

**SB**

**19**

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 19  
(S) Publish Date: 1/9/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
Title: CSED Sunset and Update BRU: Child Support Enforcement  
Component: Child Support Enforcement  
Sponsor: Rules Committee  
Requester: Governor Component Number: 111

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

There would be no fiscal impact from this legislation. However, failure to adopt this legislation would move the state out of compliance with federal law for child support enforcement programs and would expose the state to the penalty of losing almost \$80 million a year in federal funding for Alaska's child support enforcement program and Alaska's Temporary Assistance Program (ATAP).

Prepared by: Barbara Miklos, Director Phone 269-6800  
Division: Child Support Enforcement Division Date/Time Dec. 8, 2000  
Approved by: Larry Persily, Deputy Commissioner Date Dec. 8, 2000  
Agency: Department of Revenue

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January 8, 2001

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

Dear President Halford:

Alaska's Child Support Enforcement Division collected and distributed a record \$85 million in Fiscal Year 2000 and is headed toward a new record this year. This bill I transmit today guarantees the state can retain the tools that enabled this success in helping thousands of children receive the financial support they need. It also keeps Alaska in compliance with federal welfare reform laws and eligible for nearly \$80 million in annual federal funding to operate Alaska's family assistance and child support programs.

This bill continues the state program begun in 1997 and 1998 as part of Alaska's compliance with federal welfare reform which has reduced dependence on government-funded public assistance programs by increasing child support collections. The Alaska legislature chose to sunset those compliance measures on July 1, 2001

This bill is important to the lives of the children and parents who make up the nearly 48,000 child support cases in Alaska. It will keep in place those successful provisions of the 1997 and 1998 legislation which have improved child support collections, including:

- Enhanced due process protections in paternity proceedings.
- Requirements that all employers report newly hired employees to the child support agency.
- Authorization to use financial institution data matches to locate assets of delinquent parents.
- Immunity from civil liability for employers and financial institutions that comply with child support income-withholding orders.

The Honorable Rick Halford

January 8, 2001


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- Prohibitions against disclosing identifying information of a parent or child when there is evidence of domestic violence.
- Requirements for Social Security numbers on certain vital statistics and court records, and on applications for some state licenses. To protect an individual's privacy, the numbers are not required on the actual licenses but only on the applications.
- Authorization for the child support agency to obtain orders requiring delinquent parents to seek work and orders to set aside a parent's fraudulent transfer of property if it was done to avoid a child support obligation.
- Improved access to records of other government agencies and financial institutions to locate delinquent parents and their assets.

I also want to point out that this bill repeals one controversial part of the earlier legislation. Alaska recently received a waiver from the federal requirement to collect Social Security numbers on applications for sport fishing and hunting licenses, allowing us to remove that requirement from law.

In the years since passage of the 1997 and 1998 legislation, the state has found the provisions of those bills effective at ensuring children receive the support they need from both parents. Failure to adopt this bill would jeopardize several years of progress in helping Alaska's families.

Sincerely,



Tony Knowles  
Governor

# STATE OF ALASKA

## DEPARTMENT OF REVENUE CHILD SUPPORT ENFORCEMENT DIVISION

TONY KNOWLES, GOVERNOR

Please Reply To:

CSED, MS

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January 23, 2001

The Honorable Lyda Green  
Alaska State Legislature  
State Capitol  
Room 125  
Juneau, AK 99801-1182

Dear Senator Green:

I am requesting that the Senate Health, Education and Social Services Committee hear SB19. This bill repeals the termination date of changes made by ch.87, SLA 1997 and ch. 132, SLA 1998 regarding child support enforcement and related programs.

The 1997 and 1998 child support legislation ensured Alaska's compliance with federal welfare reform requirements. The provisions of these Acts have been effective at increasing the amount of child support collected for Alaska's children. Moreover, federal funding for the state's child support enforcement program and the federal public assistance block grant depend on compliance with the federal requirements. The 1998 Act repealed these provisions as of July 1, 2001. It also included a nonseverability provision, which requires that if any part of that Act is found to be unconstitutional, the remaining provisions of the Act also will be considered invalid. SB19 repeals these sunset and nonseverability provisions, thus assuring that the law and court rule changes made by the 1997 and 1998 Acts will be retained.

This bill includes several provisions that have improved child support collections, including:

- Enhanced due process protections in paternity proceedings.
- Requirements that all employers report newly hired employees to the child support agency.
- Authorization to use financial institution data matches to locate assets of delinquent parents.
- Immunity from civil liability for employers and financial institutions that comply with child support income-withholding orders.
- Prohibitions against disclosing identifying information of a parent or child where there is evidence of domestic violence.
- Requirements for Social Security numbers on certain vital statistics and court records, and on applications for some state licenses. To protect an individual's privacy, the numbers are not required on the actual licenses but only on the applications.

### DEPARTMENTAL SUPPORT LETTER

The Honorable Lyda Green  
January 23, 2001  
Page 2 of 2

- Authorization for the child support agency to obtain orders requiring delinquent parents to seek work and orders to set aside a parent's fraudulent transfer of property if it was done to avoid a child support obligation.
- Improved access to records of other government agencies and financial institutions to locate delinquent parent and their assets.

SB19 also repeals one controversial piece of the earlier legislation. We have removed the requirement to collect Social Security numbers on applications for sport fishing and hunting licenses. We requested and received a waiver from the federal government for that requirement.

CSED has implemented and tested the changes brought about by the 1997 and 1998 Acts. The agency has found these new programs and enforcement tools to be effective in ensuring that more children receive the support to which they are entitled. Due in great part to these changes, the agency's collections have increased. In fiscal year 2000, the agency collected over \$85 million, the largest annual collection in the agency's history.

We look forward to working with you on this legislation. Please let me know what information I can provide to assist the committee.

Sincerely,



Barbara Miklos  
Director

cc: Larry Persily, Deputy Commissioner, Department of Revenue  
Shari Kochman, Deputy Legislative Director, Office of the Governor

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# SENATE COMMITTEE REPORT

DATE: 1/25/01

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Health, Education and Social Services Committee considered **SENATE BILL NO. 19**  
**CHILD SUPPORT ENFORCEMENT/SOCIAL SECURITY NUMBER**

and recommends:

- be replaced with CS SB 19 (HES)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Revenue	10/00		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John A. Lujan</i>	✓			
<i>Jim Taylor</i>			✓	
<i>Frank</i>			✓	
<i>Betty Davis</i>	✓			
CHAIR: <i>Linda Meen</i>	✓			

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 1/9/01

FURTHER HESS  
 Finance

Date of 5-Day Notice: 1-18-01  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 1-24-01

Resources Committee considered SENATE BILL NO. 19

CHILD SUPPORT ENFORCEMENT/ SOC SEC. #

and recommends:

- be replaced with CS SB 19 (RES)
- adopt previous CS ( )
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR #

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Revenue	12800		✓	1

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	No REC	AMEND
<i>True Revenue</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
CHAIR: <i>[Signature]</i>	✓			

# ALASKA STATE LEGISLATURE



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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

### AMENDMENT TO CSSB 19(HES), Draft Version "L"

**Explanation:** This amendment is offered to ensure that an employer who unintentionally fails to report a newly hired employee to child support enforcement agencies may not be held liable for their failure to do so in a private civil case.

**Analysis:** This amendment adds a new section 11, which amends the new hire reporting requirements in AS 25.27.075 to include "Violation of this subsection does not give rise to a private cause of action."

This amendment also renumbers the bill accordingly and provides that Section 11 shall take effect immediately.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 19(HES), Draft Version "L"

1 Page 1, line 2, following "information":

2 Insert ", employer reports about employees,"

3

4 Page 4, following line 27:

5 Insert a new bill section to read:

6 **\*\* Sec. 11.** AS 25.27.075(a) is amended to read:

7 (a) An employer doing business in the state shall report to the agency the  
8 hiring, rehiring, or return to work of each employee. The report shall be made within  
9 the time limits set out in (b) of this section. The report must contain the name,  
10 address, and social security number of the newly hired employee, the name and  
11 address of the employer, and the identifying number assigned to the employer by the  
12 United States Department of the Treasury, Internal Revenue Service. Violation of  
13 this subsection does not give rise to a private cause of action.

14

15 Renumber the following bill sections accordingly.

16

17 Page 5, line 25:

18 Delete "Section 13"

19 Insert "Sections 11 and 14"

20 Delete "takes"

21 Insert "take"

22

23 Page 5, line 26:

24 Delete "Sections 1 - 12"

1

Insert "Sections 1 - 10, 12, and 13"

22-GS1002L  
Lauterbach  
2/2/01

**CS FOR SENATE BILL NO. 19(HES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered:**  
**Referred:**

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

**A BILL**  
**FOR AN ACT ENTITLED**

1 "An Act relating to federal child support enforcement requirements regarding social  
2 security number information and certain kinds of automated data matching with  
3 financial institutions; repealing the termination date of changes made by ch. 87, SLA  
4 1997, and ch. 132, SLA 1998, regarding child support enforcement and related  
5 programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing  
6 uncodified laws relating to ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for  
7 an effective date."

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

9 \* Section 1. AS 06.40.050(a) is amended to read:

10 (a) Application for a license under this chapter shall be in writing and in the  
11 form prescribed by the department. [IF THE APPLICANT IS A NATURAL  
12 PERSON, THE APPLICATION FORM MUST REQUIRE SUBMISSION OF THE  
13 APPLICANT'S SOCIAL SECURITY NUMBER.]

1 \* Sec. 2. AS 08.01.089 is amended to read:

2           **Sec. 08.01.089. Copies of records for child support purposes.** If a copy of a  
3 public record concerning an individual who owes or is owed child support that is  
4 prepared or maintained by the department is requested by the child support  
5 enforcement agency created in AS 25.27.010 or a child support enforcement agency of  
6 another state, the department shall provide the requesting agency with a certified copy  
7 of the public record [, INCLUDING THE INDIVIDUAL'S SOCIAL SECURITY  
8 NUMBER]. If these records are prepared or maintained by the department in an  
9 electronic data base, the records may be supplied by providing the requesting agency  
10 with a copy of the electronic record and a statement certifying its contents. A  
11 requesting agency receiving information under this section may use it only for child  
12 support purposes authorized under law.

13 \* Sec. 3. AS 08.08.137 is amended to read:

14           **Sec. 08.08.137. Fingerprints [; SOCIAL SECURITY NUMBER].** The  
15 Board of Governors shall require an applicant for admission to be fingerprinted [AND  
16 TO PROVIDE THE APPLICANT'S SOCIAL SECURITY NUMBER]. The  
17 fingerprints shall be used to determine whether the applicant has a record of criminal  
18 convictions in this state or another jurisdiction. The Board of Governors may use the  
19 information obtained from the fingerprinting only in its official determination of the  
20 character and fitness of the applicant for admission to the Alaska Bar Association.  
21 [THE APPLICANT'S SOCIAL SECURITY NUMBER SHALL BE PROVIDED TO  
22 THE CHILD SUPPORT ENFORCEMENT AGENCY ESTABLISHED IN  
23 AS 25.27.010, OR THE CHILD SUPPORT ENFORCEMENT AGENCY OF  
24 ANOTHER STATE, UPON REQUEST BY THE RESPECTIVE AGENCY; THE  
25 REQUESTING AGENCY MAY USE THAT INFORMATION ONLY FOR CHILD  
26 SUPPORT PURPOSES AUTHORIZED UNDER LAW.]

27 \* Sec. 4. AS 09.55.050 is amended to read:

28           **Sec. 09.55.050. Effect of presumptive death certificate.** After the judge or  
29 magistrate has entered an order declaring that the person is presumed to be dead either  
30 under AS 09.55.020 - 09.55.060 or under the laws dealing with missing persons, the  
31 judge or magistrate shall make out and sign a certificate entitled "Presumptive Death

1 Certificate" in the form and manner and containing the information required by the  
2 Bureau of Vital Statistics. [IN ADDITION TO THE INFORMATION REQUIRED  
3 BY THE BUREAU OF VITAL STATISTICS, THE CERTIFICATE MUST  
4 CONTAIN THE DECEDENT'S SOCIAL SECURITY NUMBER, IF  
5 ASCERTAINABLE.] The certificate shall be recorded by the judge or magistrate and  
6 then filed with the Bureau of Vital Statistics. Upon the entry of the order and the  
7 recording and filing of the "Presumptive Death Certificate" as herein provided, the  
8 missing person is presumed to be dead, and the person's estate may be administered in  
9 accordance with the then existing provisions of law applicable to the administration of  
10 the estates of deceased persons.

11 \* Sec. 5. AS 16.05.450(a) is amended to read:

12 (a) The commissioner or an authorized agent shall issue a crewmember fishing  
13 license under AS 16.05.480 to each qualified person who files a written application at  
14 a place in the state designated by the commissioner, containing the reasonable  
15 information required by the commissioner together with the required fee. [THE  
16 COMMISSIONER SHALL REQUIRE THE REPORTING OF THE APPLICANT'S  
17 SOCIAL SECURITY NUMBER ON THE APPLICATION.] The application shall be  
18 simple in form and shall be executed by the applicant under the penalty of unsworn  
19 falsification.

20 \* Sec. 6. AS 16.05.480(b) is amended to read:

21 (b) A person applying for a resident commercial license under this section  
22 shall provide [THE PERSON'S SOCIAL SECURITY NUMBER AND] the proof of  
23 residence that the department requires by regulation.

24 \* Sec. 7. AS 18.50.280(a) is amended to read:

25 (a) For each dissolution, divorce, and annulment of marriage granted by a  
26 court in the state, the clerk of the court shall prepare and file a certificate of  
27 dissolution, divorce, or annulment with the bureau, on forms prescribed and furnished  
28 by the bureau. [THE FORMS MUST REQUIRE THE REPORTING OF THE  
29 SOCIAL SECURITY NUMBERS OF THE PETITIONER OR PLAINTIFF AND, IF  
30 ASCERTAINABLE, THE OTHER PARTY TO THE DISSOLUTION, DIVORCE,  
31 OR ANNULMENT OF MARRIAGE.] The petitioner or plaintiff shall furnish the

1 court with the information necessary to complete the certificate, and the furnishing of  
2 this information is prerequisite to the issuance of a decree.

3 \* **Sec. 8.** AS 18.60.395(a) is amended to read:

4 (a) The Department of Labor and Workforce Development shall adopt  
5 regulations for the licensing of boiler operators. The regulations must conform to the  
6 generally accepted nationwide standards and practices established for boiler operators.  
7 [IN ADDITION TO ANY REQUIREMENTS ADOPTED BY REGULATION  
8 UNDER THIS SUBSECTION, A PERSON APPLYING FOR A LICENSE SHALL  
9 PROVIDE TO THE DEPARTMENT, ON THE APPLICATION, THE PERSON'S  
10 SOCIAL SECURITY NUMBER.]

11 \* **Sec. 9.** AS 18.65.410(a) is amended to read:

12 (a) Application for a license as a security guard must be made on forms  
13 provided by the commissioner. The application must require the furnishing of  
14 information reasonably required by the commissioner to carry out the provisions of  
15 AS 18.65.400 - 18.65.490, including classifiable fingerprints to enable the search of  
16 criminal indices for evidence of a prior criminal record [, AND MUST REQUIRE  
17 THE FURNISHING OF THE APPLICANT'S SOCIAL SECURITY NUMBER IF  
18 THE APPLICANT IS A NATURAL PERSON]. The application must be  
19 accompanied by a nonrefundable application fee of \$50 for a security guard and \$200  
20 for a security guard agency.

21 \* **Sec. 10.** AS 18.72.030(a) is amended to read:

22 (a) A person who desires to sell fireworks at wholesale in the state shall first  
23 make verified application for a license to the state fire marshal on forms provided by  
24 the state fire marshal. [THE FORMS MUST REQUIRE THE APPLICANT TO  
25 SUPPLY THE APPLICANT'S SOCIAL SECURITY NUMBER IF THE  
26 APPLICANT IS A NATURAL PERSON.] The application shall be accompanied by  
27 an annual license fee of \$50.

28 \* **Sec. 11.** AS 28.15.061(b) is amended to read:

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

30 (1) contain the applicant's full name, [SOCIAL SECURITY  
31 NUMBER,] date and place of birth, sex, and mailing and residence addresses;

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

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

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

9 \* **Sec. 12.** AS 06.20.020(b); AS 06.40.050(e); AS 08.01.060(b), 08.01.100(e);  
10 AS 14.20.027; AS 16.05.450(d), 16.05.480(d); AS 18.50.230(f), 18.50.280(c);  
11 AS 18.60.395(d); AS 18.65.410(b); AS 18.72.030(b)(2); AS 21.06.255; AS 25.05.091(b);  
12 AS 25.20.050(n); AS 25.24.160(d), 25.24.210(f), 25.24.230(i); AS 25.27.020(a)(2)(D); and  
13 AS 28.15.061(g) are repealed.

14 \* **Sec. 13.** The following are repealed:

15 (1) Section 148(c), ch. 87, SLA 1997, as amended by sec. 53, ch. 132, SLA  
16 1998;

17 (2) Sections 2, 14, and 16, ch. 37, SLA 1998;

18 (3) Section 53, ch. 132, SLA 1998;

19 (4) Section 54(b), ch. 132, SLA 1998, as amended by sec. 101, ch. 21, SLA  
20 2000;

21 (5) Section 54(c), ch. 132, SLA 1998;

22 (6) Section 56, ch. 132, SLA 1998;

23 (7) Section 92, ch. 58, SLA 1999; and

24 (8) Section 103, ch. 21, SLA 2000.

25 \* **Sec. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

26 \* **Sec. 15.** Sections 1 - 12 of this Act take effect July 1, 2006.

# ALASKA STATE LEGISLATURE



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*Session:*

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**SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**  
SENATOR LYDA GREEN, CHAIR

**HESS CS FOR CSSB 19 (RES)**  
**CHILD SUPPORT ENFORCEMENT/SOC SEC. #**

The following changes were made to CSSB 19 (RES):

- Findings and intent language was removed.
- The five-year sunset was renewed on requirements that applicants for various licenses provide their social security numbers to the licensing agency and that the licensing agency provide those social security numbers to child support enforcement agencies.
- The five-year sunset was renewed on the requirements that certain court documents and documents of the Bureau of Vital Statistics include social security numbers and that those social security numbers be provided to child support enforcement agencies.
- The five-year sunset was renewed on the provisions allowing the child support enforcement agency to enter into agreements with financial institutions for financial data matching.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

## **CS for Senate Bill 19 (HES)**

### **Sectional Analysis**

#### **Sections 1 through 12 and section 15: Renew selected sunset provisions.**

- Imposes a five-year sunset on the requirements that applicants for various licenses provide their social security numbers to the licensing agency and that the licensing agency provide those social security numbers to the child support enforcement agency of this or another state.
- Imposes a five-year sunset on the requirements that certain court documents and documents of the Bureau of Vital Statistics include social security numbers and that those social security numbers be provided to the child support enforcement agency of this or another state.
- Imposes a five-year sunset on the provisions allowing the child support enforcement agency to enter into agreements with financial institutions for financial data matching.

#### **Section 13: Repeals the original sunset, nonseverability, and related provisions.**

- Repeals the original sunset and nonseverability provisions of the 1997 and 1998 Acts.
- Repeals several related provisions from other legislation that refer to the original sunset provisions of the 1997 and 1998 Acts.

#### **Section 14: Effective date of the Act.**

- Establishes an immediate effective date for section 13 of the Act.

## **CS for Senate Bill 19 (RES)**

### **Sectional Analysis**

#### **Sec. 1: Findings, Purpose and Intent.**

- Recognizes the value of the work of CSED to Alaska's children and the importance of the statutory changes of 1997 and 1998 to that work.
- Acknowledges that the 1997 and 1998 statutes brought Alaska into compliance with federal law, which is a condition of receiving federal financial participation in child support enforcement and public assistance programs.
- Identifies a nonseverability provision of the 1998 Act which, if triggered, would put the state in jeopardy of losing this funding.
- Confirms that these statutes will be automatically repealed by sunset clauses on July 1, 2001, unless the sunset clauses are repealed, also jeopardizing the funding.
- States the intent to repeal the sunset and nonseverability provisions.

#### **Section 2: Repeals the sunset, nonseverability, and related provisions.**

- Repeals the sunset and nonseverability provisions of the 1997 and 1998 Acts.
- Repeals several related provisions from other legislation that refer to the sunset provisions of the 1997 and 1998 Acts.

#### **Section 3: Effective date of the Act.**

- Establishes an immediate effective date for the Act.

## CHILD SUPPORT ENFORCEMENT "SUNSET" SUMMARY

Legislation passed in 1997 and 1998 contained sunset provisions that will take effect in 2001. These laws support programs and activities at CSED that have resulted in a significant increase in child support payments, and improved services to families in Alaska. If the sunset is allowed to occur, these improvements will be diminished, and by being out of compliance with welfare reform laws Alaska will be in jeopardy of losing \$80,000,000 in federal public assistance and child support funding.

Below is an outline of key parts of the 1997 and 1998 legislation, as well as a description of how the sunset provisions would affect CSED's work. Each of these segments is a requirement of federal compliance.

### **Availability of Records/Access to Information**

The subject statutes allow CSED to obtain certain types of information electronically and through administrative action. If these provisions are repealed, CSED may be required to contact sources of information separately for each case, and take the difficult and time-consuming avenue of obtaining a court order to request basic information. The time lost would severely hamper our child support enforcement efforts.

### **'Best Efforts' Language**

Adopted in 1998, this language allows a non-custodial parent who is found by a court to be making the 'best efforts possible under the circumstances to have no child support arrearages' to avoid the loss or suspension of a driver's or other license. The act adds commercial crewmember fishing licenses to existing license statute, and removes subpoena noncompliance as a reason for general license suspension. Instead, the act allows license suspension for subpoena noncompliance only in the context of a civil contempt action.

### **Central Registry**

The law requires courts to automatically forward child support orders to CSED, and authorizes CSED to exchange this and other critical information within strict confidentiality guidelines. These procedures allow CSED to serve clients with improved timeliness and accuracy, efficiencies that will be diminished if the statutes are repealed.

### **Credit Bureau Reporting**

Current state law requires child support debt to be reflected on a delinquent parent's credit bureau report until it has been paid. The sunset would have the effect that unpaid child support arrears could not be reported after 10 years.

## **Definitions: Duty of support, earnings, tribunal, arrearages**

The 1997 and 1998 acts redefined a number of key terms used in child support enforcement, and this nationwide uniformity is essential to cooperative enforcement efforts between the states.

## **Due Process**

The 1997 and 1998 acts strengthened due process protections by requiring additional notices to parents of their rights and responsibilities in paternity and child support proceedings and by providing additional opportunities for parents and other persons to request and obtain administrative and judicial review of agency actions and decisions.

## **Financial Institution Data Match and Immunity from Liability**

Current statutes allow us to match the names of parents who owe arrears with the names on accounts at financial institutions. This makes it much more difficult for delinquent parents to hide their assets, simplifies the search for funds in multi-state institutions, and allows the institutions to cooperate without fear of retaliatory lawsuits. Few banks would participate in the FIDM if this protection were repealed. Searching for hidden assets would require sweeps of all banks for each and every case. For many children our ability to collect support would be seriously compromised.

## **Income Withholding**

In direct response to federal requirements from PRWORA, the 1997 and 1998 acts have simplified the way a non-custodial pays child support through withholding, and shortened to 7 days the time between the request for withholding and the commencement of withholding by the employer. Within 2 days of receipt of withheld funds, CSED forwards the payment to the family. In out-of-state cases, we can request income withholding directly (without going through the other state's child support agency), often saving several months' delay. If these laws are allowed to sunset, it will be harder for CSED to collect monthly payments and arrearages; these collections may take months to implement, rather than immediately; and it will be easier for delinquent parents to avoid payment of their child support obligations by moving to another job before income withholding can be established.

## **Liens**

The subject legislation simplified the statute so that CSED or a parent may assert a lien when the obligor owes an arrearage under a support order being enforced by the agency. Also, Alaska cooperates with other jurisdictions by giving full faith and credit to liens arising by operation of law in other states, *if the person seeking to enforce the lien complies with this state's procedural requirements for recording and serving liens*. The simplified statutes, and the reciprocity with regard to liens, allow us to collect lawfully established support payments and arrearages that might otherwise be unreachable.

## Miscellaneous

The subject statutes provide procedures and definitions relating to the following subjects, and bring Alaska into conformance with language in PRWORA.

- exchange information
- application for services
- payments to the agency
- audit of collections
- notice of public assistance
- order establishment
- service of papers
- regulations
- fees for services
- state registry information

## Modification

The subject statutes require that parties be given periodic notice of their right to seek review of child support orders. They allow review of orders every three years and clarify CSED's authority to modify administrative orders where out of state court orders also exist. If allowed to sunset, all parties' rights to due process will be weakened because state agencies will no longer be required to have written regulations setting out procedures and standards governing the modification process.

## New Hire Reporting

Under the current law, all employers in the state are required to report to CSED new hires and rehires. This information helps CSED locate parents, and establish and enforce child support orders. New Hire reporting is currently responsible for about 12% of total child support collections. If the acts sunset, we will revert to a previous statute that only required employers to report new hires if notified by CSED, and which created a number of classes of exempt employers. Reversion to the old statute will *increase* to \$1000 the civil penalties that can be levied against employers for not reporting

## Non-Cooperation

Current and previous laws require ATAP recipients to cooperate with child support proceedings. The 1997 act clarified who would make the determination of non-cooperation (CSED) and who would decide if the party had good cause for non-cooperation (DHHS). This clarification promotes cooperation in matters of paternity and child support, and protects parties who may have reasons for not cooperating, such as threats of domestic violence. These protections would be jeopardized by the sunset.

## Nondisclosure of Information

The 1997 statute allows CSED to refuse to disclose the address or other identifying information of a parent or child if the health, safety, or liberty of that person would be unreasonably put at risk by such disclosure. Under the sunset, Alaska law will revert to a requirement to make such information available regardless of the risk if the obligor is current on child support obligations and has a previous visitation or joint custody agreement.

## **Paternity**

The 1997 and 1998 acts include detailed requirements for the form, use, and legal effect of voluntary acknowledgments of paternity, and for proceedings to establish paternity. Acknowledgement forms must include a statement setting out the legal consequences, rights, responsibilities and alternatives to signing the form and listing the restrictions to rescinding the acknowledgment. The acts also addressed a variety of substantive and procedural requirements for the establishment of paternity, including genetic testing, consideration of the best interests of the child, recovery of costs of testing, and allowing a putative father to request genetic testing. Reversion to previous law will diminish due process provisions and safety considerations, and will complicate the paternity determination process.

## **Seek Work Orders**

In cases where support is owed a child who is receiving public assistance, the 1997 statute allows CSED to order an obligor to seek work, or to ask a court to order an obligor to seek work, unless the obligor enters into and complies with an approved payment plan. Without this statute, CSED would have to request a seek work order from the court in the context of a civil contempt proceeding.

## **Social Security Numbers**

The 1997 and 1998 acts required applicants for state licenses, including professional, business, occupational, driver's, recreational and marriage licenses, to include their social security numbers. These numbers help CSED locate parents and collect child support, and reduce the number of cases of mistaken identity. (Requirements for social security numbers on hunting and fishing licenses have been waived and will be allowed to sunset even if the sunset repealer is passed.)

## **Subpoenas**

The current statutes establish procedures that give CSED the authority to subpoena financial or other information needed to establish, modify, or enforce a child support order. They require that subpoenas be served in person, or by registered, certified or insured mail. They allow a claim of good cause excusing compliance, provide a direct avenue of appeal of penalty decisions to the Superior court, and specify that CSED will enforce a subpoena from another state in the same manner. Repeal will restrict CSED's ability to obtain critical information, limiting the establishment, modification and enforcement of child support orders; and will diminish parties' due process rights with regard to administrative subpoenas.

## **UIFSA**

The 1998 act revised the previous UIFSA statute to be clearer and more consistent. Without the changes, interstate cooperation in child support cases would be very difficult.

**CSED WELFARE REFORM LEGISLATION "SUNSET" SUMMARY**

**Repealer 2001**

NARRATIVE	STATE LAWS	FEDERAL LAWS	AMENDING SECTIONS
<p><b>Availability of Records/Access to Information</b>                      * must be able to obtain access, without order from another tribunal, to:                      - gov't records, including vital statistics, state tax, property, occ. licensing, business entity, employment security, public assistance, DMV, corrections                      - customer records of public utilities &amp; cable television per subpoena                      - financial institution information                      * to subpoena any financial information, and impose penalties for failure to respond                      * employer information upon request</p>	<p>AS 06.05.537                      AS 08.01.089                      AS 09.25.100                      AS 16.05.815                      AS 18.50.310                      AS 18.50.320                      AS 22.35.020                      AS 23.20.110                      AS 25.24.920                      AS 25.27.020(c)                      AS 25.27.085                      AS 25.27.086                      AS 25.27.250(c)                      AS 25.27.300                      AS 28.05.061                      AS 29.45.103                      AS 33.30.216                      AS 39.25.080                      AS 40.17.010                      AS 43.23.055                      AS 47.05.020                      AS 47.05.030</p>	<p>42 U.S.C. § 666(c)(1)                      PRWORA § 325</p>	<p>1997 Act: Secs. 2, 7, 10, 11, 19, 26, 33, 34, 47, 77, 83-85, 140 – 146                      1998 Act: Secs. 10, 11, 26, 48</p>
<p><b>Central Registry</b>                      * requires the state to have a central case registry and an automated system for extracting and exchanging information with federal case registry, federal parent locator service, ATAP programs, and agencies of other states</p>	<p>AS 25.24.920                      AS 25.27.020(a)(13)</p>	<p>42 U.S.C. § 654A(e) &amp; (f)                      PRWORA § 311</p>	<p>1997 Act: Secs. 47, 76</p>
<p><b>Credit Bureau Reporting</b>                      * must have procedures requiring CSED to report periodically to credit bureaus the names of non-custodial parents who owe arrears</p>	<p>AS 25.27.273</p>	<p>42 U.S.C. § 666(a)(7)                      PRWORA § 367</p>	<p>1997 Act: Sec. 133</p>

<p><b>Definitions</b>  * duty of support; earnings; support order; business day; employer; tribunal; arrearage</p>	<p>AS 25.27.900</p>	<p>42 U.S.C. § 653(p) and throughout  PRWORA § 366 and throughout</p>	<p><b>1997 Act:</b> Secs. 136 – 139  <b>1998 Act:</b> Secs. 49 – 50</p>
<p><b>Financial Institution Data Match</b>  * must be able to enter into agreements with financial institutions to do automated data exchanges and to attach assets located through that data match</p>	<p>AS 25.27.020(a)(2)(D)  AS 25.27.250  AS 09.65.250</p>	<p>42 U.S.C. § 666(a)(17)  PRWORA § 372</p>	<p><b>1997 Act:</b> Secs. 13, 74</p>
<p><b>Fraudulent Transfers</b>  * must have the Uniform Fraudulent Conveyance Act, the Uniform Fraudulent Transfer Act, or a law specifying indicia of fraud creating prima facie case re transfer of property to avoid payment of support AND procedures by which state can seek to avoid transfer or obtain settlement in best interests of the child support creditor</p>	<p>AS 25.27.279  AS 09.25.060  AS 34.40  15 AAC 125.415</p>	<p>42 U.S.C. § 666(g)  PRWORA § 364</p>	<p><b>1997 Act:</b> Sec. 135</p>
<p><b>High Volume Automated Enforcement</b>  * have automated procedures to take actions upon request from another state</p>	<p>AS 25.27.022  AS 25.27.900</p>	<p>42 U.S.C. § 666(a)(14)  PRWORA § 323 (with technical amendment)</p>	<p><b>1998 Act:</b> Sec. 21, 22, 50</p>
<p><b>Immunity from Liability</b>  * financial institutions are not liable for disclosure of info to agency  * employers are not liable for disclosure of info to agency or for good faith compliance with a withholding order</p>	<p>AS 09.65.250  AS 25.25.504  AS 25.25.250(h)</p>	<p>42 U.S.C. § 669A  42 U.S.C. § 666(b)(6)(A)  42 U.S.C. § 666(a)(17)  PRWORA §§ 314, 353, 372</p>	<p><b>1997 Act:</b> Secs. 13, 62</p>
<p><b>Income Withholding</b>  * revises existing withholding laws to incorporate various fed requirements, including 7 day employer deadline and no prior notice to obligor. Also, cleans up statutes relating to when and how CSED initiates income withholding when no immediate income withholding in order and when CSED may issue an order to withhold and deliver</p>	<p>AS 25.27.022(d)  AS 25.27.062  AS 25.27.150  AS 25.27.250</p>	<p>42 U.S.C. § 666(b)  42 U.S.C. § 666(c)(1)(F) &amp; (G)  PRWORA § 314, 325</p>	<p><b>1997 Act:</b> Secs. 80 – 82, 90 – 93, 128 – 130, 148(a)  <b>1998 Act:</b> Secs. 22, 23, 47</p>

<b>License Suspension</b> * "Best efforts" language added for occupational and drivers' licenses * recreational licenses	AS 25.27.244 AS 25.27.246 AS 09.50.020 AS 11.51.120 AS 12.55.139	42 U.S.C. 666(a)(16) PRWORA § 369	<b>1997 Act: Secs. 106 – 127</b> <b>1998 Act: Secs. 3 – 5 and 34 – 46</b>
<b>Liens</b> * liens must arise by operation of law against non-custodial parent in arrears AND must give full faith & credit for liens arising in other states as long as other states meet Alaska's requirements	AS 25.27.230 AS 25.27.240	42 U.S.C. § 666(a)(4) PRWORA § 368	<b>1997 Act: Secs. 104, 105</b> <b>1998 Act: Sec. 31 – 33</b>
<b>Medical Support Orders</b> * eliminates the requirement that the employer do business in Alaska before CSED sends a copy of medical support order to employer * requires the agency to send notice of medical support to new employer when obligor changes jobs	AS 25.27.063(b) AS 25.27.020(a)(9) AS 25.27.060 AS 21.36.095 Civil Rule 90.3(d)	42 U.S.C. § 666(a)(19) PRWORA § 382	<b>1998 Act: Sec. 24</b>
<b>Miscellaneous</b> * statute of limitations * interest rates * application for services * payments to the agency * audit of collections * certification of arrears * notice of public assistance * order establishment * service of papers	AS 09.10.040 AS 25.27.020(a)(6) AS 25.27.025 AS 25.27.100(a) AS 25.27.103 AS 25.27.105 AS 25.27.120(c) AS 25.27.160(b) AS 25.27.265	42 U.S.C. § 666(a)(2) 42 U.S.C. § 654A 42 U.S.C. § 654(4), (5) 42 U.S.C. § 666(c)(1) 42 U.S.C. § 654B(a)(1) PRWORA § 301 PRWORA § 311, 312 PRWORA § 325	<b>1997 Act: Secs. 74 – 76, 78, 86 – 89, 94, 131 – 132</b> <b>1998 Act: Secs. 2, 27</b>
<b>Modification</b> * notice every 3 years of request for review; 3-year cycle for review upon request of parent or state agency, either per guidelines or based on COL or automated methods, without a material change in circumstances	AS 25.24.170(b) AS 25.27.190 AS 25.27.193	42 U.S.C. § 666(a)(10) PRWORA § 351	<b>1997 Act: Secs. 44, 101 – 103</b>
<b>New Hire Reporting</b> * must require employers to report hiring, rehiring, of each	AS 25.27.075	42 U.S.C. § 653A PRWORA § 313	<b>1998 Act: Sec. 25</b>

employee			
<b>Non-Cooperation</b> * good faith determinations when custodial parent fails to cooperate with CSED	AS 47.27.040(b)	42 U.S.C. § 654(29) PRWORA § 333	1997 Act: Sec. 147
<b>Nondisclosure of Information</b> * nondisclosure of information when there is a finding of domestic violence	AS 25.27.275	42 U.S.C. § 654(26) PRWORA § 303	1997 Act: Sec. 134
<b>Paternity</b> * state must have laws governing paternity establishment and voluntary acknowledgment of paternity which comply with detailed federal requirements. Please see summary for specifics.	AS 18.50.160 AS 18.50.165 AS 25.20.050 AS 25.20.055 AS 25.27.040(a) AS 25.27.165 AS 25.27.166 AS 25.27.167	42 U.S.C. § 666(a)(5) 42 U.S.C. § 666(c)(1) 42 U.S.C. § 652(a)(7) PRWORA § 325, 331	1997 Act: Secs. 20 – 22, 36 – 42, 79, 95 – 100 1998 Act: Secs. 12, 28 – 30
<b>Seek Work Orders</b> * agency must be able to obtain order requiring obligor to seek work	AS 25.27.020(d)	42 U.S.C. § 666(a)(15) PRWORA § 365	1997 Act: Sec. 77
<b>Social Security Numbers</b> * must require SSN's on license applications (professional, driver's, occupational, recreational, marriage), case files re divorce, support or paternity, death certificates	AS 06.20.020 AS 06.40.050 AS 08.01.060 AS 08.01.100 AS 08.08.137 AS 09.55.050 AS 14.20.027 AS 16.05.330 AS 16.05.346 AS 16.06.360 AS 16.05.450 AS 16.05.480 AS 18.50.230 AS 18.60.395 AS 18.65.410 AS 18.72.030 AS 21.06.255 AS 25.05.091	42 U.S.C. § 666(a)(13) PRWORA § 317	1997 Act: Secs. 3 – 6, 8, 9, 12, 14 – 18, 23 – 25, 27 – 32, 35, 41, 43, 45, 46 1998 Act: Secs. 6 – 9, 12, 14 – 17, 51 – 52

	AS 18.50.165 AS 18.50.280 AS 25.20.050(n) AS 25.24.160 AS 25.24.210 AS 25.24.230 AS 28.15.061		
<b>Subpoenas</b> * must be able to subpoena any financial or other information without approval of separate body, impose penalties for noncompliance, and enforce other states' subpoenas	AS 25.27.085 AS 25.27.086	42 U.S.C. § 666(a)(2) 42 U.S.C. § 666(c)(1) PRWORA § 325	<b>1997 Act: Secs. 83 – 85</b> <b>1998 Act: Sec. 26</b>
<b>Tax Dependents</b> * court may not unconditionally grant noncustodial parent right to claim child as tax dependent unless parent meets federal requirements and does not owe more than four times the monthly support obligation at end of tax year.	AS 25.24.152 AS 25.24.232	None	<b>1998 Act: Secs. 13, 18</b>
<b>UIFSA</b> * state must adopt verbatim the revised version of UIFSA	AS 25.25.101 – 25.25.903	42 U.S.C. § 666(f) PRWORA § 321	<b>1997 Act: Secs. 48 – 73</b> <b>1998 Act: Secs. 19 – 20</b>



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for  
Children and Families

2201 Sixth Avenue, Suite 600  
Seattle, WA 98121-1827

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

Dear Ms. Miklos:

This is in response to your request for clarification of:

- The consequences if a State fails to enact laws or otherwise conform to the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, and
  - Nationwide information on state compliance with PRWORA.
1. In order for a State to receive Federal funding for the operation of its child support enforcement program, it must have an approved State IV-D plan which meets the requirements of section 454 of the Social Security Act (the Act). One of those requirements, specified at section 454(20)(A), is that the State must have in effect all of the laws required by section 466.

PRWORA made numerous changes to sections 454 and 466 of the Act. When a State fails to comply with all statutory requisites, its plan is subject to disapproval by the Office of Child Support Enforcement (OCSE). In accordance with sections 452(a)(3) and 455(a)(1)(A) of the Act, there would then be no authority to expend Federal funds under Title IV-D of the Act for the operation of the State's child support enforcement program.

Therefore, a determination that a State IV-D plan is disapproved will result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE. Alaska received approximately \$12.4 million in Title IV-D funding for the administration of its child support program in FY 1997, and over \$3.2 million in Title IV-D performance related child support incentives.

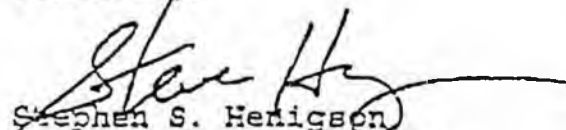
Page 2 - Barbara Miklos

In addition, in order to be eligible for a block grant for Temporary Assistance to Needy Families (TANF), section 402(a)(2) of the Act requires a State to certify that it will operate a child support enforcement program under the State plan approved under part D. Therefore, TANF funding would also be jeopardized if the State failed to enact the required child support legislation on a timely basis. Alaska's Federal funding for IV-A for FY 1997 was approximately \$63 million.

2. Data on state compliance with PRWORA changes frequently. We are therefore unable to provide you with an accurate and up to date listing of which states have fully complied with its provisions. Most states have either passed legislation that has been found complete, or is under review. Alaska is in the category of states which did not pass enabling legislation in 1997, but which have expressed an intent to do so and are working with its Regional Office to develop such legislation. Only one state, Idaho, has failed to enact enabling legislation and has stated it is unwilling to do so. Attached is a "notice of intent" to disapprove Idaho's state plan, with the resulting loss of Federal funding. If proposed legislation is not enacted in Alaska, our office would begin the process of issuing a similar notice of intent to disapprove.

Please contact Michael Furtado at (206) 615-2552, ext. 3045 if you have any further questions.

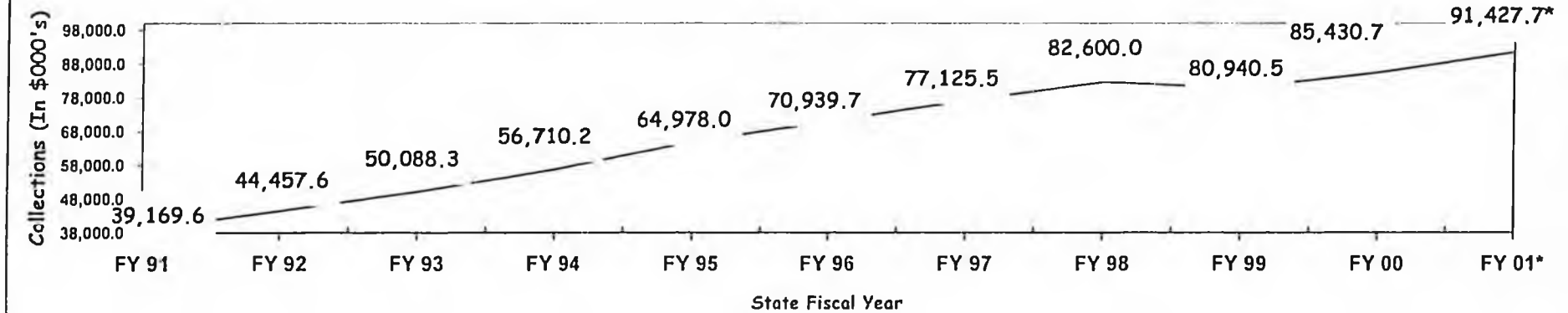
Sincerely,

  
Stephen S. Hennigson  
Regional Administrator

Attachment: Idaho Notice of Intent to Disapprove

**CHILD SUPPORT ENFORCEMENT DIVISION  
Annual Collections  
FY 91 to 01**

\*(FY 01 is Projected)



	Government	Family	Total
FY 91	12,946.6	26,223.0	39,169.6
FY 92	14,396.1	30,061.5	44,457.6
FY 93	15,565.1	34,523.2	50,088.3
FY 94	17,365.8	39,344.4	56,710.2
FY 95	20,332.4	44,445.6	64,978.0
FY 96	22,647.5	48,292.2	70,939.7
FY 97	24,760.7	52,364.8	77,125.5
FY 98	23,301.7	59,298.3	82,600.0
FY 99	20,733.1	60,207.4	80,940.5
FY 00	19,756.1	65,674.6	85,430.7
FY 01*	18,768.3	72,659.4	91,427.7

\*Projected

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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Juneau, AK 99811-3300  
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SUMMARY OF: A Special Report on the Department of Revenue, Child Support Enforcement Division, Selected Issues, November 28, 2000.

### PURPOSE OF THE REPORT

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we conducted an audit of the Department of Revenue, Child Support Enforcement Division (CSED). Our objectives were to determine the merits of specific, performance-related allegations made against CSED. These allegations focused on agency activities in the areas of collections, administrative processes, and communications.

### REPORT CONCLUSIONS

We found most of these allegations to be either unfounded or already fully addressed by CSED. We noted weaknesses in the areas of client communications, employee morale, and office culture.

#### Collections

- Correct support amounts collected.
- CSED assists other states with collections.
- A few support obligations remain overstated.
- Arrearages accrue without the parent's knowledge.
- CSED charges required interest on arrearages.
- CSED correctly calculates interest due.
- CSED seizes assets and suspends licenses, when appropriate.
- CSED now current on posting receipts.
- CSED disburses correct amounts.

### Administrative Processes

- CSED not authorized to change legal custody or visitation rights.
- CSED modifies administrative support orders, when appropriate.
- CSED holds administrative hearings upon request.

### Communications

- CSED does not fully respond to all client inquiries.
- Legal notices are being properly sent.
- Phone contact with CSED perceived as difficult.
- Computer generated correspondence accurately reflects the date prepared.
- Support orders are sent out in a timely manner.
- No evidence of unauthorized handwritten changes to court or CSED orders.
- Account addresses substantially correct.

### FINDINGS AND RECOMMENDATIONS

#### 1. The CSED director should pursue ways to improve the division's communications.

Overall, we found CSED's customer service to be satisfactory. However, based on our observations and those we obtained through surveys of program participants, there are several areas of client communication that could be improved. These include incoming telephone calls, form letters, responses to written inquiries, and documentation of client contact.

#### 2. The CSED director should take steps to improve employee morale and the office culture.

We conducted a survey of all CSED employees. The results revealed a widespread morale problem. Employees commonly perceived problems specifically in hiring and promotion and generally in the way CSED is managed.

Management contends that it has made some improvements in these areas in the past year, after our surveys were conducted. Given this progress, management should arrange for updated surveys to determine what problems still exist and to allow it to plan further improvements. To be successful, these surveys need to be both independent and confidential. If requested, Legislative Audit will assist CSED in conducting employee and client surveys in 2001.

*a more detailed  
analysis*

**Bill:** CSSB19 (HES)  
**Sponsor(s):** Senate Rules Committee by Request of the Governor  
**Short Title:** CHILD SUPPORT ENFORCEMENT/SOC SEC. #  
**Long Title:** An Act relating to federal requirements regarding social security number information and certain kinds of automated data matching with financial institutions; repealing the termination date of changes made by ch. 87, SLA 1997, and ch. 132, SLA 1998, regarding child support enforcement and related programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing uncodified laws relating to ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for an effective date.

### SECTIONAL ANALYSIS

- Section 1: Removes Social Security Number requirement on applications for licenses for businesses entering into premium finance agreements or insurance sold under the Premium Financing Action.
- Section 2: Removes Social Security Numbers from the Child Support Enforcement reporting requirements for Centralized Licensing.
- Section 3: Removes requirement that the Alaska Bar Association report an applicant's Social Security Number to Child Support Enforcement.
- Section 4: Removes Social Security Number requirement on presumptive death certificates.
- Section 5: Removes Social Security Number requirement on applications for crewmember fishing licenses.
- Section 6: Removes Social Security Number requirement on applications for resident commercial fishing licenses.
- Section 7: Removes Social Security Number requirement from dissolution, divorce, or annulment of marriage forms.
- Section 8: Removes Social Security Number requirement from application for licensing of boiler operators.
- Section 9: Removes Social Security Number requirement from application for licensing of security guards.
- Section 10: Removes Social Security Number requirement from application for licenses to sell fireworks at wholesale.
- Section 11: Removes Social Security Number requirement from application for drivers license.

Section 12: Repeals:

- 1: Social Security Number requirement of application for license for persons making loans of money, credit, goods, or things under the Alaska Small Loans Act.
- 2: Reporting requirement of Social Security Numbers to Child Support Enforcement from licensing application under Premium Financing Act.
- 3: Social Security Number requirement of application for Centralized Licensing.
- 4: Social Security Number requirement for renewal of Centralized Licensing license.
- 5: Social Security Number requirement for application for teacher certificate or a limited teacher certificate.
- 6: Reporting requirement of Social Security Numbers to Child Support Enforcement from licensing of crewmember fishing licenses.
- 7: Reporting requirement of Social Security Numbers to Child Support Enforcement from licensing of commercial fishing licenses.
- 8: Social Security Number requirement for death registration.
- 9: Social Security Number requirement for court reports of divorce, dissolution, and annulment.
- 10: Reporting requirement of Social Security Numbers to Child Support Enforcement from licensing of boiler operators.
- 11: Reporting requirement of Social Security Numbers to Child Support Enforcement from licensing of security guards.
- 12: Reporting requirement of Social Security Numbers to Child Support Enforcement from licensing of fireworks wholesalers.
- 13: Social Security Number requirement for application for Division of Insurance licenses.
- 14: Social Security Number requirement for application for marriage license & reporting requirements of Social Security Numbers to Child Support Enforcement.
- 15: Social Security Number requirement for paternity order or acknowledgements.
- 16: Social Security Number requirement in the records of a judgement of divorce or declaring a marriage void for each party involved.
- 17: Social Security Number requirement for petitions filed for dissolution of marriages for each party involved.
- 18: Social Security Number requirement in the records of a judgement of dissolution of marriage for each party involved.
- 19: Financial data matching requirements.
- 20: Reporting requirement of Social Security Numbers to Child Support Enforcement from drivers license applications.

Section 13: Repeals:

- 1: July 1, 2001 repeal date of 1997 and 1998 CSED legislation.
- 2: Sections of ch. 37, SLA 1998, Austerman's canned salmon processor reporting bill, which provide for language of exceptions of the confidentiality of the Department of Revenue which don't include Child Support Enforcement.
- 3: July 1, 2001 repeal date of sections 3-9, 16, 21-26, 30-33, 47, 51, and 52 of 1997 CSED legislation.
- 4: Intent of consistency of 1997 & 1998 CSED legislation, notwithstanding language differences.
- 5: Nonseverability of sections 1-12, 14-17, 19-26, 28-53, and 55 of 1998 CSED legislation.
- 6: Definition of "license" stipulation, which states that definition would remain the same if CSED legislation were allowed to sunset. This is basically a housecleaning repealer.
- 7: Revisor's uncodified law changes for no delayed repeal of 1998 amendm<sup>n</sup>t to notification guidelines for initiating paternity proceedings. Also a housecleaning repealer.

Section 14: Section 13 takes effect immediately.

Section 15: Sections 1-12 take effect July 1, 2006.

sectional analysis of 1997 & 1998 CSED legislation  
from Sen. Halford's office

Senate Bill 154 (1997)

- \* Section 1. FINDINGS; INTENT.
- \* Sec. 2. Allows CSED to get bank records of someone who pays or receives child support.
- \* Sec. 3-9. Requires various occupational licensing departments to collect SSNs and share info with CSED.
- \* Sec. 10-11. Allows Revenue to share information with CSED.
- \* Sec. 12. Requires SSN on presumptive death certificate.
- \* Sec. 13. Grants immunity for entities or persons honoring CSED subpoenas.
- \* Sec. 14-18. Requires various occupational licensing departments to collect SSNs and share info with CSED.
- \* Sec. 19. Allows ADF&G to share information with CSED
- \* Sec. 20-22. Sets up requirements for paternity acknowledgement forms.
- \* Sec. 23. Requires collection of SSNs on death certificates and sharing info with CSED.
- \* Sec. 24-25. Requires collection of SSNs on divorce, dissolution & annulment forms and sharing info with CSED.
- \* Sec. 26. Allows sharing of vital records with CSED.
- \* Sec. 27-35. Requires various occupational licensing departments to collect SSNs and share info with CSED.
- \* Sec. 36. Guidelines for establishing paternity - father & mother both sign form or paternity is determined by court or tribunal.
- \* Sec. 37. Specifies what type of genetic tests are acceptable for establishing paternity.
- \* Sec. 38. Specifies when genetic testing shall be ordered - by request of CSED or when someone alleges with reasonable possibility that someone could be the father or denies the accusation with reasonable possibility that they are not the father.
- \* Sec. 39. Allows CSED to recover genetic testing costs if the putative father turns out to be the father.
- \* Sec. 40. Requires CSED to honor a paternity determination from another state.
- \* Sec. 41. Sets out guidelines for paternity determination by a tribunal.
- \* Sec. 42. Allows DHSS to define when a hospital doesn't have to copy with the "early acknowledgement of paternity" program
- \* Sec. 43. Requires court to get SSNs of spouses and children involved in dissolution or divorce.
- \* Sec. 44. Allows modification of an order without a material change in circumstances once every 3 years.
- \* Sec. 45-46. Requires court to get SSNs of spouses and children involved in dissolution and share w/CSED.
- \* Sec. 48-74. Sections complying with UIFSA - regarding interstate cases. Standardizes definitions, determines which state has jurisdiction, lays out how modification, enforcement, registration, paternity testing, income withholding, etc. work when two jurisdictions are involved.
- \* Sec. 74-79. Defines duties of the department - adopting regulations, information exchange, access to information, interest rates, and cost recovery for paternity tests.
- \* Sec. 80. Allows custodial parent to begin immediate income withholding, if there is an arrearage, without other services from CSED.
- \* Sec. 81. Allows CSED to serve an income withholding order electronically, specifies that income withholding starts immediately and that the withheld amount must be sent to CSED within 7 business days of payday.
- \* Sec. 82. Specifies that employer can send a lump payment for everyone, as long as deadlines are met.
- \* Sec. 83-84. Allows CSED to subpoena financial & other information to establish, modify or enforce an order.
- \* Sec. 85. Describes how to handle subpoenas from other states.
- \* Sec. 86. Technical change.
- \* Sec. 87. Requires payments to be made to CSED, if CSED is the enforcing agency.
- \* Sec. 88. Technical change.
- \* Sec. 89. Requires an obligor to send payments to CSED when they owe the state for public assistance.
- \* Sec. 90-93. Allows CSED to begin income withholding without prior notice if there's an arrearage.
- \* Sec. 94. Specifies how CSED calculates administrative orders.
- \* Sec. 95. Allows putative father to petition for paternity determination.
- \* Sec. 96. Requires notice of paternity and financial responsibility to state that a party can show good cause not to order the testing.
- \* Sec. 97. Requires CSED to order additional genetic testing upon receipt of payment and request.
- \* Sec. 98. Allows CSED to recover costs for paternity testing if the putative father is the father.
- \* Sec. 99. Requires SSNs on paternity decisions/admissions and allows the agency to not order genetic testing if it's in the best interests of the child.
- \* Sec. 100. Prevents using the dis-establishment of paternity process if there was an acknowledgement or admission of paternity (these are formal procedures defined in statute)
- \* Sec. 101-102. Allows CSED to initiate a modification of an administrative support order.
- \* Sec. 103. Allows CSED to write regulations for periodic modification of administrative support orders.

- \* Sec. 104. Technical change regarding liens and determination of paternity.
- \* Sec. 105. Allows other states to record and assert liens.
- \* Sec. 106-118. Adds commercial crewmember fishing licenses to the list of licenses that can be denied if you have an arrearage, allows denial of licenses if an obligor fails to comply with a subpoena or warrant.
- \* Sec. 119-127. Allows CSED to have a driver's license denied or suspended if they fail to comply with a subpoena or warrant.
- \* Sec. 128-130. Allows CSED to garnish wages, issue an order to withhold and deliver without prior notice if more than 30 days have passed after an administrative support order or establishment of paternity, allows 14 business days to deliver property other than wages.
- \* Sec. 131-132. Requires SSNs and other information to be kept on file with CSED for paternity & child support proceedings. Also requires parties to keep CSED aware of changes in information.
- \* Sec. 133. Allows CSED to send entire history of an obligor to a credit agency (used to be just 10 years).
- \* Sec. 134. Allows CSED to keep information of a party or the child secret if they are in danger.
- \* Sec. 135. Allows the voiding of transfers of property made to avoid child support payments.
- \* Sec. 136. Technical change.
- \* Sec. 137-139 Definitions
- \* Sec. 140-146 Gives CSED access to records of various records of other departments.
- \* Sec. 147. Gives CSED authority to determine when an ATAP participant is in good faith compliance with paternity determination efforts.
- \* Sec. 148. Repealer section.
- \* Sec. 149-153. Alaska Rules of Civil Procedure changes.
- \* Sec. 154. Rules of Evidence changes.
- \* Sec. 155. Bar Association Rules changes.
- \* Sec. 156. Regulations adoption.
- \* Sec. 157-161. Effective Dates.

Repealed sections - SENATE CS FOR CS FOR HOUSE BILL NO. 344(FIN) am S

- \* Sec. 3. In the civil code, allows state to revoke licenses for contempt related to not paying child support.
- \* Secs. 4-5. Allows loss or restriction of recreational license for criminal nonsupport.
- \* Secs. 6-7. Repealed by Sec. 3 of bill (hunting & fishing license section)
- \* Secs. 8 -9. Requires Commissioner of F&G to collect and share SSNs (*should be repealed?*)
- \* Sec. 16 Requires petitions for dissolutions to have SSNs
- \* Sec. 21-22. Allows other states' "CSED"s to request a particular type of automated reord.
- \* Sec. 23. Requires withholding order information to be served by certified mail and makes some technical language changes.
- \* Sec. 24. Says the agency will send a medical support order to a new employer of an obligor.
- \* Sec. 25. New hire reporting requirements.
- \* Sec. 26. Allows agency to apply to the court to hold someone in contempt if they don't comply with a subpoena.
- \* Sec. 30. Allows agency to apply to the court to hold someone in contempt if they don't get genetic testing.
- \* Sec. 31-33. Allows agency to put a lien on property equal to the amount of the arrearage, requires Alaska to comply with other states' liens & other technical stuff about liens.
- \* Sec. 47. Allows CSED to take assets without obtaining an administrative or court order.
- \* Sec. 51. Driver's license application must collect SSN.
- \* Sec. 52. DMV must provide SSN to CSED upon request.

\* non-severability

\*

## **FLOOR BACKUP FOR SB 19**

### **CHILD SUPPORT ENFORCEMENT/SOCIAL SECURITY NUMBERS**

#### **Senate HESS Changes:**

- Findings and intent language was removed.
  - The committee felt it was unnecessary to have it in the books.
- Because of their controversial nature in the discussions of the original legislation and privacy issues, five-year sunsets were placed on:
  - Provisions that social security numbers must be required on applications for various occupational & drivers' licenses and be provided to child support enforcement agencies.
  - Provisions that social security numbers must appear on some court documents (i.e. dissolution of marriage and divorce documents) and Bureau of Vital Statistics documents (i.e. death certificates) and be provided to child support enforcement agencies.
  - Provisions that allow child support enforcement agency to enter into agreements with financial institutions for financial data matching.
- New hire reporting requirements amended to ensure that an employer who fails to report a newly hired or rehired employee to child support enforcement agencies may not be held civilly liable for their failure to do so.
  - This was put in as a measure to protect the business owner from civil suits resulting from the failure to report an employee.

## FLOOR BACKUP FOR SB 19

### **CHILD SUPPORT ENFORCEMENT/SOCIAL SECURITY NUMBERS**

#### The Original Bill:

- Repealed the sunset provisions on the portions of 1997 and 1998 CSED legislation that would sunset on July 1, 2001.
- If sunset allowed, the state would lose an estimated \$70 million federal dollars for child support enforcement and public assistance.
- Repealed non-severability portion, which applied to several sections of the 1998 CSED legislation.
- CSED was concerned that if one section was found unconstitutional, the state would lose all of the provisions in the non-severability. If that happened, the state would be out of compliance with federal regulations
- Repealed related provisions from other legislation that referred to the sunsetted provisions in 1997 and 1998 CSED legislation.

#### Senate Resources Changes:

- Removed any reference to social security number requirements on applications for hunting and fishing licenses because that information is covered in SB 49 and HB 48.

# ALASKA STATE LEGISLATURE



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*Session:*

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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

### AMENDMENT TO CSSB 19(HES), Draft Version "L"

**Explanation:** This amendment is offered to ensure that an employer who unintentionally fails to report a newly hired employee to child support enforcement agencies may not be held liable for their failure to do so in a private civil case.

**Analysis:** This amendment adds a new section 11, which amends the new hire reporting requirements in AS 25.27.075 to include "Violation of this subsection does not give rise to a private cause of action."

This amendment also renumbers the bill accordingly and provides that Section 11 shall take effect immediately.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

To: Senator Lyda Green, Chair  
From: Aurora Hauke Committee Aide  
Date: January 29, 2001  
Subject: Questions for CSSB 19 (RES) Child Support Enforcement/Soc Sec #

---

- 1) Does the current fiscal note still apply to the bill as amended?
- 2) Why does CSED want to repeal the non-severability portion? Is there concern that a particular portion will be found unconstitutional?
- 3) SSNs are required on applications for drivers licenses. They are not required to be printed on the license. However, this is not notified on the application. Can regulations be changed to notify the applicant on the application or give them a choice on the application?

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS



OFFICIAL BUSINESS

# Alaska State Legislature

## Senate

STATE CAPITOL, ROOM 213  
JUNEAU, ALASKA 99801-1182  
(907) 465-3701  
FAX: 465-2832

EMAIL: senate\_secretary@legis.state.ak.us

February 22, 2001

### HOUSE BILLS FOR INTRODUCTION

HOUSE BILL NO. 109 BY REPRESENTATIVE COGHILL, entitled:

"An Act relating to failure by an election official to execute the voter's certificate on an absentee ballot or by a person authorized by law to execute the voter's certificate on a questioned ballot."

### SENATE RESOLUTIONS FOR INTRODUCTION

SENATE JOINT RESOLUTION NO. 15 BY SENATORS AUSTERMAN, Lincoln,  
Relating to imports of salmon from Chile.

SENATE JOINT RESOLUTION NO. 16 BY SENATOR TORGERSON,  
Proposing amendments to the Constitution of the State of Alaska relating to certain municipal annexations.

### SENATE BILLS FOR INTRODUCTION

SENATE BILL NO. 112 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act placing certain employees of the Alaska Mental Health Trust Authority in the exempt service; establishing a minimum salary for the long term care ombudsman; and providing for an effective date."

SENATE BILL NO. 113 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the delay of the reduction of supplementary public school funding; and providing for an effective date."

SENATE BILL NO. 114 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to increasing the base student allocation and the maximum amount of quality school funding grants for public schools; and providing for an effective date."

SENATE BILL NO. 115 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE, entitled:

"An Act extending the termination date of the Board of Storage Tank Assistance."

Introduction List

2/22/2001

Page 2

**SENATE BILLS FOR INTRODUCTION (CONTINUED)**

SENATE BILL NO. 116 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the Alaska temporary assistance program; and providing for an effective date."

**PUBLICATION NOTICE - CITATIONS**

Honoring – Dr. Paul Eneboe, Homer Chamber of Commerce 2000 Citizen of the Year  
Senator(s) Torgerson

Honoring – Maritime Helicopters, Homer Chamber of Commerce Outstanding Business of the Year 2000  
Senator(s) Torgerson

# THE ALASKA LEGISLATURE

DRAFT



SPONSORS APPROVAL:

A handwritten signature in cursive, likely John Torgerson, written over a horizontal line.

**\* HONORING \***

**\* DR. PAUL ENEBOE \***

**\* HOMER CHAMBER OF COMMERCE \***

**\* 2000 CITIZEN OF THE YEAR \***

The Twenty-second Alaska Legislature takes great pleasure in honoring Dr. Paul Eneboe on being named the Homer Chamber of Commerce Citizen of the Year. His accomplishments, dedication and commitment to his community shows he is well deserving of this award.

Practicing medicine for thirty-two years in Homer Dr. Eneboe has reached virtually everyone in town. In his early years he worked long hours, often receiving little or no compensation because many of Homer's residents had little or no money. Over the years he has worked to build a successful practice and take on several new doctors, but has always remained true to the health care of his patients.

Dr. Eneboe has served as the medical sponsor of the Volunteer Fire Department from 1968-1982. He is a grand supporter of many non-profit community service organizations. He has shared his knowledge of aging and assisted seniors freely, speaking too a wide variety of community forums on issues of aging. Dr. Eneboe has been a promoter of senior health issues, devoting many hours to caring for the residents of the Homer Senior Citizens and the South Peninsula Hospital long-term care facility. He was a major advocate for the recent expansion of the hospital's long-term care facility and served this year as Chief of Staff at the South Peninsula hospital.

Dr. Eneboe regularly hosts free community forums on critical issues of aging, participates in the annual community Health Fair, Holiday Adopt-A-Family program sponsor, and the Children's Christmas party. He even provides house calls to patients unable to visit his office.

The members of the Twenty-second Alaska Legislature extend their gratitude to Dr. Paul Eneboe and congratulate him on becoming Homer's Chamber of Commerce citizen of the year for the year 2000.



\_\_\_\_\_  
BRIAN PORTER  
SPEAKER OF THE HOUSE

\_\_\_\_\_  
RICK HALFORD  
PRESIDENT OF THE SENATE

Date:

\_\_\_\_\_  
JOHN TORGERSON  
PRIME SPONSOR

Cosponsors:

# THE ALASKA LEGISLATURE

**DRAFT**



**SPONSORS APPROVAL:**

A handwritten signature in cursive, likely John Torgerson, written over a horizontal line.

**\* HONORING \***

**\* MARITIME HELICOPTERS \***

**\* HOMER CHAMBER OF COMMERCE \***

**\* OUTSTANDING BUSINESS OF THE YEAR 2000 \***

The Twenty-second Alaska Legislature joins the Homer Chamber of Commerce in congratulating Maritime Helicopters for being named "Outstanding Business of the Year".

This honor is bestowed upon a business, which has supported community activities and organizations above and beyond what would normally be expected from a local business. This is not an unusual task for owners Don and Mary Ann Fell, who have been in business since 1973. Maritime Helicopters has grown from employing 12 full-time people locally to as many as 40 people working seasonally throughout the state.

Along with monetary contributions they also contribute their services to a variety of community efforts, such as youth clubs, advocacy groups, school programs and community service organizations with the focus on local causes. They also support educational programs, offering demonstrations to various youth groups and the local schools.

They are an authorized Bell Customer Service Facility, having a base in Kodiak, and provide air taxi/charter service statewide.

Maritime is always available for Search & Rescue and Medivac services regardless of payment. If the weather permits, they never turn someone down in an emergency. They have also provided financial assistance for individuals and families in medical need.

For over a decade, Maritime Helicopters has played an important part with the community children's parties, making sure that Santa Claus and the Easter Bunny arrive at the Elks Lodge by Helicopter.

The members of the Twenty-second Alaska Legislature extend their gratitude to Maritime Helicopters for their contributions to the community and wish them well in all their future undertakings. Again, congratulations on this award.



\_\_\_\_\_  
BRIAN PORTER  
SPEAKER OF THE HOUSE

\_\_\_\_\_  
RICK HALFORD  
PRESIDENT OF THE SENATE

Date:

\_\_\_\_\_  
JOHN TORGERSON  
PRIME SPONSOR

Cosponsors:

# ALASKA STATE LEGISLATURE



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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

### Agenda

**Monday, February 5, 2001**

SB2 MUNICIPAL SCHOOL BOND REIMBURSEMENT

SB11 COMPULSORY SCHOOL AGE

SB19 CHILD SUPPORT ENFORCEMENT

Bills Previously Heard/Scheduled

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

22-GS1002L

Lauterbach

2/2/01

**CS FOR SENATE BILL NO. 19(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:  
Referred:

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

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to federal child support enforcement requirements regarding social  
2 security number information and certain kinds of automated data matching with  
3 financial institutions; repealing the termination date of changes made by ch. 87, SLA  
4 1997, and ch. 132, SLA 1998, regarding child support enforcement and related  
5 programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing  
6 uncodified laws relating to ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for  
7 an effective date."

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

9 \* Section 1. AS 06.40.050(a) is amended to read:

10 (a) Application for a license under this chapter shall be in writing and in the  
11 form prescribed by the department. [IF THE APPLICANT IS A NATURAL  
12 PERSON, THE APPLICATION FORM MUST REQUIRE SUBMISSION OF THE  
13 APPLICANT'S SOCIAL SECURITY NUMBER.]

1 \* **Sec. 2.** AS 08.01.089 is amended to read:

2           **Sec. 08.01.089. Copies of records for child support purposes.** If a copy of a  
3 public record concerning an individual who owes or is owed child support that is  
4 prepared or maintained by the department is requested by the child support  
5 enforcement agency created in AS 25.27.010 or a child support enforcement agency of  
6 another state, the department shall provide the requesting agency with a certified copy  
7 of the public record [~~], INCLUDING THE INDIVIDUAL'S SOCIAL SECURITY~~  
8 ~~NUMBER].~~ If these records are prepared or maintained by the department in an  
9 electronic data base, the records may be supplied by providing the requesting agency  
10 with a copy of the electronic record and a statement certifying its contents. A  
11 requesting agency receiving information under this section may use it only for child  
12 support purposes authorized under law.

13 \* **Sec. 3.** AS 08.08.137 is amended to read:

14           **Sec. 08.08.137. Fingerprints [~~]; SOCIAL SECURITY NUMBER].~~** The  
15 Board of Governors shall require an applicant for admission to be fingerprinted [~~AND~~  
16 ~~TO PROVIDE THE APPLICANT'S SOCIAL SECURITY NUMBER].~~ The  
17 fingerprints shall be used to determine whether the applicant has a record of criminal  
18 convictions in this state or another jurisdiction. The Board of Governors may use the  
19 information obtained from the fingerprinting only in its official determination of the  
20 character and fitness of the applicant for admission to the Alaska Bar Association.  
21 [~~THE APPLICANT'S SOCIAL SECURITY NUMBER SHALL BE PROVIDED TO~~  
22 ~~THE CHILD SUPPORT ENFORCEMENT AGENCY ESTABLISHED IN~~  
23 ~~AS 25.27.010, OR THE CHILD SUPPORT ENFORCEMENT AGENCY OF~~  
24 ~~ANOTHER STATE, UPON REQUEST BY THE RESPECTIVE AGENCY; THE~~  
25 ~~REQUESTING AGENCY MAY USE THAT INFORMATION ONLY FOR CHILD~~  
26 ~~SUPPORT PURPOSES AUTHORIZED UNDER LAW.]~~

27 \* **Sec. 4.** AS 09.55.050 is amended to read:

28           **Sec. 09.55.050. Effect of presumptive death certificate.** After the judge or  
29 magistrate has entered an order declaring that the person is presumed to be dead either  
30 under AS 09.55.020 - 09.55.060 or under the laws dealing with missing persons, the  
31 judge or magistrate shall make out and sign a certificate entitled "Presumptive Death

1 Certificate" in the form and manner and containing the information required by the  
2 Bureau of Vital Statistics. [IN ADDITION TO THE INFORMATION REQUIRED  
3 BY THE BUREAU OF VITAL STATISTICS, THE CERTIFICATE MUST  
4 CONTAIN THE DECEDENT'S SOCIAL SECURITY NUMBER, IF  
5 ASCERTAINABLE.] The certificate shall be recorded by the judge or magistrate and  
6 then filed with the Bureau of Vital Statistics. Upon the entry of the order and the  
7 recording and filing of the "Presumptive Death Certificate" as herein provided, the  
8 missing person is presumed to be dead, and the person's estate may be administered in  
9 accordance with the then existing provisions of law applicable to the administration of  
10 the estates of deceased persons.

11 \* Sec. 5. AS 16.05.450(a) is amended to read:

12 (a) The commissioner or an authorized agent shall issue a crewmember fishing  
13 license under AS 16.05.480 to each qualified person who files a written application at  
14 a place in the state designated by the commissioner, containing the reasonable  
15 information required by the commissioner together with the required fee. [THE  
16 COMMISSIONER SHALL REQUIRE THE REPORTING OF THE APPLICANT'S  
17 SOCIAL SECURITY NUMBER ON THE APPLICATION.] The application shall be  
18 simple in form and shall be executed by the applicant under the penalty of unsworn  
19 falsification.

20 \* Sec. 6. AS 16.05.480(b) is amended to read:

21 (b) A person applying for a resident commercial license under this section  
22 shall provide [THE PERSON'S SOCIAL SECURITY NUMBER AND] the proof of  
23 residence that the department requires by regulation.

24 \* Sec. 7. AS 18.50.280(a) is amended to read:

25 (a) For each dissolution, divorce, and annulment of marriage granted by a  
26 court in the state, the clerk of the court shall prepare and file a certificate of  
27 dissolution, divorce, or annulment with the bureau, on forms prescribed and furnished  
28 by the bureau. [THE FORMS MUST REQUIRE THE REPORTING OF THE  
29 SOCIAL SECURITY NUMBERS OF THE PETITIONER OR PLAINTIFF AND, IF  
30 ASCERTAINABLE, THE OTHER PARTY TO THE DISSOLUTION, DIVORCE,  
31 OR ANNULMENT OF MARRIAGE.] The petitioner or plaintiff shall furnish the

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

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

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

9 \* **Sec. 12.** AS 06.20.020(b); AS 06.40.050(e); AS 08.01.060(b), 08.01.100(e);  
10 AS 14.20.027; AS 16.05.450(d), 16.05.480(d); AS 18.50.230(f), 18.50.280(c);  
11 AS 18.60.395(d); AS 18.65.410(b); AS 18.72.030(b)(2); AS 21.06.255; AS 25.05.091(b);  
12 AS 25.20.050(n); AS 25.24.160(d), 25.24.210(f), 25.24.230(i); AS 25.27.020(a)(2)(D); and  
13 AS 28.15.061(g) are repealed.

14 \* **Sec. 13.** The following are repealed:

15 (1) Section 148(c), ch. 87, SLA 1997, as amended by sec. 53, ch. 132, SLA  
16 1998;

17 (2) Sections 2, 14, and 16, ch. 37, SLA 1998;

18 (3) Section 53, ch. 132, SLA 1998;

19 (4) Section 54(b), ch. 132, SLA 1998, as amended by sec. 101, ch. 21, SLA  
20 2000;

21 (5) Section 54(c), ch. 132, SLA 1998;

22 (6) Section 56, ch. 132, SLA 1998;

23 (7) Section 92, ch. 58, SLA 1999; and

24 (8) Section 103, ch. 21, SLA 2000.

25 \* **Sec. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

26 \* **Sec. 15.** Sections 1 - 12 of this Act take effect July 1, 2006.

# ALASKA STATE LEGISLATURE



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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

To: Senator Lyda Green, Chair  
From: Aurora Hauke, Committee Aide  
Date: January 29, 2001  
Subject: CSSB 19 (RES) Child Support Enforcement/Soc Sec #

---

Senator Halford would like this bill held over. He might want an amendment, maybe extending the sunset date on those portions which he had a problem with.

He also requested that these questions be asked:

- 1) Why does CSED want to repeal the non-severability portion? Are they concerned that something in particular will be found unconstitutional?
- 2) SSNs have to be on the application for a drivers license, but it is not required that the SSN is listed on the drivers license. However, this is not common knowledge, nor is it noticed on DMV applications. Could regulations be changed to require the DMV to state on the application that the SSN doesn't have to be printed on the drivers license or give the applicant a choice.

I will include these questions on my list of questions, I just wanted you to know where these two came from.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

### **FLOOR BACK-UP FOR:** **HESS CS FOR CSSB 19 (RES)** **CHILD SUPPORT ENFORCEMENT/SOC SEC. #**

The following changes were made to CSSB 19 (RES) in the HESS Committee:

- Findings and intent language was removed.
- The five-year sunset was renewed on requirements that applicants for various licenses provide their social security numbers to the licensing agency and that the licensing agency provide those social security numbers to child support enforcement agencies.
- The five-year sunset was renewed on the requirements that certain court documents and documents of the Bureau of Vital Statistics include social security numbers and that those social security numbers be provided to child support enforcement agencies.
- The five-year sunset was renewed on the provisions allowing the child support enforcement agency to enter into agreements with financial institutions for financial data matching.
- New hire reporting requirements amended to ensure that an employer who unintentionally fails to report a newly hired employee to child support enforcement agencies may not be held liable for their failure to do so in a private civil case.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS

# ALASKA STATE LEGISLATURE



*Interim:*  
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Wasilla, Alaska 99654  
(907) 376-3570  
(907) 376-3157 Fax

*Session:*  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600  
(907) 465-3805 Fax

## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

### COMMITTEE SCHEDULE

BUTROVICH 205

1:30 PM

#### Monday January 29

+\*SCR2 SOBRIETY AWARENESS MONTH

+SB19 CHILD SUPPORT ENFORCEMENT/SOC SEC.#

#### Wednesday January 31

Overview: Department of Education & Early Development.

*F<sup>2</sup> Pop.  
exam - findings  
Gov.'s bill*

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

# ALASKA STATE LEGISLATURE



*Interim:*

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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

### COMMITTEE SCHEDULE

BUTROVICH 205

1:30 PM

Monday February 5

*Education* —

Wednesday February 7

No meeting scheduled.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

## CSSB 19 (HES)

CSSB 19 (HES) REMOVES SUNSET PROVISIONS THAT WOULD HAVE REPEALED MOST OF THE 1997 AND 1998 CHILD SUPPORT LEGISLATION AS OF JULY 1, 2001. CSSB 19 ALSO REPEALS A NONSEVERABILITY CLAUSE INCLUDED IN THE EARLIER LEGISLATION. THE 1997 AND 1998 LEGISLATION HAS PROVEN SUCCESSFUL. SINCE 1998, CHILD SUPPORT COLLECTIONS HAVE INCREASED AND COMPLAINTS HAVE DECLINED. ALSO, CONGRESS REQUIRED THE ORIGINAL LEGISLATION AS A PART OF WELFARE REFORM. IF ANY OF THIS EARLIER LEGISLATION IS ALLOWED TO SUNSET, ALASKA WILL BE OUT OF COMPLIANCE WITH FEDERAL LAW AND INELIGIBLE FOR NEARLY \$70 MILLION IN FEDERAL CHILD SUPPORT AND PUBLIC ASSISTANCE FUNDING.

SENATE HESS ADDED A NEW SUNSET FOR THOSE PARTS OF THE '97 AND '98 LEGISLATION THAT REQUIRE SOCIAL SECURITY NUMBERS ON OCCUPATIONAL AND DRIVERS LICENSES, AS WELL AS OTHER LICENSES AND CERTIFICATES.<sup>1</sup> THESE PROVISIONS WILL SUNSET ON JULY 1, 2006. THE SAME IS TRUE OF PROVISIONS DEALING WITH THE FINANCIAL INSTITUTION DATA MATCH PROGRAM.<sup>2</sup>

LANGUAGE ADDED IN SENATE HESS STATES THAT FAILURE ON THE PART OF AN EMPLOYER TO REPORT A NEWLY HIRED OR REHIRED EMPLOYEE AS REQUIRED BY STATUTE DOES NOT GIVE RISE TO A PRIVATE ACTION AGAINST THE EMPLOYER.

---

<sup>1</sup> Removes the Social Security Number requirement from applications for a wide range of business and professional licenses; crewmember and resident commercial fishing licenses; commercial and noncommercial drivers licenses; teacher's certificates; certificates for dissolution, divorce, or annulment of marriage; presumptive death certificates; and attorney bar applications. Also removes the requirement that each of the licensing agencies report Social Security Numbers to Child Support Enforcement.

<sup>2</sup> Current statutes allow us to match the names of parents who owe arrears with the names on accounts at financial institutions. This makes it much more difficult for delinquent parents to hide their assets, simplifies the search for funds in multi-state institutions, and allows the institutions to cooperate without fear of retaliatory lawsuits. Without this provision, finding hidden assets would require sweeps of all banks for each and every case. For many children the ability to collect support would be seriously compromised.

The nonseverability provision in our legislation from 1998 means that if any part of the legislation, however minor, is found to be unconstitutional, all the rest of the legislation will be considered unconstitutional. This provision was inserted into SB 232 while it was in the Senate Resources Committee, and later appeared in the companion bill in SCS CS HB 344 (fin). The nonseverability provision was not among those that were negotiated with CSED and the agency was not made aware of the reasons for its inclusion. It is clear, however, that if invoked, the provision would put Alaska out of compliance with federal law and in jeopardy of losing all federal financial participation in CSED and public assistance.

The statutes that allow CSED to revoke drivers' and occupational licenses for non-payment of child support were a part of legislation from 1995. They are not subject to the sunset provisions, and are not a part of SB 19.

In answer to your question about programs that were required but not described in federal legislation, one that appeared in the 1998 legislation was revocation of recreational licenses. On that subject, legislators and CSED developed language stating that only a judge may revoke a recreational license, not the agency. To the best of our knowledge, no judge has ever revoked a recreational license, underscoring the very limited scope of this legislation.

In answer to your question about elements in the statutes that will sunset that were not required by federal law, there are two which were also developed through negotiation between legislators and CSED. The "best efforts" language states that a person's license will not be revoked if he is determined by a judge to be making the "best efforts" possible under the circumstances to meet his support obligations. The second requires that orders to withhold and deliver must be sent by certified mail.

are these  
a problem  
to CSED  
or House  
Committee  
members?

not particularly, ~~the~~ just  
they mostly had questions  
which asked for clarification

## **CS for Senate Bill 19 (HES)**

### **Sectional Analysis**

#### **Sections 1 through 12 and section 15: Renew selected sunset provisions.**

- Imposes a five-year sunset on the requirements that applicants for various licenses provide their social security numbers to the licensing agency and that the licensing agency provide those social security numbers to the child support enforcement agency of this or another state.
- Imposes a five-year sunset on the requirements that certain court documents and documents of the Bureau of Vital Statistics include social security numbers and that those social security numbers be provided to the child support enforcement agency of this or another state.
- Imposes a five-year sunset on the provisions allowing the child support enforcement agency to enter into agreements with financial institutions for financial data matching.

#### **Section 13: Repeals the original sunset, nonseverability, and related provisions.**

- Repeals the original sunset and nonseverability provisions of the 1997 and 1998 Acts.
- Repeals several related provisions from other legislation that refer to the original sunset provisions of the 1997 and 1998 Acts.

#### **Section 14: Effective date of the Act.**

- Establishes an immediate effective date for section 13 of the Act.

# ALASKA STATE LEGISLATURE



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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

To: Senator Lyda Green, Chair  
From: Aurora Hauke, Committee Aide  
Date: January 29, 2001  
Subject: CSSB 19 (RES) Child Support Enforcement Repealers

---

(1) Section 148, ch.87, SLA 1997, as amended by sec. 53, ch. 132, SLA 1998

The original repeal date of the 1997 CSED reform bill was July 1, 1999, the 1998 CSED legislation changed the repeal date to July 1, 2001.

(2) Sections 2, 14, and 16, ch. 37, SLA 1998

This was Austerman's canned salmon processor reporting bill. Section 1 names exceptions of the confidentiality of the Department of Revenue. Section 2 repeats the language in Section 1 without naming child support enforcement. Sections 14 & 16 allow Section 2 to replace Section 1 if the CSED legislation is repealed.

(3) Section 53, ch. 132, SLA 1998

Repeal date of 1998 CSED legislation is July 1, 2001.

(4) Section 54(b), ch. 132, SLA 1998, as amended by sec. 101, ch. 21, SLA 2000

Set repeal date of certain sections of 1998 CSED legislation at July 1, 2001 and provided that all affected statutes be returned to their original language after the repeal of the legislation. Adds Section 16 of the 1998 CSED legislation, which relates to dissolution of marriages, to the list of those to be repealed.

(5) Section 54(c), ch. 132, SLA 1998

States that the intent of the 1998 CSED legislation is to be consistent with the 1997 CSED legislation, notwithstanding language differences.

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

(6) Section 56, ch. 132, SLA 1998

Non-severability of certain sections.

(7) Section 92, ch. 58, SLA 1999

Definition of "license" to remain same even if 1998 CSED legislation repealed.

(8) Section 103, ch. 21, SLA 2000

Notification guidelines for initiating paternity proceedings do not get repealed.

*from Sen. Halford's office*

SLAs repealed in CS SB 19 (RES) (22-GS1002C)

**Ch. 87, SLA 1997 (1997 CSED bill - sunset extended in 1998 CSED bill)**

\* Sec. 148. (c) The amendments made by other sections of this Act are repealed July 1, 1999. Each statute amended by this Act is repealed and reenacted on July 1, 1999, to read as it existed on the day before the amendment to the law under this Act took effect. Notwithstanding AS 01.10.100 (c), a statute repealed under (a) of this section is revived and reenacted on July 1, 1999, to read as it existed on the day before the effective date of (a) of this section. A court rule that was amended by a statute repealed or reenacted by this Act is further amended on July 1, 1999, to delete the change that had been made by other sections of this Act.

**Ch. 37, SLA 1998 (Austerman's canned salmon processor reporting bill)**

\* Sec. 2. AS 09.25.100, as repealed and reenacted under sec. 148(c), ch. 87, SLA 1997, is amended to read:

(a) Information in the possession of the Department of Revenue that discloses the particulars of the business or affairs of a taxpayer or other person is not a matter of public record, except as provided in AS 43.05.230 (i) or for purposes of investigation and law enforcement. The information shall be kept confidential except when its production is required in an official investigation, administrative adjudication under AS 43.05.400 - 43.05.499, or court proceeding. These restrictions do not prohibit the publication of statistics presented in a manner that prevents the identification of particular reports and items, prohibit the publication of tax lists showing the names of taxpayers who are delinquent and relevant information that may assist in the collection of delinquent taxes, or prohibit the publication of records, proceedings, and decisions under AS 43.05.400 - 43.05.499.

\* Sec. 14. Section 2 of this Act takes effect only if AS 09.25.100 is repealed and reenacted under sec. 148(c), ch. 87, SLA 1997.

\* Sec. 16. If sec. 2 of this Act takes effect, it takes effect on the effective date of the repeal and reenactment of AS 09.25.100 under sec. 148(c), ch. 87, SLA 1997.

**Ch. 132, SLA 1998 (1998 CSED bill)**

\* Sec. 53. Section 148(c), ch. 87, SLA 1997, is amended to read:

(c) The amendments made by other sections of this Act are repealed July 1, 2001 [1999]. Each statute amended by this Act is repealed and reenacted on July 1, 2001 [1999], to read as it existed on the day before the amendment to the law under this Act took effect. Notwithstanding AS 01.10.100 (c), a statute repealed under (a) of this section is revived and reenacted on July 1, 2001 [1999], to read as it existed on the day before the effective date of (a) of this section. A court rule that was amended by a statute repealed or reenacted by this Act is further amended on July 1, 2001 [1999], to delete the change that had been made by other sections of this Act.

\* Sec. 54. (b) The amendments made by secs. 3 - 9, 21 - 26, 30 - 33, 47, 51, and 52 of this Act are repealed July 1, 2001. If a law is amended by secs. 3 - 9, 21 - 26, 30 - 33, 47, 51, or 52 of this Act by adding a new section or subsection, that new section or subsection is repealed July 1, 2001. If a law is amended by secs. 3 - 9, 21 - 26, 30 - 33, 47, 51, or 52 of this Act by adding new language to a section or subsection that existed before the effective date of this section, that section or subsection is repealed and reenacted on July 1, 2001, to read as it existed on the day before the amendment to the law under secs. 3 - 9, 21 - 26, 30 - 33, 47, 51, or 52 of this Act took effect except that, if the same section or subsection is repealed and reenacted under sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53 of this Act, that section or subsection is repealed and reenacted on July 1, 2001, to read as it existed on the day before the amendment to the law under ch. 87, SLA 1997, took effect. When implementing this subsection and sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53 of this Act, the revisor of statutes may not retain any amendments made to the affected statutes that took effect or take effect from July 1, 1997, through June 30, 2001.

**Ch. 21, SLA 2000 (revisor's bill added section 16 to the repeal)**

\* Sec. 101. The uncodified law of the State of Alaska enacted in sec. 54(b), ch. 132, SLA 1998, is amended to read:

(b) The amendments made by secs. 3 - 9, 16, 21 - 26, 30 - 33, 47, 51, and 52 of this Act are repealed July 1, 2001. If a law is amended by secs. 3 - 9, 16, 21 - 26, 30 - 33, 47, 51, or 52 of this Act by adding a new section or subsection, that new section or subsection is repealed July 1, 2001. If a law is amended by secs. 3 - 9, 16, 21 - 26, 30 - 33, 47, 51, or 52 of this Act by adding new language to a section or subsection that existed before the effective date of this section, that section or subsection is repealed and reenacted on July 1, 2001, to read as it existed on the day before the amendment to the law under secs. 3 - 9, 16, 21 - 26, 30 - 33, 47, 51, or 52 of this Act took effect except that, if the same section or subsection is repealed and reenacted under sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53 of this Act, that section or subsection is repealed and reenacted on July 1, 2001, to read as it existed on the day before the amendment to the law under ch. 87, SLA 1997, took effect. When implementing this subsection and sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53 of this Act, the revisor of statutes may not retain any amendments made to the affected statutes that took effect or take effect from July 1, 1997, through June 30, 2001.

(c) It is the intent of the legislature that the revisor of statutes' implementation of sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53 of this Act, be consistent with the directions in (b) of this section, notwithstanding that different wording is used in the two provisions.

\* Sec. 56. NONSEVERABILITY OF ACT. Notwithstanding AS 25.27.280, if a provision enacted by secs. 1 - 12, 14 - 17, 19 - 26, 28 - 53, or 55 of this Act, or the application of a provision enacted by secs. 1 - 12, 14 - 17, 19 - 26, 28 - 53, or 55 of this Act to any person or circumstance, is held to be unconstitutional, that provision and the remainder of the provisions enacted by secs. 1 - 12, 14 - 17, 19 - 26, 28 - 53, and 55 of this Act shall be considered to be invalid, and, to this end, secs. 1 - 12, 14 - 17, 19 - 26, 28 - 53, and 55 of this Act are declared to be nonseverable.

**Ch. 58, SLA 1999 (Kohring's DCRA/DCED bill)**

\* Sec. 92. INSTRUCTIONS CONCERNING AS 25.27.244. Notwithstanding sec. 53, ch. 132, SLA 1998, the amendment made to AS 25.27.244 (s)(2) by section 92 of this Act shall remain in effect on and after July 1, 2001, unless that amendment is repealed or amended by a law enacted after the effective date of this bill section.

**Ch. 21, SLA 2000 (revisor's bill)**

\* Sec. 103. The uncodified law of the State of Alaska is amended by adding a new section to read:  
NO DELAYED REPEAL OF 1998 AMENDMENT TO AS 25.27.165 (b). Notwithstanding sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53, ch. 132, SLA 1998, and notwithstanding sec. 54(b), ch. 132, SLA 1998, the amendment to AS 25.27.165 (b) made by sec. 28, ch. 132, SLA 1998, is not repealed under sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53, ch. 132, SLA 1998 and is not affected by sec. 54(b), ch. 132, SLA 1998. However, this bill section does not affect other amendments made to AS 25.27.165 (b) by sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53, ch. 132, SLA 1998, or other law.



Official Business

Alaska State Legislature  
Twenty-Second Legislature - First Session

SENATE CALENDAR

Forty-Sixth Legislative Day

Thursday, February 22, 2001 - 11:00 a.m.

Chaplain: The Reverend Kathleen Wakefield, St. Brendan's Episcopal Church

SECOND READING OF SENATE BILLS

SB 16

"An Act regarding oil discharge prevention and cleanup involving self-propelled nontank vessels exceeding 400 gross registered tonnage and railroad tank cars and related facilities and operations and requiring preparation and implementation of oil discharge contingency plans for those nontank vessels and railroad tank cars; amending the definition of 'response action' that relates to releases or threatened releases of oil and thereby amending the duties and liabilities of response action contractors; and authorizing compliance verification for nontank vessels and for trains and related facilities and operations; and providing for an effective date."

RES RPT 4DP 2NR P. 0144  
FN1: (DOT), FN2: (DEC) P. 0144  
FIN RPT 3DP 6NR P. 0352  
FN1: (DOT), FN2: (DEC) P. 0353  
RULES TO CALENDAR W/CS SAME TITLE

CS FOR SENATE BILL NO. 16(RLS)  
FN1: (DOT), FN2: (DEC)

SB 19

"An Act repealing the termination date of changes made by ch. 87, SLA 1997 and ch. 132, SLA 1998 regarding child support enforcement and related programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing certain requirements for applicants for hunting and sport fishing licenses or tags, and for certain hunting permits, to provide social security numbers for child support enforcement purposes; and providing for an effective date."

FN1: ZERO(REV) P. 0028  
RES RPT CS 5DP 1NR NEW TITLE P. 0168

CS FOR SENATE BILL NO. 19(RES)

"An Act repealing the termination date of changes made by ch. 87, SLA 1997, and ch. 132, SLA 1998, regarding child support enforcement and related programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing uncodified laws relating to ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for an effective date."

FN1: ZERO(REV) P. 0169  
HES RPT CS 3DP 2NR NEW TITLE P. 0287

CS FOR SENATE BILL NO. 19(HES)

"An Act relating to federal child support enforcement requirements regarding social security number information, employer reports about employees, and certain kinds of automated data matching with financial institutions; repealing the termination date of changes made by ch. 87, SLA 1997, and ch. 132, SLA 1998, regarding child support enforcement and related programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing uncodified laws relating to ch. 87, SLA 1997, and ch. 132, SLA 1998; and providing for an effective date."

FN1: ZERO(REV) P. 0288  
FIN RPT CS(HES) 8DP P. 0385  
FN2: ZERO(REV) P. 0385

**Citations**

Honoring – Mayor Ed Zeine

Representative(s) Harris

Senator(s) Lincoln, Elton, Davis, Austerman, Taylor, Kelly, Green, Pearce, Hoffman, Wilken

In Memoriam – Dean R. Dewey

Senator(s) Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Hoffman, Wilken, Donley

In Memoriam – Clarence Allen Lovejoy

Senator(s) Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Hoffman, Wilken, Donley

Representative(s) Crawford, Berkowitz, Meyer, Green

In Memoriam – Diana M. Craig

Representative(s) Green

Senator(s) Ward, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Hoffman, Wilken, Donley

In Memoriam – Nello Oscar Long

Representative(s) Hudson, Kuttula

Senator(s) Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Hoffman, Wilken, Donley

In Memoriam – Sumner Stanley Woodman

Representative(s) Scalzi

Senator(s) Torgerson, Ward, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Hoffman, Wilken, Donley

**Publication Notice - Citations**

Honoring – Dr. Paul Eneboe, Homer Chamber of Commerce 2000 Citizen of the Year

Senator(s) Torgerson

Honoring – Maritime Helicopters, Homer Chamber of Commerce Outstanding Business of the Year 2000

Senator(s) Torgerson

SENATE AMENDMENT

# 1

BY:

Taylor

TO: \_\_\_\_\_

SENATE BILL NO. SB 19

TO: \_\_\_\_\_

HOUSE BILL NO. \_\_\_\_\_

*Delete page 6 line 3*

*[\* Sec. 16. Sections 1-10, 12 and 13  
of this act take effect July 1, 2006.]*

(TURN IN ORIGINAL AMENDMENT TO SENATE SECRETARY'S OFFICE.  
THE AMENDMENT WILL BE NUMBERED, COPIED AND DISTRIBUTED.)

# THE ALASKA LEGISLATURE

DRAFT



SPONSORS APPROVAL:

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\* HONORING \*

\* MAYOR ED ZEINE \*

The Twenty-second Alaska State Legislature is proud to honor Ed Zeine who has unselfishly served the community of Cordova with a wide range of activities that has touched the lives of nearly every resident for the past 22 years.

Ed Zeine arrived in Cordova in 1979. He worked as the Cordova Community Hospital Administrator for 12 years before retiring in 1991. During his tenure, he was instrumental in obtaining funding, overseeing the design and construction of the new hospital facility, the Cordova Community Medical Center.

*In 1999*  
This year, when the hospital ran into financial trouble, Ed came out of retirement for four months without pay to take the helm of the troubled institution. Through his leadership he was able to hire and reorganize some of the procedural practices and brought it back to being a healthy business once again.

Once retired, Ed's commitment to community service increased. In 1991 he was elected to the Prince William Sound Aquaculture board of directors. He served as chairman from 1997-2000. It speaks highly of Ed's integrity and reputation in the community as a sports fisherman to be elected to this position by commercial fishermen.

~~Once~~ *W* When the City Manager's position was vacant, Ed was called upon to serve as interim City Manager for the City of Cordova. He served from December 1993 to April 1994.

1998 proved to be a busy year for Ed. He was elected Mayor of Cordova for a 3-year term and was appointed to the Governors' Trails and Recreational Access for Alaska (TRAAK) Citizens Advisory Board. The purpose of this board is to improve access to recreational facilities, and provide for transportation and scenic improvements along highways. He was also appointed as a member of the Exxon Valdez Oil Spill Public Advisory Group (EVOS PAG)

Ed has been an active member of the local Moose Lodge and has served as Governor of the Lodge. The local Lodge is very supportive of the local youth and various community charities. Ed spearheaded the local "Youth Fishing Derby" day. He is the founding member of the Cordova Sportsman's Club.

The Twenty-second Alaska State Legislature joins with family and friends of Ed Zeine in honoring this outstanding Alaskan who has shown his devotion and commitment to the citizens of Cordova and Alaska. We recognize his generosity and selflessness in reaching out to others and giving a helping hand in the hometown he loves.



\_\_\_\_\_  
BRIAN PORTER  
SPEAKER OF THE HOUSE

\_\_\_\_\_  
RICK HALFORD  
PRESIDENT OF THE SENATE

Date:

\_\_\_\_\_  
JOHN HARRIS  
PRIME SPONSOR

Cosponsors: Senator Lincoln,

# THE ALASKA LEGISLATURE

**DRAFT**



**SPONSORS APPROVAL:**

*Loren D. Leman*

## In Memoriam

**\* DEAN R. DEWEY \***

The Alaska Legislature recognizes the life and accomplishments of Dean Dewey, who died in a fishing accident near Cordova on May 29, 2000.

Dean Dewey was born April 4, 1934, in Gillette, Wyoming and was raised on a cattle ranch. He graduated from Campbell County High School and attended Casper College in Casper, Wyoming. Mr. Dewey also served his country honorably during the Korean War and was discharged in 1952. He moved to Alaska in 1959 as an employee with the Bureau of Public Roads and worked for the Army Corps of Engineers until 1976. Dean Dewey and his wife Melinda also owned and operated Dewey's Cook Inlet Unlimited from 1967 until 1982. They lived in the Tunagain area of Anchorage.

Mr. Dewey began commercial fishing on Prince William Sound in 1987. Despite the notorious occupational risks associated with commercial fishing in Alaska, Dean Dewey considered fishing a privilege. He was an outdoorsman and a respected seaman who routinely faced the sea's perils with courage, his love for Alaska and his faith in God. He lived his life to the fullest and a friend describes him with one word, an "inspiration."

Dean was a dedicated and generous family man. He was a warm, joyful and opened his doors to all who wished to converse. He was helpful to people in need.

The Twenty-second Alaska Legislature is grateful for the contributions of Dean Dewey and extends its best wishes to his family and friends, especially his wife Melinda, his sons Roger and Michael as well as his granddaughter Virginia.

\_\_\_\_\_  
BRIAN PORTER  
SPEAKER OF THE HOUSE

\_\_\_\_\_  
RICK HALFORD  
PRESIDENT OF THE SENATE

Date:

\_\_\_\_\_  
LOREN LEMAN  
PRIME SPONSOR

Cosponsors:



# THE ALASKA LEGISLATURE

DRAFT



SPONSORS APPROVAL:

*Loren D. Leman*

## In Memoriam

\* CLARENCE ALLEN LOVEJOY \*

The Alaska Legislature recognizes the life and accomplishments of Clarence Allen Lovejoy, who died in Anchorage on December 27, 2000.

Clarence Lovejoy, known to his friends as "Al," was born in Batavia, New York on March 10, 1921. After high school, he was trained as a journeyman printer. He worked as a printer for a New York newspaper and eventually for the Bureau of Engraving in Washington, D.C. Mr. Lovejoy was a World War II veteran who served honorably in the United States Army. After the war, he spent seven years printing for a Bible college in Alberta, Canada.

Mr. Lovejoy moved to Alaska where he was employed at Color Art Printing and later became a pastor and missionary in Brussels, Belgium. Upon completion of this calling, Mr. Lovejoy entered the civil service at Elmendorf Air Force Base until his retirement. The Lovejoys lived in the Turnagain area of Anchorage.

Mr. Lovejoy was well known in the Christian community of Anchorage. He was a member of the First Presbyterian Church of Anchorage, where he taught Sunday school, and was a former member of both Chapel-by-the-Sea, and the First Conservative Baptist Church of Anchorage. Mr. Lovejoy's friends praised his true love of the Lord and his incessant willingness to spread God's Word. He was an evangelist who shall be sorely missed.

The Twenty-second Alaska Legislature is grateful for the life contributions of Clarence Lovejoy and extends its best wishes to his family and friends, especially his wife Dorothea Owen Lovejoy and his two sons Douglas, Stephen and daughter Susan Johnson as well as their grandchildren.



\_\_\_\_\_  
BRIAN PORTER  
SPEAKER OF THE HOUSE

\_\_\_\_\_  
RICK HALFORD  
PRESIDENT OF THE SENATE

Date:

\_\_\_\_\_  
LOREN LEMAN  
PRIME SPONSOR

Cosponsors: Representatives Crawford, Berkowitz, Meyer, Green

# THE ALASKA LEGISLATURE

**DRAFT**



**SPONSORS APPROVAL:**

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## In Memoriam

**\* DIANA M. CRAIG \***

The Twenty-Second Alaska Legislature joins with the friends and family of Diana M. Craig of Anchorage in honoring her life, and mourning her passing on July 8, 2000.

Diana was born May 21, 1972, in Anchorage to Jack and Janet Craig. She attended Anchorage public schools, and graduated in 1990 from Dimond High School. With a zeal for education nurtured and encouraged at home, she attended the University of Alaska-Anchorage, earning a dual bachelor's degree in history, and political science.

During her college career, she served as a Legislative Page for the Alaska Senate Finance Committee, where she provided support to legislators and staff drawing up the state budget. She also served as a summer Legislative Intern at the Washington D.C. office of Senator Ted Stevens. Those who worked with her, recall her as a cheerful worker who took advantage of every opportunity to learn more about the legislative process.

Diana was an inquisitive young woman, excited at all life had to offer and eager to experience it. After graduation from UAA she became interested in a career in law, and took a job working as a legal clerk at BP Alaska. In her spare time, she drew on her high school and college forensics experience to volunteer with the West High School Debate Team. The experience of working with young people proved so rewarding, she decided to enter the education profession and in 1997 returned to college to receive her teacher's certificate at Western Oregon University. She planned to become a teacher, but was prevented from realizing this, and many other dreams, by the onset of the cervical cancer that took her life.

Diana was well loved by her wide circle of devoted friends and fellow parishioners from Elizabeth Ann Seton Catholic Church, who viewed her as an energetic, enthusiastic and inquisitive soul who passed up few opportunities to learn about the world and its people. In pursuit of education as well as the sheer joy of discovery, she traveled extensively in the Lower 48, Finland, Sweden, Australia, and Hong Kong, and planned to travel next to Peru to explore opportunities for helping less-fortunate children.

At her passing, her family said, "Diana will be remembered by those whose lives she touched, as a strong and unselfish friend. Diana's love of her family and friends created a circle of people tied together forever in their love for her. Her infectious laughter and sense of humor brightened the lives of all she encountered."

Diana is survived by her mother Janet Craig; brother, Steven; grandmother, Maybelle Benedict; uncle and aunt, Ray and Linda Craig and their children, Cari, Kip and Heather; and many close friends.

The Alaska State Legislature extends condolences to the friends and family of this special young woman whose life in Alaska brought so much joy, and whose untimely passing brings so much sadness.


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BRIAN PORTER  
SPEAKER OF THE HOUSE

Date:

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RICK HALFORD  
PRESIDENT OF THE SENATE



JOE GREEN  
PRIME SPONSOR

# THE ALASKA LEGISLATURE

DRAFT



SPONSORS APPROVAL:

Bill Hudson

## In Memoriam

\* NELLO OSCAR LONG \*

The members of the Twenty-Second Alaska State Legislature join with family, friends, and fellow veterans in honoring the memory of Nello Oscar Long.

Nello, a long-time Juneau resident, spent 30-years as a carpenter and building contractor. Born September 19, 1919, in Millerton, Oklahoma, Nello grew up on a farm during the hard depression years. As a teenager, he worked in the Civilian Conservation Corps in Arizona and eventually joined the Navy. Nello survived the bombing and the subsequent sinking of the U.S. aircraft carrier *Lexington* during the Battle of the Coral Sea. After receiving submarine-chaser training, he was again dispatched to the Pacific where he became friends with Elwood Mahler and began a long distance romance with Mahler's sister Beatrice. Nello and Beatrice were married on November 23, 1946. Together they raised four children. Living in California until 1963, the family moved to Alaska where Nello's first job was to build houses from logs milled at the sawmill on Montana Creek Road where he worked with his brother Maurice. Later he was a builder and worked as the project manager for the major renovation of the Governor's House in the 1980s and the building of the Auke Bay ferry terminal.

Nello loved eagles. It was his habit to cook up batches of sourdough bread and pancakes from an 80-year-old starter to feed the many eagles near his home and workplaces.

Nello was a devoted member of the Church of Christ, serving as an elder for 33 years and was involved in the construction of the building where his beloved church meets today.

It is with great respect that the Twenty-Second Alaska State Legislature salutes this fine man, honoring the many contributions he made to his profession and community, and offers heartfelt condolences to his wife Beatrice, daughters Karen Williams and her husband Dave; Janet Henderson and her husband Kevin; Terri Rush and her husband Gene; and son Stephen Long and his wife Carolyn. Nello is also survived by nine brothers and sisters. Ten grandchildren and one great-grandchild.



\_\_\_\_\_  
BRIAN PORTER  
SPEAKER OF THE HOUSE

\_\_\_\_\_  
RICK HALFORD  
PRESIDENT OF THE SENATE

Date:

\_\_\_\_\_  
BILL HUDSON  
PRIME SPONSOR

Cosponsors: Representative Kerttula, Senator Elton

# THE ALASKA LEGISLATURE

**DRAFT**



**SPONSORS APPROVAL:**

A handwritten signature in cursive, appearing to read "Drew Scalzi", written over a horizontal line.

## In Memoriam

### \* SUMNER STANLEY WOODMAN \*

The Twenty-second Alaska State Legislature honors the life and many achievements of an Alaskan pioneer, Sumner Stanley Woodman.

Stanley was born July 28, 1918, in Miles City, Montana. He spent his early years in St. Louis, Illinois and in 1931, when the Depression hit, his parents took the family to Ponsford, Minnesota and started a farm. In 1938 Stanley, his parents and sister Alice moved to Alaska as homesteaders, settling on the Kenai Peninsula in Homer. He found part-time work at Libby's Cannery in Kenai until he began to find work on boats and became a commercial fisherman, drifting for salmon in Cook Inlet and fishing for halibut. Stanley also became a big game guide, taking hunters on moose, bear, sheep and caribou hunts in the hills behind Homer, down the Alaska Peninsula and around Denali.

Over the years Stanley joined the Carpenter's Union and worked on projects in Valdez, Anchorage, and Adak. He also helped build the original Homer dock, travelling across Kachemak Bay to fell trees that were used for the dock's pilings. In addition, he worked on the Portage tunnel and was there for the final blast that opened it to Whittier in 1942.

In 1943, Stanley entered the Army, serving in the 153<sup>rd</sup> Infantry. He was later transferred to the Harborcraft Division because of his experience on boats and made 26 round trips to the Aleutian Islands, delivering supplies to military bases. He was on the Q 49 when it became shipwrecked in a big storm near Montague Island. After escaping in a life raft that soon overturned, he and others with him spent six weeks stranded on the beach, eating deer and clams. According to family members, Stanley said it was the best six weeks of the war for him.

In 1950, Stanley married Tonie Hawkes and they had two children. On January 29, 2001 he died at the age of 82 at South Peninsula Hospital in Homer. Stanley is survived by his son, Kim Woodman; his daughter and son-in-law Sonja and Rich Corazza and grandchildren, Megan and Rick Corazza and Laura Woodman, all of Homer. He also leaves an extended family of nephews and nieces and their children.

The members of the Twenty-second Alaska Legislature extend their most sincere condolences to the family members and many friends of Stanley Woodman. May God be with you.



\_\_\_\_\_  
BRIAN PORTER  
SPEAKER OF THE HOUSE

\_\_\_\_\_  
RICK HALFORD  
PRESIDENT OF THE SENATE

Date:

\_\_\_\_\_  
DREW SCALZI  
PRIME SPONSOR

Cosponsors:

# ALASKA STATE LEGISLATURE



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## SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

### HESS CS FOR CSSB 19 (RES) CHILD SUPPORT ENFORCEMENT/SOC SEC. #

The following changes were made to CSSB 19 (RES):

- Findings and intent language was removed.
- The five-year sunset was renewed on requirements that applicants for various licenses provide their social security numbers to the licensing agency and that the licensing agency provide those social security numbers to child support enforcement agencies.
- The five-year sunset was renewed on the requirements that certain court documents and documents of the Bureau of Vital Statistics include social security numbers and that those social security numbers be provided to child support enforcement agencies.
- The five-year sunset was renewed on the provisions allowing the child support enforcement agency to enter into agreements with financial institutions for financial data matching.
- New hire reporting requirements amended to ensure that an employer who unintentionally fails to report a newly hired employee to child support enforcement agencies may not be held liable for their failure to do so in a private civil case.

*Removal of ...*

SENATOR LOREN LEMAN, VICE-CHAIR  
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

## **CS for Senate Bill 19 (RES)**

### **Sectional Analysis**

#### **Sec. 1: Findings, Purpose and Intent.**

- Recognizes the value of the work of CSED to Alaska's children and the importance of the statutory changes of 1997 and 1998 to that work.
- Acknowledges that the 1997 and 1998 statutes brought Alaska into compliance with federal law, which is a condition of receiving federal financial participation in child support enforcement and public assistance programs.
- Identifies a nonseverability provision of the 1998 Act which, if triggered, would put the state in jeopardy of losing this funding.
- Confirms that these statutes will be automatically repealed by sunset clauses on July 1, 2001, unless the sunset clauses are repealed, also jeopardizing the funding.
- States the intent to repeal the sunset and nonseverability provisions.

#### **Section 2: Repeals the sunset, nonseverability, and related provisions.**

- Repeals the sunset and nonseverability provisions of the 1997 and 1998 Acts.
- Repeals several related provisions from other legislation that refer to the sunset provisions of the 1997 and 1998 Acts.

#### **Section 3: Effective date of the Act.**

- Establishes an immediate effective date for the Act.

## CHILD SUPPORT ENFORCEMENT "SUNSET" SUMMARY

Legislation passed in 1997 and 1998 contained sunset provisions that will take effect in 2001. These laws support programs and activities at CSED that have resulted in a significant increase in child support payments, and improved services to families in Alaska. If the sunset is allowed to occur, these improvements will be diminished, and by being out of compliance with welfare reform laws Alaska will be in jeopardy of losing \$80,000,000 in federal public assistance and child support funding.

Below is an outline of key parts of the 1997 and 1998 legislation, as well as a description of how the sunset provisions would affect CSED's work. Each of these segments is a requirement of federal compliance.

### Availability of Records/Access to Information

The subject statutes allow CSED to obtain certain types of information electronically and through administrative action. If these provisions are repealed, CSED may be required to contact sources of information separately for each case, and take the difficult and time-consuming avenue of obtaining a court order to request basic information. The time lost would severely hamper our child support enforcement efforts.

### 'Best Efforts' Language

Adopted in 1998, this language allows a non-custodial parent who is found by a court to be making the 'best efforts possible under the circumstances to have no child support arrearages' to avoid the loss or suspension of a driver's or other license. The act adds commercial crewmember fishing licenses to existing license statute, and removes subpoena noncompliance as a reason for general license suspension. Instead, the act allows license suspension for subpoena noncompliance only in the context of a civil contempt action.

### Central Registry

The law requires courts to automatically forward child support orders to CSED, and authorizes CSED to exchange this and other critical information within strict confidentiality guidelines. These procedures allow CSED to serve clients with improved timeliness and accuracy, efficiencies that will be diminished if the statutes are repealed.

### Credit Bureau Reporting

Current state law requires child support debt to be reflected on a delinquent parent's credit bureau report until it has been paid. The sunset would have the effect that unpaid child support arrears could not be reported after 10 years.

CSED was already doing this  
okay

required by Feds

okay

not req. by Congress but  
Congress has  
region

okay

in '97  
admin.  
in '98 taken out

cong. req.  
Fed req.

okay

alt. already had it

okay

## Definitions: Duty of support, earnings, tribunal, arrearages

The 1997 and 1998 acts redefined a number of key terms used in child support enforcement, and this nationwide uniformity is essential to cooperative enforcement efforts between the states.

between state def.

if there was Vol. paternity notice must be given to that person

## Due Process

okay

The 1997 and 1998 acts strengthened due process protections by requiring additional notices to parents of their rights and responsibilities in paternity and child support proceedings and by providing additional opportunities for parents and other persons to request and obtain administrative and judicial review of agency actions and decisions.

give info to delinquent, match cases by congress

## Financial Institution Data Match and Immunity from Liability

sunset

Current statutes allow us to match the names of parents who owe arrears with the names on accounts at financial institutions. This makes it much more difficult for delinquent parents to hide their assets, simplifies the search for funds in multi-state institutions, and allows the institutions to cooperate without fear of retaliatory lawsuits. Few banks would participate in the FIDM if this protection were repealed. Searching for hidden assets would require sweeps of all banks for each and every case. For many children our ability to collect support would be seriously compromised.

## Income Withholding

okay

In direct response to federal requirements from PRWORA, the 1997 and 1998 acts have simplified the way a non-custodial pays child support through withholding, and shortened to 7 days the time between the request for withholding and the commencement of withholding by the employer. Within 2 days of receipt of withheld funds, CSED forwards the payment to the family. In out-of-state cases, we can request income withholding directly (without going through the other state's child support agency), often saving several months' delay. If these laws are allowed to sunset, it will be harder for CSED to collect monthly payments and arrearages; these collections may take months to implement, rather than immediately; and it will be easier for delinquent parents to avoid payment of their child support obligations by moving to another job before income withholding can be established.

## Liens

okay

The subject legislation simplified the statute so that CSED or a parent may assert a lien when the obligor owes an arrearage under a support order being enforced by the agency. Also, Alaska cooperates with other jurisdictions by giving full faith and credit to liens arising by operation of law in other states, *if the person seeking to enforce the lien complies with this state's procedural requirements for recording and serving liens*. The simplified statutes, and the reciprocity with regard to liens, allow us to collect lawfully established support payments and arrearages that might otherwise be unreachable.

Wesley  
Reforms

### Miscellaneous

The subject statutes provide procedures and definitions relating to the following subjects, and bring Alaska into conformance with language in PRWORA.

- exchange information
- application for services
- payments to the agency
- audit of collections
- notice of public assistance
- order establishment
- service of papers
- regulations
- fees for services
- state registry information

1st class - let the court out there allows you to

Does this create a surge?

### Modification

The subject statutes require that parties be given periodic notice of their right to seek review of child support orders. They allow review of orders every three years and clarify CSED's authority to modify administrative orders where out of state court orders also exist. If allowed to sunset, all parties' rights to due process will be weakened because state agencies will no longer be required to have written regulations setting out procedures and standards governing the modification process.

actually already do it every 3 years

subject to WPTA

### New Hire Reporting

Under the current law, all employers in the state are required to report to CSED new hires and rehires. This information helps CSED locate parents, and establish and enforce child support orders. New Hire reporting is currently responsible for about 12% of total child support collections. If the acts sunset, we will revert to a previous statute that only required employers to report new hires if notified by CSED, and which created a number of classes of exempt employers. Reversion to the old statute will increase to \$1000 the civil penalties that can be levied against employers for not reporting.

data match

Job req. need live reporting - report to state - now F.P.R. - all the small employers

all this subjects the fines \$10 WPTA 5-20

held very confidentially by CSED

### Non-Cooperation

Current and previous laws require ATAP recipients to cooperate with child support proceedings. The 1997 act clarified who would make the determination of non-cooperation (CSED) and who would decide if the party had good cause for non-cooperation (DHHS). This clarification promotes cooperation in matters of paternity and child support, and protects parties who may have reasons for not cooperating, such as threats of domestic violence. These protections would be jeopardized by the sunset.

Can the employer be held responsible for amount due? Conf. requires

### Nondisclosure of Information

The 1997 statute allows CSED to refuse to disclose the address or other identifying information of a parent or child if the health, safety, or liberty of that person would be unreasonably put at risk by such disclosure. Under the sunset, Alaska law will revert to a requirement to make such information available regardless of the risk if the obligor is current on child support obligations and has a previous visitation or joint custody agreement.

C.S. requires

Court administrative? stay okay

Wants to have a right person  
Mother or Father may request genetic testing  
Consider best interests of the child

### Paternity

The 1997 and 1998 acts include detailed requirements for the form, use, and legal effect of voluntary acknowledgments of paternity, and for proceedings to establish paternity. Acknowledgement forms must include a statement setting out the legal consequences, rights, responsibilities and alternatives to signing the form and listing the restrictions to rescinding the acknowledgment. The acts also addressed a variety of substantive and procedural requirements for the establishment of paternity, including genetic testing, consideration of the best interests of the child, recovery of costs of testing, and allowing a putative father to request genetic testing. Reversion to previous law will diminish due process provisions and safety considerations, and will complicate the paternity determination process.

### Seek Work Orders

Do for through the courts  
+ Regis say through the court

In cases where support is owed a child who is receiving public assistance, the 1997 statute allows CSED to order an obligor to seek work, or to ask a court to order an obligor to seek work, unless the obligor enters into and complies with an approved payment plan. Without this statute, CSED would have to request a seek work order from the court in the context of a civil contempt proceeding.

### Social Security Numbers

no the application only

The 1997 and 1998 acts required applicants for state licenses, including professional, business, occupational, driver's, recreational and marriage licenses, to include their social security numbers. These numbers help CSED locate parents and collect child support, and reduce the number of cases of mistaken identity. (Requirements for social security numbers on hunting and fishing licenses have been waived and will be allowed to sunset even if the sunset repealer is passed.)

Sunset

### Subpoenas

Can Regis say this a...  
by... however, procedures are to in place to

The current statutes establish procedures that give CSED the authority to subpoena financial or other information needed to establish, modify, or enforce a child support order. They require that subpoenas be served in person, or by registered, certified or insured mail. They allow a claim of good cause excusing compliance, provide a direct avenue of appeal of penalty decisions to the Superior court, and specify that CSED will enforce a subpoena from another state in the same manner. Repeal will restrict CSED's ability to obtain critical information, limiting the establishment, modification and enforcement of child support orders; and will diminish parties' due process rights with regard to administrative subpoenas.

### UIFSA

The 1998 act revised the previous UIFSA statute to be clearer and more consistent. Without the changes, interstate cooperation in child support cases would be very difficult.

**CSED WELFARE REFORM LEGISLATION "SUNSET" SUMMARY**  
**Repealer 2001**

NARRATIVE	STATE LAWS	FEDERAL LAWS	AMENDING SECTIONS
<p><b>Availability of Records/Access to Information</b>  * must be able to obtain access, without order from another tribunal, to:  - gov't records, including vital statistics, state tax, property, occ. licensing, business entity, employment security, public assistance, DMV, corrections  - customer records of public utilities &amp; cable television per subpoena  - financial institution information  * to subpoena any financial information, and impose penalties for failure to respond  * employer information upon request</p>	AS 06.05.537 AS 08.01.089 AS 09.25.100 AS 16.05.815 AS 18.50.310 AS 18.50.320 AS 22.35.020 AS 23.20.110 AS 25.24.920 AS 25.27.020(e) AS 25.27.085 AS 25.27.086 AS 25.27.250(e) AS 25.27.300 AS 28.05.061 AS 29.45.103 AS 33.30.216 AS 39.25.080 AS 40.17.010 AS 43.23.055 AS 47.05.020 AS 47.05.030	42 U.S.C. § 666(c)(1) PRWORA § 325	<b>1997 Act:</b> Secs. 2, 7, 10, 11, 19, 26, 33, 34, 47, 77, 83-85, 140 – 146 <b>1998 Act:</b> Secs. 10, 11, 26, 48
<p><b>Central Registry</b>  * requires the state to have a central case registry and an automated system for extracting and exchanging information with federal case registry, federal parent locator service, ATAP programs, and agencies of other states</p>	AS 25.24.920 AS 25.27.020(a)(13)	42 U.S.C. § 654A(e) & (f) PRWORA § 311	<b>1997 Act:</b> Secs. 47, 76
<p><b>Credit Bureau Reporting</b>  * must have procedures requiring CSED to report periodically to credit bureaus the names of non-custodial parents who owe arrears</p>	AS 25.27.273	42 U.S.C. § 666(a)(7) PRWORA § 367	<b>1997 Act:</b> Sec. 133

<p><b>Definitions</b>  * duty of support; earnings; support order; business day; employer; tribunal; arrearage</p>	<p>AS 25.27.900</p>	<p>42 U.S.C. § 653(p) and throughout  PRWORA § 366 and throughout</p>	<p>1997 Act: Secs. 136 – 139  1998 Act: Secs. 49 – 50</p>
<p><b>Financial Institution Data Match</b>  * must be able to enter into agreements with financial institutions to do automated data exchanges and to attach assets located through that data match</p>	<p>AS 25.27.020(a)(2)(D)  AS 25.27.250  AS 09.65.250</p>	<p>42 U.S.C. § 666(a)(17)  PRWORA § 372</p>	<p>1997 Act: Secs. 13, 74</p>
<p><b>Fraudulent Transfers</b>  * must have the Uniform Fraudulent Conveyance Act, the Uniform Fraudulent Transfer Act, or a law specifying indicia of fraud creating prima facie case re transfer of property to avoid payment of support AND procedures by which state can seek to avoid transfer or obtain settlement in best interests of the child support creditor</p>	<p>AS 25.27.279  AS 09.25.060  AS 34.40  15 AAC 125.415</p>	<p>42 U.S.C. § 666(g)  PRWORA § 364</p>	<p>1997 Act: Sec. 135</p>
<p><b>High Volume Automated Enforcement</b>  * have automated procedures to take actions upon request from another state</p>	<p>AS 25.27.022  AS 25.27.900</p>	<p>42 U.S.C. § 666(a)(14)  PRWORA § 323 (with technical amendment)</p>	<p>1998 Act: Sec. 21, 22, 50</p>
<p><b>Immunity from Liability</b>  * financial institutions are not liable for disclosure of info to agency  * employers are not liable for disclosure of info to agency or for good faith compliance with a withholding order</p>	<p>AS 09.65.250  AS 25.25.504  AS 25.25.250(h)</p>	<p>42 U.S.C. § 669A  42 U.S.C. § 666(b)(6)(A)  42 U.S.C. § 666(a)(17)  PRWORA §§ 314, 353, 372</p>	<p>1997 Act: Secs. 13, 62</p>
<p><b>Income Withholding</b>  * revises existing withholding laws to incorporate various fed requirements, including 7 day employer deadline and no prior notice to obligor. Also, cleans up statutes relating to when and how CSED initiates income withholding when no immediate income withholding in order and when CSED may issue an order to withhold and deliver</p>	<p>AS 25.27.022(d)  AS 25.27.062  AS 25.27.150  AS 25.27.250</p>	<p>42 U.S.C. § 666(b)  42 U.S.C. § 666(c)(1)(F) &amp; (G)  PRWORA § 314, 325</p>	<p>1997 Act: Secs. 80 – 82, 90 – 93, 128 – 130, 148(a)  1998 Act: Secs. 22, 23, 47</p>

<b>License Suspension</b> * "Best efforts" language added for occupational and drivers' licenses * recreational licenses	AS 25.27.244 AS 25.27.246 AS 09.50.020 AS 11.51.120 AS 12.55.139	42 U.S.C. 666(a)(16) PRWORA § 369	<b>1997 Act: Secs. 106 – 127</b> <b>1998 Act: Secs. 3 – 5 and 34 – 46</b>
<b>Liens</b> * liens must arise by operation of law against non-custodial parent in arrears AND must give full faith & credit for liens arising in other states as long as other states meet Alaska's requirements	AS 25.27.230 AS 25.27.240	42 U.S.C. § 666(a)(4) PRWORA § 368	<b>1997 Act: Secs. 104, 105</b> <b>1998 Act: Sec. 31 – 33</b>
<b>Medical Support Orders</b> * eliminates the requirement that the employer do business in Alaska before CSED sends a copy of medical support order to employer * requires the agency to send notice of medical support to new employer when obligor changes jobs	AS 25.27.063(b) AS 25.27.020(a)(9) AS 25.27.060 AS 21.36.095 Civil Rule 90.3(d)	42 U.S.C. § 666(a)(19) PRWORA § 382	<b>1998 Act: Sec. 24</b>
<b>Miscellaneous</b> * statute of limitations * interest rates * application for services * payments to the agency * audit of collections * certification of arrears * notice of public assistance * order establishment * service of papers	AS 09.10.040 AS 25.27.020(a)(6) AS 25.27.025 AS 25.27.100(a) AS 25.27.103 AS 25.27.105 AS 25.27.120(c) AS 25.27.160(b) AS 25.27.265	42 U.S.C. § 666(a)(2) 42 U.S.C. § 654A 42 U.S.C. § 654(4), (5) 42 U.S.C. § 666(c)(1) 42 U.S.C. § 654B(a)(1) PRWORA § 301 PRWORA § 311, 312 PRWORA § 325	<b>1997 Act: Secs. 74 – 76, 78, 86 – 89, 94, 131 – 132</b> <b>1998 Act: Secs. 2, 27</b>
<b>Modification</b> * notice every 3 years of request for review; 3-year cycle for review upon request of parent or state agency, either per guidelines or based on COL or automated methods, without a material change in circumstances	AS 25.24.170(b) AS 25.27.190 AS 25.27.193	42 U.S.C. § 666(a)(10) PRWORA § 351	<b>1997 Act: Secs. 44, 101 – 103</b>
<b>New Hire Reporting</b> * must require employers to report hiring, rehiring, of each	AS 25.27.075	42 U.S.C. § 653A PRWORA § 313	<b>1998 Act: Sec. 25</b>

employee			
<b>Non-Cooperation</b> * good faith determinations when custodial parent fails to cooperate with CSED	AS 47.27.040(b)	42 U.S.C. § 654(29) PRWORA § 333	1997 Act: Sec. 147
<b>Nondisclosure of Information</b> * nondisclosure of information when there is a finding of domestic violence	AS 25.27.275	42 U.S.C. § 654(26) PRWORA § 303	1997 Act: Sec. 134
<b>Paternity</b> * state must have laws governing paternity establishment and voluntary acknowledgment of paternity which comply with detailed federal requirements. Please see summary for specifics.	AS 18.50.160 AS 18.50.165 AS 25.20.050 AS 25.20.055 AS 25.27.040(a) AS 25.27.165 AS 25.27.166 AS 25.27.167	42 U.S.C. § 666(a)(5) 42 U.S.C. § 666(c)(1) 42 U.S.C. § 652(a)(7) PRWORA § 325, 331	1997 Act: Secs. 20 – 22, 36 – 42, 79, 95 – 100 1998 Act: Secs. 12, 28 – 30
<b>Seek Work Orders</b> * agency must be able to obtain order requiring obligor to seek work	AS 25.27.020(d)	42 U.S.C. § 666(a)(15) PRWORA § 365	1997 Act: Sec. 77
<b>Social Security Numbers</b> * must require SSN's on license applications (professional, driver's, occupational, recreational, marriage), case files re divorce, support or paternity, death certificates	AS 06.20.020 AS 06.40.050 AS 08.01.060 AS 08.01.100 AS 08.08.137 AS 09.55.050 AS 14.20.027 AS 16.05.330 AS 16.05.346 AS 16.06.360 AS 16.05.450 AS 16.05.480 AS 18.50.230 AS 18.60.395 AS 18.65.410 AS 18.72.030 AS 21.06.255 AS 25.05.091	42 U.S.C. § 666(a)(13) PRWORA § 317	1997 Act: Secs. 3 – 6, 8, 9, 12, 14 – 18, 23 – 25, 27 – 32, 35, 41, 43, 45, 46 1998 Act: Secs. 6 – 9, 12, 14 – 17, 51 – 52

	AS 18.50.165 AS 18.50.280 AS 25.20.050(n) AS 25.24.160 AS 25.24.210 AS 25.24.230 AS 28.15.061		
<b>Subpoenas</b> * must be able to subpoena any financial or other information without approval of separate body, impose penalties for noncompliance, and enforce other states' subpoenas	AS 25.27.085 AS 25.27.086	42 U.S.C. § 666(a)(2) 42 U.S.C. § 666(c)(1) PRWORA § 325	<b>1997 Act: Secs. 83 – 85</b> <b>1998 Act: Sec. 26</b>
<b>Tax Dependents</b> * court may not unconditionally grant noncustodial parent right to claim child as tax dependent unless parent meets federal requirements and does not owe more than four times the monthly support obligation at end of tax year.	AS 25.24.152 AS 25.24.232	None	<b>1998 Act: Secs. 13, 18</b>
<b>UIFSA</b> * state must adopt verbatim the revised version of UIFSA	AS 25.25.101 – 25.25.903	42 U.S.C. § 666(f) PRWORA § 321	<b>1997 Act: Secs. 48 – 73</b> <b>1998 Act: Secs. 19 – 20</b>



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for  
Children and Families

2201 Sixth Avenue, Suite 600  
Seattle, WA 98121-1827

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

Dear Ms. Miklos:

This is in response to your request for clarification of:

- The consequences if a State fails to enact laws or otherwise conform to the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, and
  - Nationwide information on state compliance with PRWORA.
1. In order for a State to receive Federal funding for the operation of its child support enforcement program, it must have an approved State IV-D plan which meets the requirements of section 454 of the Social Security Act (the Act). One of those requirements, specified at section 454(20)(A), is that the State must have in effect all of the laws required by section 466.

PRWORA made numerous changes to sections 454 and 466 of the Act. When a State fails to comply with all statutory requisites, its plan is subject to disapproval by the Office of Child Support Enforcement (OCSE). In accordance with sections 452(a)(3) and 455(a)(1)(A) of the Act, there would then be no authority to expend Federal funds under Title IV-D of the Act for the operation of the State's child support enforcement program.


Therefore, a determination that a State IV-D plan is disapproved will result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE. Alaska received approximately \$12.4 million in Title IV-D funding for the administration of its child support program in FY 1997, and over \$3.2 million in Title IV-D performance related child support incentives.

In addition, in order to be eligible for a block grant for Temporary Assistance to Needy Families (TANF), section 402(a)(2) of the Act requires a State to certify that it will operate a child support enforcement program under the State plan approved under part D. Therefore, TANF funding would also be jeopardized if the State failed to enact the required child support legislation on a timely basis. Alaska's Federal funding for IV-A for FY 1997 was approximately \$63 million.

2. Data on state compliance with PRWORA changes frequently. We are therefore unable to provide you with an accurate and up to date listing of which states have fully complied with its provisions. Most states have either passed legislation that has been found complete, or is under review. Alaska is in the category of states which did not pass enabling legislation in 1997, but which have expressed an intent to do so and are working with its Regional Office to develop such legislation. Only one state, Idaho, has failed to enact enabling legislation and has stated it is unwilling to do so. Attached is a "notice of intent" to disapprove Idaho's state plan, with the resulting loss of Federal funding. If proposed legislation is not enacted in Alaska, our office would begin the process of issuing a similar notice of intent to disapprove.

Please contact Michael Furtado at (206) 615-2552, ext. 3045 if you have any further questions.

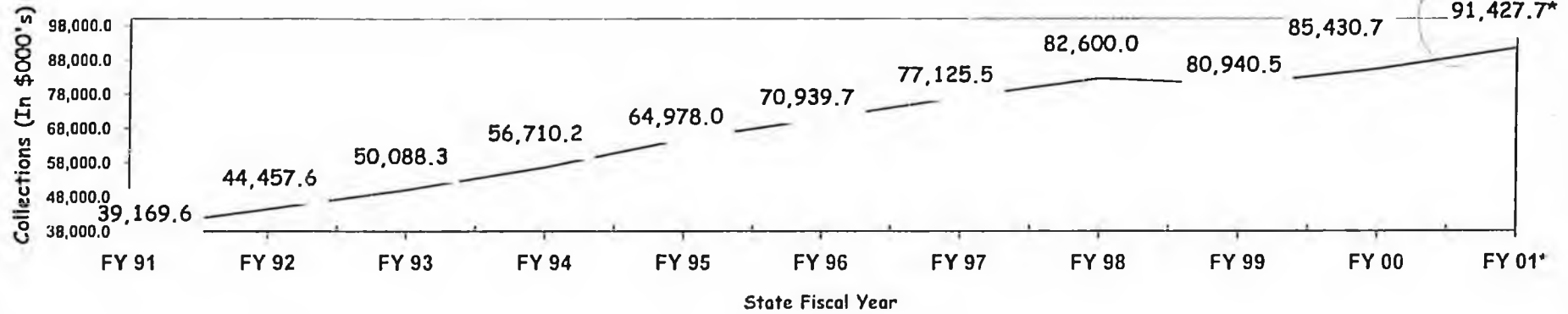
Sincerely,

  
Stephen S. Hennigson  
Regional Administrator

Attachment: Idaho Notice of Intent to Disapprove

**CHILD SUPPORT ENFORCEMENT DIVISION  
Annual Collections  
FY 91 to 01**

\*(FY 01 is Projected)



	Government	Family	Total
FY 91	12,946.6	26,223.0	39,169.6
FY 92	14,396.1	30,061.5	44,457.6
FY 93	15,565.1	34,523.2	50,088.3
FY 94	17,365.8	39,344.4	56,710.2
FY 95	20,532.4	44,445.6	64,978.0
FY 96	22,647.5	48,292.2	70,939.7
FY 97	24,760.7	52,364.8	77,125.5
FY 98	23,301.7	59,298.3	82,600.0
FY 99	20,733.1	60,207.4	80,940.5
FY 00	19,756.1	65,674.6	85,430.7
FY 01*	18,768.3	72,659.4	91,427.7

\*Projected

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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SUMMARY OF: A Special Report on the Department of Revenue, Child Support Enforcement Division, Selected Issues, November 28, 2000.

### PURPOSE OF THE REPORT

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we conducted an audit of the Department of Revenue, Child Support Enforcement Division (CSED). Our objectives were to determine the merits of specific, performance-related allegations made against CSED. These allegations focused on agency activities in the areas of collections, administrative processes, and communications.

### REPORT CONCLUSIONS

We found most of these allegations to be either unfounded or already fully addressed by CSED. We noted weaknesses in the areas of client communications, employee morale, and office culture.

#### Collections

- Correct support amounts collected.
- CSED assists other states with collections.
- A few support obligations remain overstated.
- Arrearages accrue without the parent's knowledge.
- CSED charges required interest on arrearages.
- CSED correctly calculates interest due.
- CSED seizes assets and suspends licenses, when appropriate.
- CSED now current on posting receipts.
- CSED disburses correct amounts.

### Administrative Processes

- CSED not authorized to change legal custody or visitation rights.
- CSED modifies administrative support orders, when appropriate.
- CSED holds administrative hearings upon request.

### Communications

- CSED does not fully respond to all client inquiries.
- Legal notices are being properly sent.
- Phone contact with CSED perceived as difficult.
- Computer generated correspondence accurately reflects the date prepared.
- Support orders are sent out in a timely manner.
- No evidence of unauthorized handwritten changes to court or CSED orders.
- Account addresses substantially correct.

### FINDINGS AND RECOMMENDATIONS

1. The CSED director should pursue ways to improve the division's communications.

Overall, we found CSED's customer service to be satisfactory. However, based on our observations and those we obtained through surveys of program participants, there are several areas of client communication that could be improved. These include incoming telephone calls, form letters, responses to written inquiries, and documentation of client contact.

2. The CSED director should take steps to improve employee morale and the office culture.

We conducted a survey of all CSED employees. The results revealed a widespread morale problem. Employees commonly perceived problems specifically in hiring and promotion and generally in the way CSED is managed.

Management contends that it has made some improvements in these areas in the past year, after our surveys were conducted. Given this progress, management should arrange for updated surveys to determine what problems still exist and to allow it to plan further improvements. To be successful, these surveys need to be both independent and confidential. If requested, Legislative Audit will assist CSED in conducting employee and client surveys in 2001.