity establishment and child support"</u>	BRU <u>Division of Motor Vehicles</u>
Sponsor <u>Rules Committee</u>	Component <u>Field Services</u>
Requester <u>Governor</u>	Component Serial No. <u>2150</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
No fiscal impact anticipated.

Prepared by Juanita Hensley
Division Motor Vehicles

Approved by Mark Boyer, Commissioner
Agency Department of Administration

Phone 465-5648
Date 12/17/97

Date 12/17/97

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

1 3
Bill Version: SB252
(S) Publish Date: 1/22/98

Revision Date (Note if correction) _____	Dept. Affected _____	Administration _____
Title "An Act relating to paternity establishment and child support...."	BRU	Office of Public Advocacy
Sponsor Rules Committee	Component	Office of Public Advocacy
Requester Governor	Component Serial No.	43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Brant McGee
Division Office of Public Advocacy

Approved by Mark Boyer, Commissioner
Agency Department of Administration

Phone 269-3500
Date _____

Date 11/28/97

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FISCAL NOTE

N 22
 Bill Version: SB752
 (S) Publish Date: 1/22/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date (Note if correction) _____	Dept. Affected _____	Administration _____
Title _____	BRU _____	Legal and Advocacy Services _____
"An Act relating to paternity establishment and child support..."	Component _____	Public Defender Agency _____
Sponsor <u>Rules Committee</u>		
Requester <u>Governor</u>	Component Serial No. _____	<u>1631</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	***	***	***	***	***	***
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***
CAPITAL EXPENDITURES	***	***	***	***	***	***
CHANGE IN REVENUES ()	***	***	***	***	***	***

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	***	***	***	***	***	***
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	***	***	***	***	***	***
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The main concern the Public Defender Agency has with this bill is the effect it will have on people who need "sport" fishing and hunting licenses for subsistence. Although it is obviously important to comply with federal law, there should be an exception or temporary licensing provision for subsistence hunting and fishing.

This bill may result in a slight increase to the Public Defender Agency caseload. Adding loss of sport fishing and hunting licenses to the already existing criminal laws on non-support probably would not have an effect, although given the importance of sport fishing and hunting licenses in Alaska, more cases may go to trial. The main effect would most likely be in contempt of court cases. Indigent putative fathers who do not complete genetic testing would have a right to a court-appointed attorney in contempt of court

Prepared by <u>Barbara K. Brink, Director</u>	Phone <u>7-254-4414</u>
Division <u>Public Defender Agency</u>	Date _____
Approved by <u>Commissioner Mark Boyer</u>	Date <u>11/28/97</u>
Agency <u>Department of Administration</u>	

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
Bill Ver. n: SB 252
(S) Publish Date: 1/22/98

Revision Date: _____ Dept. Affected: Revenue
Title: Federal Welfare Reform BRU: Child Support Enforcement Division
Component: Child Support Enforcement Division
Sponsor: Rules
Requestor: Governor COMPONENT SERIAL NO. 111

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1016 Federal Incentive Payments						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This legislation was developed so that Alaska will be in compliance with the mandates of 1996 federal welfare reform and subsequent technical amendments. This legislation is required to avoid fiscal sanctions that the federal government will impose if the state does not comply with federal law. Failure to satisfy the mandates could mean a drastic reduction in federal funding of Alaska's Child Support Enforcement and Public Assistance Divisions.

The legislation requires employers to report all new hires or rehires within 20 days; gives courts the authority to revoke sport fishing and hunting licenses if the license holder fails to honor a child support or paternity subpoena or is substantially in arrears on child support; mandates that social security numbers be provided on applications for drivers' licenses and hunting and sport fishing licenses and that the information will be shared with child support enforcement agencies; and gives support liens from other states the same standing as Alaskan liens and provides for

(Continued on Page 2)

Prepared by: Barbara Miklos, Director Phone: 259-6800
Division: Child Support Enforcement Division Date: 11/26/97
Approved by: [Signature] Date: 11/24/97
Commissioner: Wilson Condon
Agency: Dept. of Revenue

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DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION

Federal Welfare Reform
November 26, 1997
Work Draft #0007
Page 2 of 2

Fiscal Note Analysis, continued

liens to arise as a matter of law. This legislation also makes changes in statutes to assure that the Alaskan child support program is able to operate under federal requirements.

Child support enforcement is a cornerstone of federal welfare reform. Congress has recognized that it is very difficult for families with low incomes to adequately support their children without the assistance of both parents. Therefore, the federal legislation increases requirements for CSED to meet various deadlines and improve processes for obtaining child support.

CSED does not associate increased costs directly with this legislation. Therefore, the fiscal note is zero. However, it must be recognized that changes mandated by welfare reform not addressed in this legislation require additional resources in order for CSED to meet federal requirements.

CS FOR SENATE BILL NO. 252(RES)**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTIETH LEGISLATURE - SECOND SESSION****BY THE SENATE RESOURCES COMMITTEE**

Offered:

Referred:

Sponsor(s): **SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to paternity establishment and support orders; relating to social
2 security numbers gathered under federal requirements relating to child support
3 enforcement; relating to the crime of criminal nonsupport; requiring a court to
4 order parties involved in child custody or visitation matters to attend an
5 educational presentation about mediation; relating to divorces, dissolutions, and
6 actions to declare a marriage void; and providing for an effective date."

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

8 * **Section 1. PURPOSE.** The primary purpose of this Act is to amend the Alaska Statutes
9 to comply with the mandates of the federal Personal Responsibility and Work Opportunity
10 Reconciliation Act of 1996 and other federal law to ensure continued federal financial
11 participation for Alaska's child support enforcement, public assistance, and unemployment
12 programs.

13 * **Sec. 2.** AS 09.50.020 is amended by adding new subsections to read:

1 (b) In addition to the penalty specified in (a) of this section, the court may
2 suspend, restrict, or revoke, for a period not to exceed six months, a driver's license
3 as defined in AS 28.40.100, a license as defined in AS 25.27.244(s), or a recreational
4 license, or any combination of these licenses, or the person's ability to obtain the
5 licenses, if

6 (1) the person is a natural person;

7 (2) the contempt is one under AS 09.50.010(4) - (10); and

8 (3) the court, sitting without a jury, finds by a preponderance of
9 evidence that the contempt related to failure to pay money in connection with a child
10 support action or proceeding or failure to comply with a subpoena or warrant relating
11 to a paternity or child support proceeding.

12 (c) In this section, "recreational license" means a recreational fishing license
13 or recreational hunting license. In this subsection,

14 (1) "recreational fishing license" means a sport fishing license under
15 AS 16.05.340 unless that license is required for participation in personal use fishing,
16 as defined in AS 16.05.940, or subsistence fishing, as defined in AS 16.05.940 and
17 modified by decisions of the Alaska Supreme Court;

18 (2) "recreational hunting license" means a hunting license under
19 AS 16.05.340 unless that license is required for participation in subsistence hunting,
20 as defined in AS 16.05.940 and modified by decisions of the Alaska Supreme Court.

21 * Sec. 3. AS 11.51.120(c) is amended to read:

22 (c) Criminal nonsupport is a class A misdemeanor and is also punishable by
23 loss of hunting and sport fishing licenses as provided in AS 12.55.139.

24 * Sec. 4. AS 11.56 is amended by adding a new section to article 6 to read:

25 **Sec. 11.56.870. Misconduct regarding social security numbers.** (a) A
26 public servant commits the crime of misconduct regarding social security numbers if
27 the public servant knowingly sells a list compiled by a state agency that identifies one
28 or more persons by their social security numbers and the social security numbers were
29 obtained by the state under the requirements of P.L. 104-193 (Personal Responsibility
30 and Work Opportunity Act).

31 (b) Misconduct regarding social security numbers is a class A misdemeanor.

1 * **Sec. 5.** AS 12.55 is amended by adding a new section to read:

2 **Sec. 12.55.139. Penalties for criminal nonsupport.** In addition to other
3 penalties imposed for the offense of criminal nonsupport under AS 11.51.120, the court
4 may suspend or revoke, for a period not to exceed one year, a hunting license, sport
5 fishing license, or both, issued under AS 16.05, if the defendant is a natural person.

6 * **Sec. 6.** AS 16.05 is amended by adding a new section to read:

7 **Sec. 16.05.052. Notification to agents concerning social security numbers.**

8 The commissioner shall, upon appointment of a person as an agent to receive
9 applications, issue licenses, and collect license fees with respect to hunting licenses,
10 sport fishing licenses, and crewmember fishing licenses, notify the person in writing
11 about the penalties that are applicable under federal law for improper disclosure of the
12 social security numbers collected with respect to the agent's licensing duties.

13 * **Sec. 7.** AS 16.05.330 is amended by adding a new subsection to read:

14 (e) A natural person applying for a license or tag for hunting or sport fishing
15 shall provide the person's social security number on the license application. Upon
16 request, the department shall provide the social security number to the child support
17 enforcement agency created in AS 25.27.010, or the child support agency of another
18 state, for child support purposes authorized by law.

19 * **Sec. 8.** AS 16.05.346 is amended by adding a new subsection to read:

20 (d) A person applying for a permit under this section shall provide the person's
21 social security number on the permit application. Upon request, the department shall
22 provide the social security number to the child support enforcement agency created in
23 AS 25.27.010, or the child support agency of another state, for child support purposes
24 authorized by law.

25 * **Sec. 9.** AS 16.05.360 is amended to read:

26 **Sec. 16.05.360. Commissioner charged with license issuance.** The
27 commissioner or an authorized deputy shall issue each license and tag to a qualified
28 person under written application containing such reasonable information as required
29 by the commissioner. The commissioner shall designate the license and tag form or
30 type. The form or type must be sufficient to identify and locate the applicant, [AND]
31 establish the applicant's status as to residency and citizenship, and supply the

1 person's social security number if required by this chapter. Each application shall
2 be subscribed and sworn to by the applicant before an officer authorized to administer
3 oaths in the state.

4 * **Sec. 10.** AS 16.05.360 is amended by adding a new subsection to read:

5 (b) Upon request, the department shall provide a social security number
6 provided by an applicant under (a) of this section to the child support enforcement
7 agency created in AS 25.27.010, or the child support agency of another state, for child
8 support purposes authorized by law.

9 * **Sec. 11.** AS 22.35 is amended by adding a new section to read:

10 **Sec. 22.35.020. Copies of records for child support purposes.** If a copy of
11 a court record is requested by the child support enforcement agency created in
12 AS 25.27.010 or a child support agency of another state, the official custodian of the
13 record shall provide the requesting agency with a copy of the record, including any
14 social security numbers that the record might contain. If the requested record is
15 maintained by the court system in an electronic data base, the record may be supplied
16 by providing the requesting agency with a copy of the electronic record and a
17 statement certifying its contents. A requesting agency receiving otherwise confidential
18 information under this section may use it only for child support purposes authorized
19 by law.

20 * **Sec. 12.** AS 25.20.050(n) is amended to read:

21 (n) Each [ON AND AFTER JULY 1, 1997, A] paternity order or [AN]
22 acknowledgment made under this section must include in the records relating to the
23 matter the social security numbers, if ascertainable, of the following persons:

- 24 (1) the father;
25 (2) the mother;
26 (3) the child.

27 * **Sec. 13.** AS 25.20 is amended by adding a new section to read:

28 **Sec. 25.20.075. Mandatory attendance at education course relating to**
29 **mediation.** (a) After a petition for child custody is filed under AS 25.20.060, a
30 petition to modify an award of custody or visitation is filed under AS 25.20.110, or
31 an action for damages for failure to permit visitation is filed under AS 25.20.140, the

1 court shall order the parties to attend an educational presentation approved by the court
2 that explains the concept of mediation.

3 (b) When implementing (a) of this section, the court may not require that the
4 parties attend the educational presentation at the same time.

5 (c) An educational presentation approved by the court under this section must
6 be a video cassette, audio cassette, or vocal presentation that includes an explanation
7 that

8 (1) mediation is a conflict resolution process, usually engaged in
9 voluntarily, in which a trained impartial third party assists the parties to negotiate a
10 consensual and informed settlement;

11 (2) mediation is based on principles of problem solving that focus on
12 the needs and interests of the participants, fairness, safety, confidentiality, self-
13 determination, and the best interests of all parties and other persons who the parties
14 agree are affected; and

15 (3) the role of a mediator is not to make decisions for the parties or to
16 report to a court about the mediation process but includes reducing the obstacles to
17 communication, maximizing the exploration of alternatives, and addressing the needs
18 of the persons who the parties agree are affected.

19 * Sec. 14. AS 25.24.160(d) is amended to read:

20 (d) For each [IN A] judgment issued under this section, the court shall include
21 in the records relating to the matter the social security numbers, if ascertainable, of
22 the following persons:

23 (1) each party to the action;

24 (2) each child whose rights are addressed in the judgment.

25 * Sec. 15. AS 25.24.210(e) is amended to read:

26 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition
27 must state in detail the terms of the agreement between the spouses concerning the
28 custody of children, child support, visitation, spousal maintenance and tax
29 consequences, if any, and fair and just division of property, including retirement
30 benefits. Agreements on spousal maintenance and property division must fairly allocate
31 the economic effect of dissolution and take into consideration the factors listed in

1 AS 25.24.160(a)(2) and (4). In addition, the petition must state

2 (1) the respective occupations of the petitioners;

3 (2) the income, assets, and liabilities of the respective petitioners at the
4 time of filing the petition;

5 (3) the date and place of the marriage;

6 (4) the name, date of birth, and current marital, educational, and
7 custodial status of each child born of the marriage or adopted by the petitioners who
8 is under the age of 19;

9 (5) whether the wife is pregnant;

10 (6) whether either petitioner requires medical care or treatment;

11 (7) whether any of the following has been issued or filed during the
12 marriage by or regarding either spouse as defendant, participant, or respondent:

13 (A) a criminal charge of a crime involving domestic violence;

14 (B) a protective order under AS 18.66.100 - 18.66.180;

15 (C) injunctive relief under former AS 25.35.010 or 25.35.020;

16 or

17 (D) a protective order issued in another jurisdiction and filed
18 with the court in this state under AS 18.66.140;

19 (8) whether either petitioner has received the advice of legal counsel
20 regarding a divorce or dissolution;

21 (9) other facts and circumstances that the petitioners believe should be
22 considered;

23 (10) that the petition constitutes the entire agreement between the
24 petitioners; and

25 (11) any other relief sought by the petitioners [;

26 (12) THE SOCIAL SECURITY NUMBERS, IF ASCERTAINABLE,
27 OF THE FOLLOWING PERSONS:

28 (A) BOTH SPOUSES TO THE MARRIAGE BEING
29 DISSOLVED;

30 (B) EACH CHILD WHOSE RIGHTS ARE BEING
31 ADDRESSED IN THE PETITION FOR DISSOLUTION].

1 * **Sec. 16.** AS 25.24.210 is amended by adding a new subsection to read:

2 (f) A petition filed under this section must include or be accompanied by a
3 record of the social security numbers, if ascertainable, of the following persons:

4 (1) both spouses to the marriage being dissolved;

5 (2) each child whose rights are being addressed in the petition for
6 dissolution.

7 * **Sec. 17.** AS 25.24.230(i) is amended to read:

8 (i) For each [IN A] judgment issued under this section, the court shall include
9 in the records relating to the matter the social security numbers, if ascertainable, of
10 the following persons:

11 (1) each party to the dissolution of marriage;

12 (2) each child whose rights are addressed in the judgment.

13 * **Sec. 18.** AS 25.25.602(a) is amended to read:

14 (a) A support order or income withholding order of another state may be
15 registered in this state by sending the following documents and information to a
16 tribunal of this state:

17 (1) a letter of transmittal to the tribunal requesting registration and
18 enforcement;

19 (2) two copies, including one certified copy, of all orders to be
20 registered, including any modification of an order;

21 (3) a sworn statement by the party seeking registration or a certified
22 statement by the custodian of the records showing the amount of any arrearage;

23 (4) the name of the obligor and, if known,

24 (A) the obligor's address and social security number;

25 (B) the name and address of the obligor's employer and any
26 other source of income of the obligor; and

27 (C) a description and the location of property in this state of the
28 obligor not exempt from execution; and

29 [(D) THE NAMES AND ADDRESSES OF ALL POTENTIAL
30 THIRD-PARTY RESOURCES, INCLUDING A HEALTH INSURER, THAT
31 MIGHT BE AVAILABLE TO MEET THE REQUIREMENTS OF A

1 MEDICAL SUPPORT ORDER; AND]

2 (5) the name and address of the obligee and, if applicable, the agency
3 or person to whom support payments are to be remitted.

4 * Sec. 19. AS 25.25.611(a) is amended to read:

5 (a) After a child support order issued in another state has been registered in
6 this state, unless the provisions of AS 25.25.613 apply, the responding tribunal of this
7 state may modify that order only if, after notice and an opportunity for hearing, it finds
8 that

9 (1) the following requirements are met:

10 (A) the child, the individual obligee, and the obligor do not
11 reside in the issuing state;

12 (B) a petitioner who is not a resident of this state seeks
13 modification; and

14 (C) the respondent is subject to the personal jurisdiction of the
15 tribunal of this state; or

16 (2) [AN INDIVIDUAL PARTY OR] the child, or a party who is an
17 individual, is subject to the personal jurisdiction of the tribunal and all of the
18 [INDIVIDUAL] parties who are individuals have filed a written consent in the issuing
19 tribunal providing that a tribunal of this state may modify the support order and
20 assume continuing, exclusive jurisdiction over the order; however, if the issuing state
21 is a foreign jurisdiction that has not enacted a law or procedure substantially similar
22 to this chapter, the written consent of an [THE] individual [PARTY] residing in this
23 state is not required for the tribunal to assume jurisdiction to modify the child support
24 order.

25 * Sec. 20. AS 25.27.022(b) is amended to read:

26 (b) Except for requests for assistance made under (c) of this section or
27 AS 25.25.501, requests [REQUESTS] from child support enforcement agencies in
28 other states shall be made by application containing the information that this state's
29 agency requires and including written authorization from the requesting state agency
30 and the obligee for this state's agency to initiate necessary action.

31 * Sec. 21. AS 25.27.022 is amended by adding new subsections to read:

1 (c) Requests from a child support agency of another state for assistance in
2 enforcing support orders through high-volume automated administrative enforcement
3 may be made by electronic or other means and must include the information required
4 by 42 U.S.C. 666(a)(14).

5 (d) An employer receiving an income withholding order from a child support
6 agency of another state shall comply with the choice of law provisions of
7 AS 25.25.502(d), 25.25.503, and 42 U.S.C. 666(b)(6)(A)(i)(V).

8 * Sec. 22. AS 25.27.062(e) is amended to read:

9 (e) The agency or the person who obtains an income withholding order under
10 this chapter shall immediately send a copy of the income withholding order, a copy
11 of the relevant provisions of AS 25.27.260 and this section, and an explanation of the
12 effect of the statutes to persons who may owe money to an obligor. These items may
13 be served [SENT] by [FIRST CLASS MAIL OR] certified mail, return receipt
14 requested, or they may be served personally by a process server, except that the agency
15 alternatively may send the items by electronic means. An income withholding order
16 made under this chapter is binding upon a person, employer, political subdivision, or
17 department of the state immediately upon receipt of a copy of the income withholding
18 order. A person receiving an income withholding order [AN EMPLOYER] shall
19 immediately begin withholding the specified amount from the obligor's earnings
20 [EMPLOYEE'S WAGES]. The amount withheld shall be sent to the agency within
21 seven business days after the date the amount would otherwise have been paid or
22 credited to the obligor [EMPLOYEE]. An employer may, for each payment made
23 under an order, deduct \$5 from other wages or salary owed to the obligor.

24 * Sec. 23. AS 25.27.063(b) is amended to read:

25 (b) If an obligor who is required to provide health care coverage under a
26 medical support order is eligible for family health coverage through an employer
27 [DOING BUSINESS IN THE STATE], the court or agency issuing the medical
28 support order shall send a copy of the medical support order to the employer. If the
29 agency has notice that the obligor has changed or will be changing employment
30 and is or will be eligible for family health coverage through the new employer, the
31 agency shall send a copy of the medical support order to the new employer.

1 * **Sec. 24.** AS 25.27.075 is repealed and reenacted to read:

2 **Sec. 25.27.075. Employment information.** (a) Except as provided in (g) of
3 this section, an employer doing business in the state shall report to the agency the
4 hiring, rehiring, or return to work of each employee. The report shall be made within
5 the time limits set out in (b) of this section. The report must contain the name,
6 address, and social security number of the newly hired employee, the name and
7 address of the employer, and the identifying number assigned to the employer by the
8 United States Department of the Treasury, Internal Revenue Service.

9 (b) An employer required to report under (a) of this section shall use the
10 following procedures to make the report:

11 (1) if the report is submitted magnetically or electronically, the report
12 shall be made in a format mutually agreed upon by the employer and the agency; an
13 employer reporting under this paragraph shall make two transmissions a month, not
14 less than 12 days nor more than 16 days apart; or

15 (2) if the report is not submitted magnetically or electronically, the
16 report shall be made on a United States Department of the Treasury, Internal Revenue
17 Service, W-4 form or, at the option of the employer, on an equivalent form; an
18 employer reporting under this paragraph shall make the report to the agency not later
19 than 20 days after the date of the hiring, rehiring, or return to work of the employee;
20 the report shall be transmitted by the employer by first class mail.

21 (c) An employer that does business in this state and that has employees in at
22 least one other state is not required to comply with (a) of this section if, in compliance
23 with the laws of that state, the employer

24 (1) submits timely magnetic or electronic reports of hires, rehires, or
25 returns to work to the state directory of new hires of another state in which the
26 employer has employees; and

27 (2) has provided written notification of its election under this subsection
28 to the United States Secretary of Health and Human Services.

29 (d) In addition to reporting under (a) of this section, a labor organization of
30 which an obligor is a member or another employer of the obligor shall promptly
31 provide to the agency, or the child support enforcement agency of another state,

1 information requested regarding the obligor's compensation, employment, wages or
2 salary, and occupation.

3 (e) An employer may charge \$1 to each employee who is reported to the
4 agency under this section to cover the cost of the reporting.

5 (f) In addition to other sanctions available under the law, a labor organization
6 or another employer that violates this section is liable for a civil penalty for each
7 failure to meet the requirements of this section of not more than

8 (1) \$10 for each employee who is newly hired, rehired, or newly
9 returned to work; and

10 (2) \$100 if the failure is the result of a conspiracy between the
11 employee and the employer not to supply the required report or to supply a false or
12 incomplete report concerning an employee.

13 (g) This section does not apply to an employer if the otherwise reportable
14 event occurs during a month when the employer has fewer than five employees.

15 (h) In this section,

16 (1) "employee" has the meaning given in 26 U.S.C. 3401(c);
17 "employee" does not include an employee of a federal or state agency performing
18 intelligence or counterintelligence functions if the head of that agency has determined
19 that reporting under this section on the employee could endanger the safety of the
20 employee or compromise an ongoing investigation or intelligence mission;

21 (2) "employer" has the meaning given in 26 U.S.C. 3401(d);
22 "employer" includes a governmental entity and a labor organization;

23 (3) "labor organization" has the meaning given in 29 U.S.C. 152; "labor
24 organization" includes an entity that is used by the labor organization and another
25 employer to carry out hiring or other requirements described in 29 U.S.C. 158(f)(3) in
26 accordance with an agreement between the labor organization and the other employer.

27 * Sec. 25. AS 25.27.085 is amended by adding a new subsection to read:

28 (g) If a person fails to comply with a subpoena issued under this section, the
29 agency may apply to the court for an order to compel obedience by proceedings for
30 contempt as if the subpoena had been issued by a court.

31 * Sec. 26. AS 25.27.165(b) is amended to read:

1 (b) In order to initiate a paternity proceeding administratively, the agency shall
2 serve a mother and putative father, as appropriate, with a notice of paternity and
3 financial responsibility. The notice shall be served personally as set out in Rule 4(d),
4 Alaska Rules of Civil Procedure, or by registered, certified, or insured mail, return
5 receipt requested, for restricted delivery only to the person to whom the notice is
6 directed or to the person authorized under federal law to receive that person's restricted
7 delivery mail. The notice must be accompanied by

8 (1) an administrative order requiring that the mother, child, and putative
9 father submit to genetic testing to be arranged by the agency and stating that a party
10 may provide information to show good cause not to order the testing;

11 (2) an administrative order requiring the putative father to provide
12 financial information, as defined by the agency in regulation, within 30 [20] days after
13 service of the notice; all financial information provided to the agency under an order
14 under this paragraph shall be held confidential by the agency, according to any
15 applicable regulations; and

16 (3) a notice of right to informal conference, to be held within 20 days
17 after receipt of an admission of paternity or service upon the parties of genetic test
18 results.

19 * Sec. 27. AS 25.27.165(c) is amended to read:

20 (c) A person served with a notice of paternity and financial responsibility and
21 accompanying orders under (b) of this section shall file a response, admitting or
22 denying paternity and providing the required financial information, within 30 [20] days
23 after the date of service of the notice of paternity and financial responsibility. If the
24 putative father admits paternity, the agency shall issue, within 20 days after the
25 admission of paternity, a decision establishing paternity. If the putative father denies
26 paternity, the putative father shall submit to genetic testing, as provided in (b) of this
27 section, within 45 [30] days after the date of service of the notice of paternity and
28 financial responsibility. If the putative father fails to file a response or fails to
29 comply with an accompanying order within the time and in the manner required
30 in this subsection, the agency may issue a decision by default establishing
31 paternity and financial responsibility, except that, if the proceeding was instituted

1 at the request of the putative father, the agency shall dismiss the proceeding
2 without prejudice.

3 * Sec. 28. AS 25.27 is amended by adding a new section to read:

4 Sec. 25.27.167. **Contempt of order for genetic testing.** (a) If a person who
5 is located in this state fails to comply with an order for genetic testing issued by the
6 agency in this state, or the tribunal of another state, the agency in this state may certify
7 the facts to the superior court of this state.

8 (b) Upon certification under (a) of this section, the court shall issue an order
9 directing the person to appear and show cause why the person should not be punished
10 for contempt. The order and a copy of the certified statement shall be served on the
11 person in the manner required for service of court orders to show cause.

12 (c) After service under (b) of this section, the court has jurisdiction of the
13 matter brought under this section.

14 (d) The law of this state applicable to contempt of a court order applies to a
15 proceeding for contempt of order for genetic testing brought under this section.

16 * Sec. 29. AS 25.27.230(a) is repealed and reenacted to read:

17 (a) The agency shall assert a lien upon the real or personal property of the
18 obligor in the amount of the obligor's liability if an arrearage occurs under a support
19 order being enforced by the agency.

20 * Sec. 30. AS 25.27.230 is amended by adding new subsections to read:

21 (e) A lien arising in another state under the child support laws of that state
22 shall be given full faith and credit in this state. The lien may be asserted in this state
23 upon the real or personal property of the obligor in the amount of the obligor's liability
24 by complying with the requirements of this section.

25 (f) A lien recorded under this section is a judgment lien and may be enforced
26 by execution under AS 09.35 in the full amount of the obligor's liability at the time
27 of execution.

28 * Sec. 31. AS 25.27.240(a) is amended to read:

29 (a) The agency of this state or another state, or a party or other entity
30 seeking to enforce a child support obligation, may, at any time after recording of a
31 lien recorded under AS 25.27.230, serve a copy of the lien upon any person, political

1 subdivision, or department of the state possessing earnings, or deposits or balances
2 held in any bank account of any nature that are due, owing, or belonging to the
3 obligor.

4 * **Sec. 32.** AS 25.27.244(a) is amended to read:

5 (a) The agency shall compile and maintain a list of obligors who are not in
6 substantial compliance with a support order or payment schedule negotiated under
7 (g)(1) of this section [AND OF OTHER PERSONS WHO, AFTER RECEIVING
8 APPROPRIATE NOTICE, HAVE FAILED TO COMPLY WITH A SUBPOENA OR
9 WARRANT RELATING TO PATERNITY OR A CHILD SUPPORT PROCEEDING].

10 The agency may not include an obligor on the list unless the agency has sent to the
11 obligor, at the obligor's most recent address on file with the agency, written notice of
12 the arrearages at least 60 days before placement on the list. The list must include the
13 names, social security numbers, dates of birth, and last known addresses of the
14 persons. The list shall be updated by the agency on a monthly basis.

15 * **Sec. 33.** AS 25.27.244(g) is amended to read:

16 (g) If the applicant wishes to challenge being included on the list, the applicant
17 shall submit to the agency a written request for review within 30 days after receiving
18 the notice under (c) or (r) of this section by using the form developed under (e) of this
19 section. Within 30 days after receiving a written request for review, the agency shall
20 inform the applicant in writing of the agency's findings. The agency shall immediately
21 send a release to the appropriate licensing entity and the applicant if any of the
22 following conditions is met:

23 (1) the applicant is found to [HAVE COMPLIED WITH ALL
24 SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS SECTION, IF
25 APPLICABLE, AND IS FOUND TO] be in substantial compliance with each support
26 order applicable to the applicant or has negotiated an agreement with the agency for
27 a payment schedule on arrearages and is in substantial compliance with the negotiated
28 agreement; if the applicant fails to be in substantial compliance with an agreement
29 negotiated under this paragraph, the agency shall send to the appropriate licensing
30 entity a revocation of any release previously sent to the entity for that applicant;

31 (2) the applicant has submitted a timely request for review to the

1 agency, but the agency will be unable to complete the review and send notice of
2 findings to the applicant in sufficient time for the applicant to file a timely request for
3 judicial relief within the 150-day period during which the applicant's temporary license
4 is valid under (d) of this section; this paragraph applies only if the delay in completing
5 the review process is not the result of the applicant's failure to act in a reasonable,
6 timely, and diligent manner upon receiving notice from the licensing entity that the
7 applicant's name is on the list;

8 (3) the applicant has, within 30 days after receiving the agency's
9 findings following a request for review under (2) of this subsection, filed and served
10 a request for judicial relief under this section, but a resolution of that relief will not
11 be made within the 150-day period of the temporary license under (d) of this section;
12 this paragraph applies only if the delay in completing the judicial relief process is not
13 the result of the applicant's failure to act in a reasonable, timely, and diligent manner
14 upon receiving the agency's notice of findings; or

15 (4) the applicant has obtained a judicial finding of substantial
16 compliance.

17 * Sec. 34. AS 25.27.244(i) is amended to read:

18 (i) Except as otherwise provided in this section, the agency may not issue a
19 release if the applicant is not in substantial compliance with the order for support or
20 with an agreement negotiated under (g)(1) of this section [OR IS NOT IN
21 COMPLIANCE WITH A SUBPOENA OR WARRANT DESCRIBED IN (a) OF THIS
22 SECTION]. The agency shall notify the applicant in writing that the applicant may
23 request any or all of the following: (1) judicial relief from the agency's decision not
24 to issue a release or the agency's decision to revoke a release under (g)(1) of this
25 section; (2) a judicial determination of substantial compliance; (3) a modification of
26 the support order. The notice must also contain the name and address of the court in
27 which the applicant may file the request for relief and inform the applicant that the
28 applicant's name shall remain on the list if the applicant does not request judicial relief
29 within 30 days after receiving the notice. The applicant shall comply with all statutes
30 and rules of court implementing this section. This section does not limit an applicant's
31 authority under other law to request an order to show cause or notice of motion to

1 modify a support order or to fix a payment schedule on arrearages accruing under a
2 support order or to obtain a court finding of substantial compliance with a support
3 order or a court finding of compliance with subpoenas and warrants described in (a)
4 of this section.

5 * Sec. 35. AS 25.27.244(j) is amended to read:

6 (j) A request for judicial relief from the agency's decision must state the
7 grounds on which relief is requested, and the judicial action shall be limited to those
8 stated grounds. Judicial relief under this subsection is not an appeal and shall be
9 governed by court rules adopted to implement this section. Unless otherwise provided
10 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
11 the filing of service on the opposing party. The court's decision shall be limited to a
12 determination of each of the following issues, as applicable:

13 (1) whether there is a support order or a payment schedule on
14 arrearages;

15 (2) whether the petitioner is the obligor covered by the support order;

16 and

17 (3) whether the obligor is in substantial compliance with the support
18 order or payment schedule [; AND

19 (4) WHETHER THE PERSON REQUESTING RELIEF COMPLIED
20 WITH ALL SUBPOENAS AND WARRANTS RELATING TO PATERNITY OR A
21 CHILD SUPPORT PROCEEDING].

22 * Sec. 36. AS 25.27.244(k) is amended to read:

23 (k) If the court finds that the person requesting relief is in substantial
24 compliance with the support order or payment schedule, [AND IS IN COMPLIANCE
25 WITH ALL SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS
26 SECTION,] the agency shall immediately send a release under (g) of this section to
27 the appropriate licensing entity and the applicant.

28 * Sec. 37. AS 25.27.244(l) is amended to read:

29 (l) If an applicant is in substantial compliance with a support order or payment
30 schedule, [AND IS IN COMPLIANCE WITH SUBPOENAS AND WARRANTS
31 DESCRIBED IN (a) OF THIS SECTION,] the agency shall mail to the applicant and

1 the appropriate licensing entity a release stating that the applicant is in substantial
2 compliance [OR IS IN COMPLIANCE WITH THE SUBPOENAS AND
3 WARRANTS, AS APPLICABLE]. The receipt of a release shall serve to notify the
4 applicant and the licensing entity that, for the purposes of this section, the applicant
5 is in substantial compliance with the support order or payment schedule [, OR IS IN
6 COMPLIANCE WITH THE SUBPOENAS AND WARRANTS,] unless the agency,
7 under (a) of this section, certifies subsequent to the issuance of a release that the
8 applicant is once again not in substantial compliance with a support order or payment
9 schedule [, OR IS NOT IN COMPLIANCE WITH A SUBPOENA OR WARRANT].

10 * Sec. 38. AS 25.27.246(a) is amended to read:

11 (a) The agency shall compile and maintain a list of obligors who have a
12 driver's license and are not in substantial compliance with a support order or payment
13 schedule negotiated under (f)(1) of this section [AND OF OTHER PERSONS WHO,
14 AFTER RECEIVING APPROPRIATE NOTICE, HAVE FAILED TO COMPLY
15 WITH A SUBPOENA OR WARRANT RELATING TO PATERNITY OR A CHILD
16 SUPPORT PROCEEDING]. The agency may not include an obligor on the list unless
17 the agency has sent to the obligor, at the obligor's most recent address on file with the
18 agency, written notice of the arrearages at least 60 days before placement on the list.
19 The list must include the names, social security numbers, dates of birth, and last
20 known addresses of the persons. The list shall be updated by the agency on a monthly
21 basis.

22 * Sec. 39. AS 25.27.246(f) is amended to read:

23 (f) If a licensee wishes to challenge being included on the list, the licensee
24 shall submit to the agency a written request for review within 30 days after the notice
25 under (b) of this section was personally delivered or postmarked by using the form
26 developed under (d) of this section. Within 30 days after receiving a written request
27 for review, the agency shall inform the licensee in writing of the agency's findings.
28 The agency shall immediately send a release to the department and the licensee if any
29 of the following conditions is met:

30 (1) the licensee is found [BY THE AGENCY TO HAVE COMPLIED
31 WITH ALL SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS

1 SECTION AND IS FOUND] to be in substantial compliance with each support order
2 applicable to the licensee or has negotiated an agreement with the agency for a
3 payment schedule on arrearages and is in substantial compliance with the negotiated
4 agreement; if the licensee fails to be in substantial compliance with an agreement
5 negotiated under this paragraph, the agency shall send to the department a revocation
6 of any release previously sent to the entity for that licensee;

7 (2) the licensee has submitted a timely request for review to the
8 agency, but the agency will be unable to complete the review and send notice of
9 findings to the licensee in sufficient time for the licensee to file a timely request for
10 judicial relief within the 150-day period before the licensee's license will be suspended
11 under (c) of this section; this paragraph applies only if the delay in completing the
12 review process is not the result of the licensee's failure to act in a reasonable, timely,
13 and diligent manner upon receiving notice from the agency that the licensee's driver's
14 license will be suspended in 150 days;

15 (3) the licensee has, within 30 days after receiving the agency's findings
16 following a request for review under (2) of this subsection, filed and served a request
17 for judicial relief under this section, but a resolution of that relief will not be made
18 within the 150-day period before license suspension under (c) of this section; this
19 paragraph applies only if the delay in completing the judicial relief process is not the
20 result of the licensee's failure to act in a reasonable, timely, and diligent manner upon
21 receiving the agency's notice of findings; or

22 (4) the licensee has obtained a judicial finding of substantial
23 compliance.

24 * Sec. 40. AS 25.27.246(h) is amended to read:

25 (h) Except as otherwise provided in this section, the agency may not issue a
26 release if the licensee is not in substantial compliance with the order for support or
27 with an agreement negotiated under (f)(1) of this section [~~, OR IS NOT IN~~
28 COMPLIANCE WITH A SUBPOENA OR WARRANT DESCRIBED IN (a) OF THIS
29 SECTION]. The agency shall notify the licensee in writing that the licensee may
30 request any or all of the following: (1) judicial relief from the agency's decision not
31 to issue a release or the agency's decision to revoke a release under (f)(1) of this

1 section; (2) a judicial determination of substantial compliance; (3) a modification of
2 the support order. The notice must also contain the name and address of the court in
3 which the licensee may file the request for relief and inform the licensee that the
4 licensee's name shall remain on the list if the licensee does not request judicial relief
5 within 30 days after receiving the notice. The licensee shall comply with all statutes
6 and rules of court implementing this section. This section does not limit a licensee's
7 authority under other law to request an order to show cause or notice of motion to
8 modify a support order or to fix a payment schedule on arrearages accruing under a
9 support order or to obtain a court finding of substantial compliance with a support
10 order or a court finding of compliance with subpoenas and warrants described in (a)
11 of this section.

12 * **Sec. 41.** AS 25.27.246(i) is amended to read:

13 (i) A request for judicial relief from the agency's decision must state the
14 grounds on which relief is requested, and the judicial action shall be limited to those
15 stated grounds. Judicial relief under this subsection is not an appeal and shall be
16 governed by court rules adopted to implement this section. Unless otherwise provided
17 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
18 the filing of service on the opposing party. The court's decision shall be limited to a
19 determination of each of the following issues, as applicable:

20 (1) whether there is a support order or a payment schedule on
21 arrearages;

22 (2) whether the petitioner is the obligor covered by the support order;

23 and

24 (3) whether the obligor is in substantial compliance with the support
25 order or payment schedule [; AND

26 (4) WHETHER THE PERSON REQUESTING RELIEF COMPLIED
27 WITH ALL SUBPOENAS AND WARRANTS RELATING TO PATERNITY OR A
28 CHILD SUPPORT PROCEEDING].

29 * **Sec. 42.** AS 25.27.246(j) is amended to read:

30 (j) If the court finds that the person requesting relief is in substantial
31 compliance with the support order or payment schedule, [OR IS IN COMPLIANCE

1 WITH SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS SECTION,]
2 the agency shall immediately send a release under (f) of this section to the department
3 and the licensee.

4 * Sec. 43. AS 25.27.246(k) is amended to read:

5 (k) If a licensee is in substantial compliance with a support order or payment
6 schedule, [AND IS IN COMPLIANCE WITH ALL SUBPOENAS AND WARRANTS
7 DESCRIBED IN (a) OF THIS SECTION,] the agency shall mail to the licensee and
8 the department a release stating that the licensee is in substantial compliance [OR IS
9 IN COMPLIANCE WITH THE SUBPOENAS AND WARRANTS,
10 AS APPLICABLE]. The receipt of a release shall serve to notify the licensee and the
11 department that, for the purposes of this section, the licensee is in substantial
12 compliance with the support order or payment schedule [, OR IS IN COMPLIANCE
13 WITH THE SUBPOENAS AND WARRANTS,] unless the agency, under (a) of this
14 section, certifies subsequent to the issuance of a release that the licensee is once again
15 not in substantial compliance with a support order or payment schedule [, OR IS NOT
16 IN COMPLIANCE WITH A SUBPOENA OR WARRANT].

17 * Sec. 44. AS 25.27.246(n)(5) is amended to read:

18 (5) "substantial compliance" regarding a support order or payment
19 schedule means that, with respect to a support order or a negotiated payment schedule
20 under (f) of this section, whichever is applicable, the obligor [EITHER] has

21 (A) no arrearage;

22 (B) [OR HAS] an arrearage in an amount that is not more than
23 four times the monthly obligation under the support order or payment schedule;
24 or

25 (C) been determined by a court to be making the best
26 efforts possible under the obligor's circumstances to have no arrearages
27 under any support order or negotiated payment schedule relating to child
28 support.

29 * Sec. 45. AS 25.27.250(a) is repealed and reenacted to read:

30 (a) Without prior notice to the obligor, the agency may issue to any person,
31 including an entity, political subdivision, or state agency, an order to withhold and

1 deliver property under this section; the order may be issued

2 (1) immediately upon issuance of an income withholding order that
3 provides for immediate income withholding under AS 25.27.062(a);

4 (2) immediately after an arrearage occurs under a support order
5 described in AS 25.27.150(a);

6 (3) at the expiration of 30 days after the date of service of a notice and
7 finding of financial responsibility under AS 25.27.160; or

8 (4) at the expiration of 30 days after service of a decision establishing
9 paternity and financial responsibility under AS 25.27.165.

10 * Sec. 46. AS 25.27.900(9) is amended to read:

11 (9) "support order" means any judgment, decree, or order that is issued
12 by a tribunal for the support and maintenance of a child or of [A CHILD AND] a
13 parent with whom the child is living; "support order" includes a judgment, decree, or
14 order

15 (A) on behalf of a child who has reached the age of majority
16 if the judgment, decree, or order was lawfully issued; and

17 (B) for

18 (i) monetary support, including arrearages;

19 (ii) payment of health care costs or maintenance of
20 health insurance;

21 (iii) reimbursement of related costs;

22 (iv) payment of attorney fees and legal costs and other
23 fees; and

24 (v) penalty, interest, and other relief as required by a
25 tribunal; [.]

26 * Sec. 47. AS 25.27.900 is amended by adding new paragraphs to read:

27 (11) "arrearage" means a debt for support that is past due and equal to
28 at least one monthly obligation under the support order;

29 (12) "high-volume automated administrative enforcement" means the
30 use of automatic data processing to search various state data bases, including license
31 records, employment service data, and state new-hire registries, to determine whether

1 information is available regarding a parent who owes a child support obligation.

2 * Sec. 48. AS 28.15.061(b) is amended to read:

3 (b) An application under (a) of this section must

4 (1) contain the applicant's full name, social security number, date and
5 place of birth, sex, and mailing and residence addresses;

6 (2) state whether the applicant has been previously licensed as a driver
7 and, if so, when and by what jurisdiction;

8 (3) state whether any previous driver's license issued to the applicant
9 has ever been suspended or revoked or whether an application for a driver's license has
10 ever been refused and, if so, the date of and reason for the suspension, revocation, or
11 refusal; and

12 (4) contain other information that the department may reasonably
13 require to determine the applicant's identity, competency, and eligibility.

14 * Sec. 49. AS 28.15.061 is amended by adding a new subsection to read:

15 (g) Upon request, the department shall provide a social security number
16 provided under this section to the child support enforcement agency created in
17 AS 25.27.010, or the child support agency of another state, for child support purposes
18 authorized by law.

19 * Sec. 50. Section 148(c), ch. 87, SLA 1997, is repealed.

20 * Sec. 51. APPLICABILITY. The report required under AS 25.27.075(a), enacted by
21 sec. 24 of this Act, applies to the hiring, rehiring, or return to work of an employee that
22 occurs on or after the effective date of this Act.

23 * Sec. 52. NONSEVERABILITY OF ACT. Notwithstanding AS 25.27.280, if a provision
24 enacted by this Act, or the application of a provision enacted by this Act to any person or
25 circumstance, is held to be unconstitutional, that provision and the remainder of the provisions
26 enacted by this Act shall be considered to be invalid, and, to this end, the provisions of this
27 Act are declared to be nonseverable.

28 * Sec. 53. This Act takes effect immediately under AS 01.10.070(c).

MEMORANDUM

TO: Terri Lauterbach
Legal Services

FROM: Juli Lucky
Staff for Senator Rick Halford

DATE: April 30, 1998

SUBJECT: Amendments to SB 252, draft v. "H"

Terri, attached and following are the amendments to SB 252 that were adopted last night. It was moved out of committee, so we'd like to get a final to be read across today.

Fix spelling error on pg. 17; line 17: maximixing = maximizing

adopted 4/29/98

AMENDMENT # 1

OFFERED IN THE SENATE:
TO: CSSB 252 (RES), Draft Version "H"

BY SENATOR HALFORD

Page 2, line 23:

Delete "loss of hunting and sport fishing licenses"

Replace with "loss or restriction of a recreational license"

Page 3, line 4:

Following: "suspend"

Insert ", restrict"

Page 3, lines 4-5:

Delete "one year, a hunting license, sport fishing license, or both, issued under AS 16.05"

Replace with "six months, a recreational license, as defined in AS 09.50.020 (c)"

AMENDMENT #2

adopted 4/29/98

OFFERED IN THE SENATE:
TO: CSSB 252 (RES), Draft Version "H"

BY SENATOR HALFORD

Page 10, lines 29-30:

Delete "a labor organization of which an obligor is a member or another"

Replace with "an"

Page 10, line 30:

Replace "employer of the obligor"

With "employer of an obligor"

Page 11, lines 5-6:

Delete "a labor organization or another"

Replace with "an"

^{#3}
AMENDMENT to "H"

OFFERED IN THE SENATE

BY Sen. Lincoln

TO: CSSB 252 (HES)

- 1 Page 5, line 6:
- 2 Following "chapter":
- 3 Delete "shall immediately send"
- 4 Insert "may enforce the order by sending"

Failed 5/01

CS FOR SENATE BILL NO. 252(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to paternity establishment and support orders; relating to the**
2 **crime of criminal nonsupport; relating to divorces, dissolutions, and actions to**
3 **declare a marriage void; and providing for an effective date."**

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

5 *** Section 1. PURPOSE.** The primary purpose of this Act is to amend the Alaska Statutes
6 to comply with the mandates of the federal Personal Responsibility and Work Opportunity
7 Reconciliation Act of 1996 and other federal law to ensure continued federal financial
8 participation for Alaska's child support enforcement, public assistance, and unemployment
9 programs.

10 *** Sec. 2.** AS 09.50.020 is amended by adding a new subsection to read:

11 (b) In addition to the penalty specified in (a) of this section, the court may
12 suspend or revoke, for a period not to exceed one year, a driver's license, as defined
13 in AS 28.40.100, or a license, as defined in AS 25.27.244(s), or both, or the person's
14 ability to obtain the licenses, if

- 1 (1) the person is a natural person;
- 2 (2) the contempt is one under AS 09.50.010(4) - (10); and
- 3 (3) the court, sitting without a jury, finds by a preponderance of
- 4 evidence that the contempt related to failure to pay money in connection with a child
- 5 support action or proceeding or failure to comply with a subpoena or warrant relating
- 6 to a paternity or child support proceeding.

7 * Sec. 3. AS 25.20.050(n) is amended to read:

8 (n) Each [ON AND AFTER JULY 1, 1997, A] paternity order or [AN]

9 acknowledgment made under this section must include in the records relating to the

10 matter the social security numbers, if ascertainable, of the following persons:

- 11 (1) the father;
- 12 (2) the mother;
- 13 (3) the child.

14 * Sec. 4. AS 25.24.160(d) is amended to read:

15 (d) For each [IN A] judgment issued under this section, the court shall include

16 in the records relating to the matter the social security numbers, if ascertainable, of

17 the following persons:

- 18 (1) each party to the action;
- 19 (2) each child whose rights are addressed in the judgment.

20 * Sec. 5. AS 25.24.210(e) is amended to read:

21 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition

22 must state in detail the terms of the agreement between the spouses concerning the

23 custody of children, child support, visitation, spousal maintenance and tax

24 consequences, if any, and fair and just division of property, including retirement

25 benefits. Agreements on spousal maintenance and property division must fairly allocate

26 the economic effect of dissolution and take into consideration the factors listed in

27 AS 25.24.160(a)(2) and (4). In addition, the petition must state

- 28 (1) the respective occupations of the petitioners;
- 29 (2) the income, assets, and liabilities of the respective petitioners at the
- 30 time of filing the petition;
- 31 (3) the date and place of the marriage;

1 (4) the name, date of birth, and current marital, educational, and
2 custodial status of each child born of the marriage or adopted by the petitioners who
3 is under the age of 19;

4 (5) whether the wife is pregnant;

5 (6) whether either petitioner requires medical care or treatment;

6 (7) whether any of the following has been issued or filed during the
7 marriage by or regarding either spouse as defendant, participant, or respondent:

8 (A) a criminal charge of a crime involving domestic violence;

9 (B) a protective order under AS 18.66.100 - 18.66.180;

10 (C) injunctive relief under former AS 25.35.010 or 25.35.020;

11 or

12 (D) a protective order issued in another jurisdiction and filed
13 with the court in this state under AS 18.66.140;

14 (8) whether either petitioner has received the advice of legal counsel
15 regarding a divorce or dissolution;

16 (9) other facts and circumstances that the petitioners believe should be
17 considered;

18 (10) that the petition constitutes the entire agreement between the
19 petitioners; and

20 (11) any other relief sought by the petitioners [;

21 (12) THE SOCIAL SECURITY NUMBERS, IF ASCERTAINABLE,
22 OF THE FOLLOWING PERSONS:

23 (A) BOTH SPOUSES TO THE MARRIAGE BEING
24 DISSOLVED;

25 (B) EACH CHILD WHOSE RIGHTS ARE BEING
26 ADDRESSED IN THE PETITION FOR DISSOLUTION].

27 * Sec. 6. AS 25.24.210 is amended by adding a new subsection to read:

28 (f) A petition filed under this section must include or be accompanied by a
29 record of the social security numbers, if ascertainable, of the following persons:

30 (1) both spouses to the marriage being dissolved;

31 (2) each child whose rights are being addressed in the petition for

1 dissolution.

2 * Sec. 7. AS 25.24.230(i) is amended to read:

3 (i) For each [IN A] judgment issued under this section, the court shall include
4 in the records relating to the matter the social security numbers, if ascertainable, of
5 the following persons:

6 (1) each party to the dissolution of marriage;

7 (2) each child whose rights are addressed in the judgment.

8 * Sec. 8. AS 25.25.602(a) is amended to read:

9 (a) A support order or income withholding order of another state may be
10 registered in this state by sending the following documents and information to a
11 tribunal of this state:

12 (1) a letter of transmittal to the tribunal requesting registration and
13 enforcement;

14 (2) two copies, including one certified copy, of all orders to be
15 registered, including any modification of an order;

16 (3) a sworn statement by the party seeking registration or a certified
17 statement by the custodian of the records showing the amount of any arrearage;

18 (4) the name of the obligor and, if known,

19 (A) the obligor's address and social security number;

20 (B) the name and address of the obligor's employer and any
21 other source of income of the obligor; and

22 (C) a description and the location of property in this state of the
23 obligor not exempt from execution; and

24 [(D) THE NAMES AND ADDRESSES OF ALL POTENTIAL
25 THIRD-PARTY RESOURCES, INCLUDING A HEALTH INSURER, THAT
26 MIGHT BE AVAILABLE TO MEET THE REQUIREMENTS OF A
27 MEDICAL SUPPORT ORDER; AND]

28 (5) the name and address of the obligee and, if applicable, the agency
29 or person to whom support payments are to be remitted.

30 * Sec. 9. AS 25.25.611(a) is amended to read:

31 (a) After a child support order issued in another state has been registered in

1 this state, unless the provisions of AS 25.25.613 apply, the responding tribunal of this
2 state may modify that order only if, after notice and an opportunity for hearing, it finds
3 that

4 (1) the following requirements are met:

5 (A) the child, the individual obligee, and the obligor do not
6 reside in the issuing state;

7 (B) a petitioner who is not a resident of this state seeks
8 modification; and

9 (C) the respondent is subject to the personal jurisdiction of the
10 tribunal of this state; or

11 (2) [AN INDIVIDUAL PARTY OR] the child, or a party who is an
12 individual, is subject to the personal jurisdiction of the tribunal and all of the
13 [INDIVIDUAL] parties who are individuals have filed a written consent in the issuing
14 tribunal providing that a tribunal of this state may modify the support order and
15 assume continuing, exclusive jurisdiction over the order; however, if the issuing state
16 is a foreign jurisdiction that has not enacted a law or procedure substantially similar
17 to this chapter, the written consent of an [THE] individual [PARTY] residing in this
18 state is not required for the tribunal to assume jurisdiction to modify the child support
19 order.

20 * Sec. 10. AS 25.27.022(b) is amended to read:

21 (b) Except for requests for assistance made under (c) of this section or
22 AS 25.25.501, requests [REQUESTS] from child support enforcement agencies in
23 other states shall be made by application containing the information that this state's
24 agency requires and including written authorization from the requesting state agency
25 and the obligee for this state's agency to initiate necessary action.

26 * Sec. 11. AS 25.27.022 is amended by adding new subsections to read:

27 (c) Requests from a child support agency of another state for assistance in
28 enforcing support orders through high-volume automated administrative enforcement
29 may be made by electronic or other means and must include the information required
30 by 42 U.S.C. 666(a)(14).

31 (d) An employer receiving an income withholding order from a child support

1 agency of another state shall comply with the choice of law provisions of
2 AS 25.25.502(d), 25.25.503, and 42 U.S.C. 666(b)(6)(A)(i)(V).

3 * Sec. 12. AS 25.27.062(e) is amended to read:

4 (e) The agency or the person who obtains an income withholding order under
5 this chapter shall immediately send a copy of the income withholding order, a copy
6 of the relevant provisions of AS 25.27.260 and this section, and an explanation of the
7 effect of the statutes to persons who may owe money to an obligor. These items may
8 be sent by first class mail or certified mail, return receipt requested, or they may be
9 served personally by a process server, except that the agency alternatively may send
10 the items by electronic means. An income withholding order made under this chapter
11 is binding upon a person, employer, political subdivision, or department of the state
12 immediately upon receipt of a copy of the income withholding order. A person
13 receiving an income withholding order [AN EMPLOYER] shall immediately begin
14 withholding the specified amount from the obligor's earnings [EMPLOYEE'S
15 WAGES]. The amount withheld shall be sent to the agency within seven business
16 days after the date the amount would otherwise have been paid or credited to the
17 obligor [EMPLOYEE]. An employer may, for each payment made under an order,
18 deduct \$5 from other wages or salary owed to the obligor.

19 * Sec. 13. AS 25.27.063(b) is amended to read:

20 (b) If an obligor who is required to provide health care coverage under a
21 medical support order is eligible for family health coverage through an employer
22 [DOING BUSINESS IN THE STATE], the court or agency issuing the medical
23 support order shall send a copy of the medical support order to the employer. If the
24 agency has notice that the obligor has changed or will be changing employment
25 and is or will be eligible for family health coverage through the new employer, the
26 agency shall send a copy of the medical support order to the new employer.

27 * Sec. 14. AS 25.27.075 is repealed and reenacted to read:

28 **Sec. 25.27.075. Employment information.** (a) Except as provided in (g) of
29 this section, an employer doing business in the state shall report to the agency the
30 hiring, rehiring, or return to work of each employee. The report shall be made within
31 the time limits set out in (b) of this section. The report must contain the name,

1 address, and social security number of the newly hired employee, the name and
2 address of the employer, and the identifying number assigned to the employer by the
3 United States Department of the Treasury, Internal Revenue Service.

4 (b) An employer required to report under (a) of this section shall use the
5 following procedures to make the report:

6 (1) if the report is submitted magnetically or electronically, the report
7 shall be made in a format mutually agreed upon by the employer and the agency; an
8 employer reporting under this paragraph shall make two transmissions a month, not
9 less than 12 days nor more than 16 days apart; or

10 (2) if the report is not submitted magnetically or electronically, the
11 report shall be made on a United States Department of the Treasury, Internal Revenue
12 Service, W-4 form or, at the option of the employer, on an equivalent form; an
13 employer reporting under this paragraph shall make the report to the agency not later
14 than 20 days after the date of the hiring, rehiring, or return to work of the employee;
15 the report shall be transmitted by the employer by first class mail.

16 (c) An employer that does business in this state and that has employees in at
17 least one other state is not required to comply with (a) of this section if, in compliance
18 with the laws of that state, the employer

19 (1) submits timely magnetic or electronic reports of hires, rehires, or
20 returns to work to the state directory of new hires of another state in which the
21 employer has employees; and

22 (2) has provided written notification of its election under this subsection
23 to the United States Secretary of Health and Human Services.

24 (d) In addition to reporting under (a) of this section, a labor organization of
25 which an obligor is a member or another employer of the obligor shall promptly
26 provide to the agency, or the child support enforcement agency of another state,
27 information requested regarding the obligor's compensation, employment, wages or
28 salary, and occupation.

29 (e) An employer may charge \$1 to each employee who is reported to the
30 agency under this section to cover the cost of the reporting.

31 (f) In addition to other sanctions available under the law, a labor organization

1 or another employer that violates this section is liable for a civil penalty for each
2 failure to meet the requirements of this section of not more than

3 (1) \$25 for each employee who is newly hired, rehired, or newly
4 returned to work; and

5 (2) \$500 if the failure is the result of a conspiracy between the
6 employee and either a labor organization or another employer not to supply the
7 required report or to supply a false or incomplete report concerning an employee.

8 (g) This section does not apply to an employer if the otherwise reportable
9 event occurs during a month when the employer has fewer than five employees.

10 (h) In this section,

11 (1) "employee" has the meaning given in 26 U.S.C. 3401(c);
12 "employee" does not include an employee of a federal or state agency performing
13 intelligence or counterintelligence functions if the head of that agency has determined
14 that reporting under this section on the employee could endanger the safety of the
15 employee or compromise an ongoing investigation or intelligence mission;

16 (2) "employer" has the meaning given in 26 U.S.C. 3401(d);
17 "employer" includes a governmental entity and a labor organization;

18 (3) "labor organization" has the meaning given in 29 U.S.C. 152; "labor
19 organization" includes an entity that is used by the labor organization and another
20 employer to carry out hiring or other requirements described in 29 U.S.C. 158(f)(3) in
21 accordance with an agreement between the labor organization and the other employer.

22 * Sec. 15. AS 25.27.085 is amended by adding a new subsection to read:

23 (g) If a person fails to comply with a subpoena issued under this section, the
24 agency may apply to the court for an order to compel obedience by proceedings for
25 contempt as in the case of disobedience of the requirements of a subpoena issued by
26 a court.

27 * Sec. 16. AS 25.27.165(c) is amended to read:

28 (c) A person served with a notice of paternity and financial responsibility and
29 accompaning orders under (b) of this section shall file a response, admitting or
30 denying paternity and providing the required financial information, within 20 days after
31 the date of service of the notice of paternity and financial responsibility. If the

1 putative father admits paternity, the agency shall issue, within 20 days after the
2 admission of paternity, a decision establishing paternity. If the putative father denies
3 paternity, the putative father shall submit to genetic testing, as provided in (b) of this
4 section, within 30 days after the date of service of the notice of paternity and financial
5 responsibility. If the putative father fails to file a response or fails to comply with
6 an accompanying order within the time and in the manner required in this
7 subsection, the agency may issue a decision by default establishing paternity and
8 financial responsibility, except that, if the proceeding was instituted at the request
9 of the putative father, the agency shall dismiss the proceeding without prejudice.

10 * Sec. 17. AS 25.27 is amended by adding a new section to read:

11 Sec. 25.27.167. Contempt of order for genetic testing. (a) If a person who
12 is located in this state fails to comply with an order for genetic testing issued by the
13 agency in this state, or the tribunal of another state, the agency in this state may certify
14 the facts to the superior court of this state.

15 (b) Upon certification under (a) of this section, the court shall issue an order
16 directing the person to appear and show cause why the person should not be punished
17 for contempt. The order and a copy of the certified statement shall be served on the
18 person in the manner required for service of court orders to show cause.

19 (c) After service under (b) of this section, the court has jurisdiction of the
20 matter brought under this section.

21 (d) The law of this state applicable to contempt of a court order applies to a
22 proceeding for contempt of order for genetic testing brought under this section.

23 * Sec. 18. AS 25.27.230(a) is repealed and reenacted to read:

24 (a) The agency shall assert a lien upon the real or personal property of the
25 obligor in the amount of the obligor's liability if an arrearage occurs under a support
26 order being enforced by the agency.

27 * Sec. 19. AS 25.27.230 is amended by adding new subsections to read:

28 (e) A lien arising in another state under the child support laws of that state
29 shall be given full faith and credit in this state. The lien may be asserted in this state
30 upon the real or personal property of the obligor in the amount of the obligor's liability
31 by complying with the requirements of this section.

1 (f) A lien recorded under this section is a judgment lien and may be enforced
2 by execution under AS 09.35 in the full amount of the obligor's liability at the time
3 of execution.

4 * Sec. 20. AS 25.27.240(a) is amended to read:

5 (a) The agency of this state or another state, or a party or other entity
6 seeking to enforce a child support obligation, may, at any time after recording of a
7 lien recorded under AS 25.27.230, serve a copy of the lien upon any person, political
8 subdivision, or department of the state possessing earnings, or deposits or balances
9 held in any bank account of any nature that are due, owing, or belonging to the
10 obligor.

11 * Sec. 21. AS 25.27.244(a) is amended to read:

12 (a) The agency shall compile and maintain a list of obligors who are not in
13 substantial compliance with a support order or payment schedule negotiated under
14 (g)(1) of this section [AND OF OTHER PERSONS WHO, AFTER RECEIVING
15 APPROPRIATE NOTICE, HAVE FAILED TO COMPLY WITH A SUBPOENA OR
16 WARRANT RELATING TO PATERNITY OR A CHILD SUPPORT PROCEEDING].
17 The agency may not include an obligor on the list unless the agency has sent to the
18 obligor, at the obligor's most recent address on file with the agency, written notice of
19 the arrearages at least 60 days before placement on the list. The list must include the
20 names, social security numbers, dates of birth, and last known addresses of the
21 persons. The list shall be updated by the agency on a monthly basis.

22 * Sec. 22. AS 25.27.244(g) is amended to read:

23 (g) If the applicant wishes to challenge being included on the list, the applicant
24 shall submit to the agency a written request for review within 30 days after receiving
25 the notice under (c) or (r) of this section by using the form developed under (e) of this
26 section. Within 30 days after receiving a written request for review, the agency shall
27 inform the applicant in writing of the agency's findings. The agency shall immediately
28 send a release to the appropriate licensing entity and the applicant if any of the
29 following conditions is met:

30 (1) the applicant is found to [HAVE COMPLIED WITH ALL
31 SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS SECTION, IF

1 APPLICABLE, AND IS FOUND TO] be in substantial compliance with each support
2 order applicable to the applicant or has negotiated an agreement with the agency for
3 a payment schedule on arrearages and is in substantial compliance with the negotiated
4 agreement; if the applicant fails to be in substantial compliance with an agreement
5 negotiated under this paragraph, the agency shall send to the appropriate licensing
6 entity a revocation of any release previously sent to the entity for that applicant;

7 (2) the applicant has submitted a timely request for review to the
8 agency, but the agency will be unable to complete the review and send notice of
9 findings to the applicant in sufficient time for the applicant to file a timely request for
10 judicial relief within the 150-day period during which the applicant's temporary license
11 is valid under (d) of this section; this paragraph applies only if the delay in completing
12 the review process is not the result of the applicant's failure to act in a reasonable,
13 timely, and diligent manner upon receiving notice from the licensing entity that the
14 applicant's name is on the list;

15 (3) the applicant has, within 30 days after receiving the agency's
16 findings following a request for review under (2) of this subsection, filed and served
17 a request for judicial relief under this section, but a resolution of that relief will not
18 be made within the 150-day period of the temporary license under (d) of this section;
19 this paragraph applies only if the delay in completing the judicial relief process is not
20 the result of the applicant's failure to act in a reasonable, timely, and diligent manner
21 upon receiving the agency's notice of findings; or

22 (4) the applicant has obtained a judicial finding of substantial
23 compliance.

24 * Sec. 23. AS 25.27.244(i) is amended to read:

25 (i) Except as otherwise provided in this section, the agency may not issue a
26 release if the applicant is not in substantial compliance with the order for support or
27 with an agreement negotiated under (g)(1) of this section [~~, OR IS NOT IN~~
28 COMPLIANCE WITH A SUBPOENA OR WARRANT DESCRIBED IN (a) OF THIS
29 SECTION]. The agency shall notify the applicant in writing that the applicant may
30 request any or all of the following: (1) judicial relief from the agency's decision not
31 to issue a release or the agency's decision to revoke a release under (g)(1) of this

1 section; (2) a judicial determination of substantial compliance; (3) a modification of
2 the support order. The notice must also contain the name and address of the court in
3 which the applicant may file the request for relief and inform the applicant that the
4 applicant's name shall remain on the list if the applicant does not request judicial relief
5 within 30 days after receiving the notice. The applicant shall comply with all statutes
6 and rules of court implementing this section. This section does not limit an applicant's
7 authority under other law to request an order to show cause or notice of motion to
8 modify a support order or to fix a payment schedule on arrearages accruing under a
9 support order or to obtain a court finding of substantial compliance with a support
10 order or a court finding of compliance with subpoenas and warrants described in (a)
11 of this section.

12 * Sec. 24. AS 25.27.244(j) is amended to read:

13 (j) A request for judicial relief from the agency's decision must state the
14 grounds on which relief is requested, and the judicial action shall be limited to those
15 stated grounds. Judicial relief under this subsection is not an appeal and shall be
16 governed by court rules adopted to implement this section. Unless otherwise provided
17 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
18 the filing of service on the opposing party. The court's decision shall be limited to a
19 determination of each of the following issues, as applicable:

20 (1) whether there is a support order or a payment schedule on
21 arrearages;

22 (2) whether the petitioner is the obligor covered by the support order;

23 and

24 (3) whether the obligor is in substantial compliance with the support
25 order or payment schedule [; AND

26 (4) WHETHER THE PERSON REQUESTING RELIEF COMPLIED
27 WITH ALL SUBPOENAS AND WARRANTS RELATING TO PATERNITY OR A
28 CHILD SUPPORT PROCEEDING].

29 * Sec. 25. AS 25.27.244(k) is amended to read:

30 (k) If the court finds that the person requesting relief is in substantial
31 compliance with the support order or payment schedule, [AND IS IN COMPLIANCE

1 WITH ALL SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS
2 SECTION,] the agency shall immediately send a release under (g) of this section to
3 the appropriate licensing entity and the applicant.

4 * Sec. 26. AS 25.27.244(l) is amended to read:

5 (l) If an applicant is in substantial compliance with a support order or payment
6 schedule, [AND IS IN COMPLIANCE WITH SUBPOENAS AND WARRANTS
7 DESCRIBED IN (a) OF THIS SECTION,] the agency shall mail to the applicant and
8 the appropriate licensing entity a release stating that the applicant is in substantial
9 compliance [OR IS IN COMPLIANCE WITH THE SUBPOENAS AND
10 WARRANTS, AS APPLICABLE]. The receipt of a release shall serve to notify the
11 applicant and the licensing entity that, for the purposes of this section, the applicant
12 is in substantial compliance with the support order or payment schedule [, OR IS IN
13 COMPLIANCE WITH THE SUBPOENAS AND WARRANTS,] unless the agency,
14 under (a) of this section, certifies subsequent to the issuance of a release that the
15 applicant is once again not in substantial compliance with a support order or payment
16 schedule [, OR IS NOT IN COMPLIANCE WITH A SUBPOENA OR WARRANT].

17 * Sec. 27. AS 25.27.246(a) is amended to read:

18 (a) The agency shall compile and maintain a list of obligors who have a
19 driver's license and are not in substantial compliance with a support order or payment
20 schedule negotiated under (f)(1) of this section [AND OF OTHER PERSONS WHO,
21 AFTER RECEIVING APPROPRIATE NOTICE, HAVE FAILED TO COMPLY
22 WITH A SUBPOENA OR WARRANT RELATING TO PATERNITY OR A CHILD
23 SUPPORT PROCEEDING]. The agency may not include an obligor on the list unless
24 the agency has sent to the obligor, at the obligor's most recent address on file with the
25 agency, written notice of the arrearages at least 60 days before placement on the list.
26 The list must include the names, social security numbers, dates of birth, and last
27 known addresses of the persons. The list shall be updated by the agency on a monthly
28 basis.

29 * Sec. 28. AS 25.27.246(f) is amended to read:

30 (f) If a licensee wishes to challenge being included on the list, the licensee
31 shall submit to the agency a written request for review within 30 days after the notice

1 under (b) of this section was personally delivered or postmarked by using the form
2 developed under (d) of this section. Within 30 days after receiving a written request
3 for review, the agency shall inform the licensee in writing of the agency's findings.
4 The agency shall immediately send a release to the department and the licensee if any
5 of the following conditions is met:

6 (1) the licensee is found [BY THE AGENCY TO HAVE COMPLIED
7 WITH ALL SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS
8 SECTION AND IS FOUND] to be in substantial compliance with each support order
9 applicable to the licensee or has negotiated an agreement with the agency for a
10 payment schedule on arrearages and is in substantial compliance with the negotiated
11 agreement; if the licensee fails to be in substantial compliance with an agreement
12 negotiated under this paragraph, the agency shall send to the department a revocation
13 of any release previously sent to the entity for that licensee;

14 (2) the licensee has submitted a timely request for review to the
15 agency, but the agency will be unable to complete the review and send notice of
16 findings to the licensee in sufficient time for the licensee to file a timely request for
17 judicial relief within the 150-day period before the licensee's license will be suspended
18 under (c) of this section; this paragraph applies only if the delay in completing the
19 review process is not the result of the licensee's failure to act in a reasonable, timely,
20 and diligent manner upon receiving notice from the agency that the licensee's driver's
21 license will be suspended in 150 days;

22 (3) the licensee has, within 30 days after receiving the agency's findings
23 following a request for review under (2) of this subsection, filed and served a request
24 for judicial relief under this section, but a resolution of that relief will not be made
25 within the 150-day period before license suspension under (c) of this section; this
26 paragraph applies only if the delay in completing the judicial relief process is not the
27 result of the licensee's failure to act in a reasonable, timely, and diligent manner upon
28 receiving the agency's notice of findings; or

29 (4) the licensee has obtained a judicial finding of substantial
30 compliance.

31 * Sec. 29. AS 25.27.246(h) is amended to read:

1 (h) Except as otherwise provided in this section, the agency may not issue a
2 release if the licensee is not in substantial compliance with the order for support or
3 with an agreement negotiated under (f)(1) of this section [, OR IS NOT IN
4 COMPLIANCE WITH A SUBPOENA OR WARRANT DESCRIBED IN (a) OF THIS
5 SECTION]. The agency shall notify the licensee in writing that the licensee may
6 request any or all of the following: (1) judicial relief from the agency's decision not
7 to issue a release or the agency's decision to revoke a release under (f)(1) of this
8 section; (2) a judicial determination of substantial compliance; (3) a modification of
9 the support order. The notice must also contain the name and address of the court in
10 which the licensee may file the request for relief and inform the licensee that the
11 licensee's name shall remain on the list if the licensee does not request judicial relief
12 within 30 days after receiving the notice. The licensee shall comply with all statutes
13 and rules of court implementing this section. This section does not limit a licensee's
14 authority under other law to request an order to show cause or notice of motion to
15 modify a support order or to fix a payment schedule on arrearages accruing under a
16 support order or to obtain a court finding of substantial compliance with a support
17 order or a court finding of compliance with subpoenas and warrants described in (a)
18 of this section.

19 * Sec. 30. AS 25.27.246(i) is amended to read:

20 (i) A request for judicial relief from the agency's decision must state the
21 grounds on which relief is requested, and the judicial action shall be limited to those
22 stated grounds. Judicial relief under this subsection is not an appeal and shall be
23 governed by court rules adopted to implement this section. Unless otherwise provided
24 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
25 the filing of service on the opposing party. The court's decision shall be limited to a
26 determination of each of the following issues, as applicable:

27 (1) whether there is a support order or a payment schedule on
28 arrearages;

29 (2) whether the petitioner is the obligor covered by the support order;

30 and

31 (3) whether the obligor is in substantial compliance with the support

1 order or payment schedule [; AND

2 (4) WHETHER THE PERSON REQUESTING RELIEF COMPLIED
3 WITH ALL SUBPOENAS AND WARRANTS RELATING TO PATERNITY OR A
4 CHILD SUPPORT PROCEEDING].

5 * Sec. 31. AS 25.27.246(j) is amended to read:

6 (j) If the court finds that the person requesting relief is in substantial
7 compliance with the support order or payment schedule, [OR IS IN COMPLIANCE
8 WITH SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS SECTION,]
9 the agency shall immediately send a release under (f) of this section to the department
10 and the licensee.

11 * Sec. 32. AS 25.27.246(k) is amended to read:

12 (k) If a licensee is in substantial compliance with a support order or payment
13 schedule, [AND IS IN COMPLIANCE WITH ALL SUBPOENAS AND WARRANTS
14 DESCRIBED IN (a) OF THIS SECTION,] the agency shall mail to the licensee and
15 the department a release stating that the licensee is in substantial compliance [OR IS
16 IN COMPLIANCE WITH THE SUBPOENAS AND WARRANTS,
17 AS APPLICABLE]. The receipt of a release shall serve to notify the licensee and the
18 department that, for the purposes of this section, the licensee is in substantial
19 compliance with the support order or payment schedule [, OR IS IN COMPLIANCE
20 WITH THE SUBPOENAS AND WARRANTS,] unless the agency, under (a) of this
21 section, certifies subsequent to the issuance of a release that the licensee is once again
22 not in substantial compliance with a support order or payment schedule [, OR IS NOT
23 IN COMPLIANCE WITH A SUBPOENA OR WARRANT].

24 * Sec. 33. AS 25.27.246(n)(5) is amended to read:

25 (5) "substantial compliance" regarding a support order or payment
26 schedule means that, with respect to a support order or a negotiated payment schedule
27 under (f) of this section, whichever is applicable, the obligor [EITHER] has

28 (A) no arrearage;

29 (B) [OR HAS] an arrearage in an amount that is not more than
30 four times the monthly obligation under the support order or payment schedule;

31 or

1 (C) been determined by a court to be making the best
2 efforts possible under the obligor's circumstances to have no arrearages
3 under any support order or negotiated payment schedule relating to child
4 support.

5 * Sec. 34. AS 25.27.250(a) is repealed and reenacted to read:

6 (a) Without prior notice to the obligor, the agency may issue to any person,
7 including an entity, political subdivision, or state agency, an order to withhold and
8 deliver property under this section; the order may be issued

9 (1) immediately upon issuance of an income withholding order that
10 provides for immediate income withholding under AS 25.27.062(a);

11 (2) immediately after an arrearage occurs under a support order
12 described in AS 25.27.150(a);

13 (3) at the expiration of 30 days after the date of service of a notice and
14 finding of financial responsibility under AS 25.27.160; or

15 (4) at the expiration of 30 days after service of a decision establishing
16 paternity and financial responsibility under AS 25.27.165.

17 * Sec. 35. AS 25.27.900(9) is amended to read:

18 (9) "support order" means any judgment, decree, or order that is issued
19 by a tribunal for the support and maintenance of a child or of [A CHILD AND] a
20 parent with whom the child is living; "support order" includes a judgment, decree, or
21 order

22 (A) on behalf of a child who has reached the age of majority
23 if the judgment, decree, or order was lawfully issued; and

24 (B) for

25 (i) monetary support, including arrearages;

26 (ii) payment of health care costs or maintenance of
27 health insurance;

28 (iii) reimbursement of related costs;

29 (iv) payment of attorney fees and legal costs and other
30 fees; and

31 (v) penalty, interest, and other relief as required by a

1 tribunal; [.]

2 * Sec. 36. AS 25.27.900 is amended by adding new paragraphs to read:

3 (11) "arrearage" means a debt for support that is past due and equal to
4 at least one monthly obligation under the support order;

5 (12) "high-volume automated administrative enforcement" means the
6 use of automatic data processing to search various state data bases, including license
7 records, employment service data, and state new-hire registries, to determine whether
8 information is available regarding a parent who owes a child support obligation.

9 * Sec. 37. AS 28.15.061(b) is amended to read:

10 (b) An application under (a) of this section must

11 (1) contain the applicant's full name, social security number, date and
12 place of birth, sex, and mailing and residence addresses;

13 (2) state whether the applicant has been previously licensed as a driver
14 and, if so, when and by what jurisdiction;

15 (3) state whether any previous driver's license issued to the applicant
16 has ever been suspended or revoked or whether an application for a driver's license has
17 ever been refused and, if so, the date of and reason for the suspension, revocation, or
18 refusal; and

19 (4) contain other information that the department may reasonably
20 require to determine the applicant's identity, competency, and eligibility.

21 * Sec. 38. AS 28.15.061 is amended by adding a new subsection to read:

22 (g) Upon request, the department shall provide a social security number
23 provided under this section to the child support enforcement agency created in
24 AS 25.27.010, or the child support agency of another state, for child support purposes
25 authorized by law.

26 * Sec. 39. Section 148(c), ch. 87, SLA 1997, is repealed.

27 * Sec. 40. APPLICABILITY. The report required under AS 25.27.075(a), enacted by
28 sec. 14 of this Act, applies to the hiring, rehiring, or return to work of an employee that
29 occurs on or after the effective date of this Act.

30 * Sec. 41. This Act takes effect immediately under AS 01.10.070(c).

MEMORANDUM

TO: Terri Lauterbach
Legal Services

FROM: Juli Lucky
Staff for Senator Rick Halford

DATE: April 27, 1998

SUBJECT: SB 252 - amendments to work draft "F"

Terri, please draft a new CS to SB 252, incorporating the following changes:

1. Adopt amendments

- Mediation amendment (#1, attached)
- Pg. 1; line 12; Sec. 2: Insert ", restrict," between "suspend" and "or revoke"
- Pg. 1; line 13; Sec. 2: Replace "one year" with "six months"
- Recreational license amendment (#2, attached)
- Reinstate sections dealing with SSNs on fishing & hunting lic., & the requirement of F&G to provide (I think Sec. 5 - 8 of HES version)
- Court amendment requiring Courts to provide CSED w/records (#3, attached)
- Penalty notification for vendors of crewmember licenses (#4, attached) and also draft same language for sport fishing & hunting licenses
- Relating to default paternity orders - notice & genetic test deadlines (#5 & #6, attached)
- Relating to first class mail (#7, attached)
- Relating to selling of lists -- see changes to this one, please give me a call about what we're trying to do here (#9, attached)
- Changes to penalties for employer reporting (#10, attached)

AMENDMENT TO CS SB 252 (HES)

TITLE CHANGE:

PAGE 1, LINE 2:

After "nonsupport;" add:

requiring a court to order parties involved in child custody or visitation matters to attend an educational presentation about mediation;

ADD A NEW SECTION:

AS 25.20 is amended by adding a new section to read:

Mandatory attendance at education course relating to mediation. (a) After a petition for child custody is filed under AS 25.20.060, a petition to modify an award of custody or visitation is filed under AS 25.20.110, or an action for damages for failure to permit visitation is filed under AS 25.20.140, the court shall order the parties to attend an educational presentation approved by the court that explains the concept of mediation.

(b) When implementing (a) of this section, the court may not require that the parties attend the educational presentation at the same time.

(c) An educational presentation approved by the court under this section must be a video cassette, audio cassette, or vocal presentation that includes an explanation that

(1) mediation is a conflict resolution process, usually engaged in voluntarily, in which a trained impartial third party assists the parties to negotiate a consensual and informed settlement;

(2) mediation is based on principles of problem solving that focus on the needs and interests of the participants, fairness, safety, confidentiality, self-determination, and the best interests of all parties and other persons who the parties agree are affected; and

(3) the role of a mediator is not to make decisions for the parties or to report to a court about the mediation process but does include reducing the obstacles to communication, maximizing the exploration of alternatives, and addressing the needs of the persons who the parties agree are affected.

AMENDMENT

#2

OFFERED IN THE SENATE:
TO: CSSB 252 (RES), Draft Version "F"

BY SENATOR HALFORD

Page 1, line 13:

Delete "or a license, as defined in AS 25.27.244 (s), or both,"

Replace with "a license, as defined in AS 25.27.244 (s), or a recreational license as defined in this section, or any combination of the licenses,"

Page 2, following line 6:

"(c) In this section, "recreational licenses" means a recreational fishing license or recreational hunting license. For purposes of this subsection,

(1) "recreational fishing license" means a sport fishing license under AS 16.05.340, unless that license is required for participation in personal use fishing as that term is defined in AS 16.05.940 or subsistence fishing, as that term is defined in AS 16.05.940 and modified by decisions of the Alaska Supreme Court.

(2) "recreational hunting license" means a hunting license under AS 16.05.340, unless that license is required for participation in subsistence hunting, as that term is defined in AS 16.05.940 and modified by decisions of the Alaska Supreme Court.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR HALFORD

TO: CSSB 252(RES), Draft Version "F"

1 Page 2, following line 6:

2 Insert a new bill section to read:

3 **** Sec. 3.** AS 22.35 is amended by adding a new section to read:

4 **Sec. 22.35.020. Copies of records for child support purposes.** If a copy of
5 a court record is requested by the child support enforcement agency created in
6 AS 25.27.010 or a child support agency of another state, the official custodian of the
7 record shall provide the requesting agency with a copy of the record, including any
8 social security numbers that the record might contain. If the requested record is
9 maintained by the court system in an electronic data base, the record may be supplied
10 by providing the requesting agency with a copy of the electronic record and a
11 statement certifying its contents. A requesting agency receiving otherwise confidential
12 information under this section may use it only for child support purposes authorized
13 by law."

14 Renumber the following bill sections accordingly.

15 Page 18, line 28:

16 Delete "sec. 14"

17 Insert "sec. 15"

#4

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR HALFORD

TO: CSSB 252(RES), Draft Version "F"

1 Page 1, line 1, following ";":

2 Insert "relating to social security numbers collected by agents who issue
3 crewmember fishing licenses;"

4 Page 2, following line 6:

5 Insert a new bill section to read:

6 **** Sec. 3.** AS 16.05.460 is amended to read:

7 **Sec. 16.05.460. Commissioner may appoint agents.** The commissioner may
8 appoint qualified persons as agents to receive applications, issue licenses, and collect
9 license fees under AS 16.05.440 - 16.05.480. The commissioner shall, upon
10 appointment of a person as an agent to receive applications, issue licenses, and
11 collect license fees with respect to crewmember fishing licenses under
12 AS 16.05.450(a) and 16.05.480, notify the person in writing about the penalties
13 that are applicable under federal law for improper disclosure of the social
14 security numbers collected with respect to the agent's licensing duties."

15 Renumber the following bill sections accordingly.

16 Page 18, line 28:

17 Delete "sec. 14"

18 Insert "sec. 15"

#5

0-GS2007AF.5
Lauterbach
4/27/98

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR HALFORD

TO: CSSB 252(RES), Draft Version "F"

1 Page 8, following line 26:

2 Insert a new bill section to read:

3 **** Sec. 16.** AS 25.27.165(b) is amended to read:

4 (b) In order to initiate a paternity proceeding administratively, the agency
5 shall serve a mother and putative father, as appropriate, with a notice of paternity and
6 financial responsibility. The notice shall be served personally as set out in Rule 4(d),
7 Alaska Rules of Civil Procedure, or by registered, certified, or insured mail, return
8 receipt requested, for restricted delivery only to the person to whom the notice is
9 directed or to the person authorized under federal law to receive that person's
10 restricted delivery mail. The notice must be accompanied by

11 (1) an administrative order requiring that the mother, child, and
12 putative father submit to genetic testing to be arranged by the agency and stating that
13 a party may provide information to show good cause not to order the testing;

14 (2) an administrative order requiring the putative father to provide
15 financial information, as defined by the agency in regulation, within 30 [20] days after
16 service of the notice; all financial information provided to the agency under an order
17 under this paragraph shall be held confidential by the agency, according to any
18 applicable regulations; and

19 (3) a notice of right to informal conference, to be held within 20 days
20 after receipt of an admission of paternity or service upon the parties of genetic test
21 results."

22 Renumber the following bill sections accordingly.

23 Page 8, line 30:

0-GS2007\F.5

- 1 Delete "20"
- 2 Insert "30 [20]"

#6

O-GS2007VF.6
Lauterbach
4/27/98

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR HALFORD

TO: CSSB 252(RES), Draft Version "F"

- 1 Page 9, line 4:
- 2 Delete "30"
- 3 Insert "45 [30]"

#7

O-GS2007\F.3
Lauterbach
4/27/98

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR HALFORD

TO: CSSB 252(RES), Draft Version "F"

- 1 Page 6, line 8:
- 2 Delete "sent by first class mail or"
- 3 Insert "served [SENT] by [FIRST CLASS MAIL OR]"

#3

0-GS2007/P.4
Lauterbach
4/27/98

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR HALFORD

TO: CSSB 252(RES), Draft Version "F"

- 1 Page 8, line 25:
- 2 Delete "in the case of disobedience of the requirements of a subpoena"
- 3 Insert "if the subpoena had been"

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR HALFORD

TO: CSSB 252(RES), Draft Version "F"

1 Page 1, line 1, following ";": *personal information ?*
 2 Insert "relating to ~~social security numbers~~ gathered under federal requirements
 3 relating to child support enforcement;"

4 Page 2, following line 6:
 5 Insert a new bill section to read:
 6 **** Sec. 3.** AS 11.56 is amended by adding a new section to article 6 to read:
 7 **Sec. 11.56.870. Misconduct regarding social security numbers.** (a) A
 8 public servant commits the crime of misconduct regarding social security numbers if
 9 the public servant knowingly sells a list compiled by a state agency ~~that identifies one~~
 10 ~~or more persons by their social security numbers and the social security numbers were~~
 11 ~~obtained by the state~~ under the requirements of P.L. 104-193 (Personal Responsibility
 12 and Work Opportunity Act).
 13 (b) Misconduct regarding social security numbers is a class A misdemeanor."

14 Renumber the following bill sections accordingly.

15 Page 18, line 28:
 16 Delete "sec. 14"
 17 Insert "sec. 15"

#16

AMENDMENT

OFFERED IN THE SENATE:
TO: CSSB 252 (RES), Draft Version "F"

BY SENATOR HALFORD

Page 8, line 3:
Delete "\$25"
Replace with "\$10"

Page 8, line 5:
Delete "\$500"
Replace with "\$100"

Page 8, line 6:
Delete "either a labor organization or another"
Replace with "the"

FISCAL NOTE

No. 4

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: SB252

(S) Publish Date: 1/22/98

Revision Date (Note if correction) _____	Dept. Affected <u>Administration</u>	_____
Title <u>"An Act relating to paternity establishment and child support"</u>	BRU <u>Division of Motor Vehicles</u>	_____
Sponsor <u>Rules Committee</u>	Component <u>Field Services</u>	_____
Requester <u>Governor</u>	Component Serial No. <u>2150</u>	_____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated.

Prepared by Juanita Hensley
Division Motor Vehicles

Phone 465-5648
Date 12/17/97

Approved by Mark Boyer, Commissioner
Agency Department of Administration

Date 12/17/97

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: SP752
(S) Publish Date: 1/22/98

Revision Date (Note if correction)	Dept. Affected	Administration
Title "An Act relating to paternity establishment and child support..."	BRU	Office of Public Advocacy
Sponsor Rules Committee	Component	Office of Public Advocacy
Requester Governor	Component Serial No.	43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Brant McGee
Division Office of Public Advocacy

Phone 269-3500
Date _____

Approved by Mark Boyer, Commissioner
Agency Department of Administration

Date 11/28/97

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FISCAL NOTE

N 22
 Bill Version: SB752
 (S) Publish Date: 1/22/98

**STATE OF ALASKA
 1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) _____	Dept. Affected <u>Administration</u>
Title _____	BRU <u>Legal and Advocacy Services</u>
"An Act relating to paternity establishment and child support..."	Component <u>Public Defender Agency</u>
Sponsor <u>Rules Committee</u>	
Requester <u>Governor</u>	Component Serial No. <u>1631</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	***	***	***	***	***	***
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL EXPENDITURES	***	***	***	***	***	***
CHANGE IN REVENUES ()	***	***	***	***	***	***

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	***	***	***	***	***	***
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	***	***	***	***	***	***
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The main concern the Public Defender Agency has with this bill is the effect it will have on people who need "sport" fishing and hunting licenses for subsistence. Although it is obviously important to comply with federal law, there should be an exception or temporary licensing provision for subsistence hunting and fishing.

This bill may result in a slight increase to the Public Defender Agency caseload. Adding loss of sport fishing and hunting licenses to the already existing criminal laws on non-support probably would not have an effect, although given the importance of sport fishing and hunting licenses in Alaska, more cases may go to trial. The main effect would most likely be in contempt of court cases. Indigent putative fathers who do not complete genetic testing would have a right to a court-appointed attorney in contempt of court

Prepared by <u>Barbara K. Brink, Director</u>	Phone <u>7-264-4414</u>
Division <u>Public Defender Agency</u>	Date _____
Approved by <u>Commissioner Mark Boyer</u>	Date <u>11/28/97</u>
Agency <u>Department of Administration</u>	

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
Bill Ver. No.: SB 252
(S) Publish Date: 1/22/98

Revision Date: _____ Dept. Affected: Revenue
Title: Federal Welfare Reform BRU: Child Support Enforcement Division
Component: Child Support Enforcement Division
Sponsor: Rules
Requestor: Governor COMPONENT SERIAL NO. 111

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISC'LANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GFMHTIA						
1016 Federal Incentive Payments						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This legislation was developed so that Alaska will be in compliance with the mandates of 1996 federal welfare reform and subsequent technical amendments. This legislation is required to avoid fiscal sanctions that the federal government will impose if the state does not comply with federal law. Failure to satisfy the mandates could mean a drastic reduction in federal funding of Alaska's Child Support Enforcement and Public Assistance Divisions.

The legislation requires employers to report all new hires or rehires within 20 days; gives courts the authority to revoke sport fishing and hunting licenses if the license holder fails to honor a child support or paternity subpoena or is substantially in arrears on child support; mandates that social security numbers be provided on applications for drivers' licenses and hunting and sport fishing licenses and that the information will be shared with child support enforcement agencies; and gives support liens from other states the same standing as Alaskan liens and provides for

(Continued on Page 2)

Prepared by: Barbara Miklos, Director Phone: 269-6800
Division: Child Support Enforcement Division Date: 11/26/97
Approved by: [Signature] Date: 11/24/97
Commissioner: Wilson Condon
Agency: Dept. of Revenue

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 4
Bill Version: SB 252
(S) Publish Date: 1/22/98

Revision Date: _____ Dept. Affected: Revenue
Title: Federal Welfare Reform BRU: Child Support Enforcement Division
Component: Child Support Enforcement Division
Sponsor: Rules
Requestor: Governor COMPONENT SERIAL NO. 111

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1016 Federal Incentive Payments						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This legislation was developed so that Alaska will be in compliance with the mandates of 1996 federal welfare reform and subsequent technical amendments. This legislation is required to avoid fiscal sanctions that the federal government will impose if the state does not comply with federal law. Failure to satisfy the mandates could mean a drastic reduction in federal funding of Alaska's Child Support Enforcement and Public Assistance Divisions.

The legislation requires employers to report all new hires or rehires within 20 days; gives courts the authority to revoke sport fishing and hunting licenses if the license holder fails to honor a child support or paternity subpoena or is substantially in arrears on child support; mandates that social security numbers be provided on applications for drivers' licenses and hunting and sport fishing licenses and that the information will be shared with child support enforcement agencies; and gives support liens from other states the same standing as Alaskan liens and provides for

(Continued on Page 2)

Prepared by: Barbara Miklos, Director
Division: Child Support Enforcement Division
Approved by: [Signature]
Commissioner: Wilson Condon
Agency: Dept. of Revenue

Phone: 269-6800
Date: 11/26/97
Date: 11/24/97

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Official Business

ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

State Capitol
Juneau, AK 99801

Chairman: Senator Rick Halford
Vice Chair: Senator Lyda Green
Senator Loren Leman
Senator Bert Sharp
Senator Robin Taylor
Senator John Torgerson
Senator Georgianna Lincoln

AGENDA

3:30 to 5:00 p.m

Monday, April 27, 1998

SB 252 - Paternity / child support / nonsupport crimes
Rules by request of the Governor, sponsor

HB 204 - Moratoria on commercial fisheries entry
Representative Austerman, sponsor

NEXT MEETING

Wednesday, April 29, 1998

ADJOURN

04/22/98
15:50:01

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:80745 SCHEDULED FOR:04/22/98 15:30 TO 17:00
PUBLIC HEARING SENATE RESOURCES

LTN1150
BY:MAT
FOR:MAT

LOCATION:MATSU
SB 252

MS

MARCI

SCHMIDT

TESTIFY

04/22/98 15:30:36 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
MESSAGE FROM: LIOCJEN IN ANCHORAGE

LTN1120
JNU

RE TCN: 80745 SCHEDULED FOR:04/22/98 15:30 TO 17:00
SPONSOR: SENATE RESOURCES PURPOSE: PUBLIC HEARING

MESSAGE TEXT: DARRELL WATSON, CSED, IS STANDING BY IF
NEEDED.

SB 252

STATE OF ALASKA

APR 27 1998 KNOWLES, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 27, 1998

PLEASE REPLY TO:

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
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The Honorable Rick Halford
Alaska State Senate
Capitol, Room 121
Juneau, AK 99801-1182

Re: Requested information concerning
CSSB 252(HES) and the
Indian Child Welfare Act

Dear Senator Halford:

During a recent hearing in the Senate Resources Committee concerning CSSB 252(HES), you requested written analysis concerning the impact on CSSB 252(HES) of the Indian Child Welfare Act, 25 U.S.C. §§ 1901 - 1923, 1951 (ICWA).

ICWA, by its terms, does not apply to a domestic relations case where custody is awarded to one of the parents. 25 U.S.C. § 1903(1)(iv). Although the issue has not been addressed by courts in Alaska, a court of appeal in California found that there is nothing in ICWA which limits the collection of child support payments by the states. In Re Marriage of Purnel, 60 Cal. Rptr. 2d 667, 527, 535 (Cal. App. 4 Dist. 1997).

Another California court decision found that the Indian Child Welfare Act does not preclude a state court from ordering a member of a federally recognized tribe to reimburse a county for public assistance paid to support an Indian child in the custody of another. County of Inyo v. Jeff, 277 Cal. Rptr. 841 (Cal. App. 4 Dist. 1991). This conclusion was also reached by the court in Becker County Welfare Dep't v. Bellcourt, 453 N.W.2d 543, 544 (Minn.App. 1990).

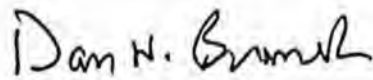
The Honorable Rick Halford
Re: Requested information concerning CSSB 252(HES)
and the Indian Child Welfare Act

April 27, 1998
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These legal authorities suggest that ICWA will have little influence on the application of collection of child support in Alaska or on CSSB 252(HES).

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Dan N. Branch
Assistant Attorney General

/DNB:ame

cc: Deborah Vogt, Deputy Commissioner
Department of Revenue

Barbara Miklos, Director
Department of Revenue
Child Support Enforcement Division

Deborah Behr, Assistant Attorney General
Legislation, Regulations Section

Chrystal Smith, Legal Administrator
Office of the Attorney General



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for
Children and Families2201 Sixth Avenue, Suite 600
Seattle, WA 98121-1827

APR 24 1998

Barbara Miklos, Director
Child Support Enforcement Division
550 West 7th, 4th Floor
Anchorage, Alaska 99501-3556

Dear Ms. Miklos:

Thank you for providing us a copy of substitute bill SB 252 (RES), drafted by the Senate Resources Committee, dated April 22, 1998. In response to your request for a preliminary review prior to further legislative deliberation, we have found several changes from earlier versions of the legislation. The bill in its current form would not bring the state into compliance with Federal requirements.

I: In an earlier draft of SB 252 dated March 11, 1998, Sections 2, 3 and 4 addressed suspension or revocation of hunting and sport fishing licenses, and loss or revocation of such licenses for criminal non-support. These provisions were required in order to comply with 42 USC section 666(a)(16), which requires a state to have:

"Procedures under which the State has (and uses in appropriate cases) authority to withhold or suspend, or to restrict the use of . . . recreational and sporting licenses of individual owing overdue support . . ."

These provisions have been deleted in the April 22, 1998 substitute bill.

II: Also in the March 11 version of SB 252, Sections 5, 6 and 7 addressed the collection of an individual's Social Security Number (SSN) on license and permit applications, and requiring the Department of Fish and Game to provide SSNs to the Child Support Enforcement Division. These provisions are required by 42 USC section 666(a)(13), and (c)(1)(D)(I), respectively. These provisions have also been deleted in the April 22, 1998 substitute bill.

III: Section 14 of the April 22, 1998 substitute bill, which repeals and reenacts AS 25.27.075, covers new hire reporting by employers. Subsection (g) has been added, and states that:

"This section does not apply to an employer if the otherwise reportable event occurs during a month when the employer has fewer than five employees."

Page 2 - Barbara Miklos


Limiting employer new hire reporting to only those employers with five or more employees is not allowed. Section 653A(b) of the Social Security Act (the Act) requires each employer to report new hires to the State. Subsection (B)(a) defines an employer according to the definition in section 3401(d) of the Internal Revenue Code of 1986. We clarified in AT 97-04 that all employers required to provide an employee with a W2 form, are required to participate in New Hire reporting.

Each of these changes would, if enacted, leave the state of Alaska out of compliance with Federal mandates, and your state plan would therefore be out of compliance. Although the state has been out of compliance with numerous provisions required under Welfare Reform, we have delayed issuing a Notice of Intent to Disapprove your State Plan because of assurances that the legislature was working in good faith to bring the state into compliance in its 1998 Legislative session.

In our letter to you on January 15, 1998 we clarified that a determination that your plan is out of compliance and therefore disapproved would result in immediate suspension of Federal payments for your Child Support program, and also the suspension of Federal payments for your TANF program. The payments in FY 1997 were \$15.6 million for Child Support, and \$63 million for TANF. We also attached to that letter, at your request, a copy of the Notice of Intent letter sent on December 18, 1997 to Idaho. A similar letter will be sent to Alaska if legislation is not passed in FY 1998 bringing the state into compliance.

I urge you to take the necessary steps to enact the legislation required under Welfare Reform and confirm your compliance with the Regional Office. Please contact Michael Furtado at (206) 615-2550 x 3045 if you have further questions or require technical assistance.

Sincerely,


for Stephen S. Henigson
Regional Administrator

TONY KNOWLES
GOVERNOR



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Juneau, Alaska 99811-0001
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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1998

SB 252

The Honorable Mike Miller
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Miller:

While federal welfare reform law gave our state greater flexibility for providing public assistance, it also required Alaska and other states to make extensive changes to their state child support laws. The attached bill is needed to satisfy mandates placed on Alaska by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Failure to comply with the federal child support mandates may result in a significant reduction in federal financial participation to the state for public assistance, unemployment, and child support enforcement programs.

The state's enactment of Senate Bill 154 last year met most, but not all, of the federal child support mandates of federal welfare reform. More needs to be done to finish the job. This bill will do that by making additional changes to Alaska's statutes.

Under this bill, all employers in the state would be required to report each new hire to the state child support enforcement agency within 20 days. The state will share this information with the federal child support agency and the child support agencies of other states. Timely access to this information may help avoid significant delays in support payments for some children.

The bill would also fine-tune state procedures for establishing paternity and for enforcing child support orders. The bill would also make state law conform to new federal requirements regarding reporting of social security numbers for certain licensees not already required to report under state law. The social security numbers provide an invaluable means of ensuring that support payments are timely received and accurately recorded.

The Honorable Mike Miller
January 21, 1998
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The bill also amends the Uniform Interstate Family Support Act (UIFSA), which Alaska enacted in 1995, to reflect subsequent changes to the uniform Act adopted by the National Conference of Commissioners on Uniform State Laws. Congress requires that our state child support laws be consistent with the uniform Act.

Finally, this bill will give state courts the power to suspend or revoke, in appropriate circumstances, the recreational hunting and fishing licenses and certain permits of obligors who are out of compliance with child support laws.

I urge your prompt attention to this important matter. Alaska's children are our most precious resource and they deserve timely access to child support necessary for their care.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Knowles".

Tony Knowles
Governor