

HB

513

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 513
 () Publish Date: 2/16/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title CSED Name Change/ RDJ Revenue Programs & Services
Driver's License Suspension Component Child Support Enforcement
 Sponsor Representative Kott
 Requester House Judiciary Component No. 111

Expenditures/Revenues (Thousands of Dollars)
 Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 There will be no measurable fiscal impact from this legislation. The driver's license suspension portion of the bill will save staff time which will allow the staff to be work license suspension action in a more timely manner.

Prepared by: John Mallonee Phone (907) 269-6802
 Division Child Support Enforcement Date/Time 2/23/04 9:26 AM
 Approved by: Steve Porter, Deputy Commissioner Date 2/23/2004
 Agency Department of Revenue

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB513-ACS-TC-2-23-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title CSED Name Change/ BRU Alaska Court System
Driver's License Suspension Component Trial Courts
 Sponsor Representative Kott
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 513.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division: Alaska Court System Date/Time 2/23/04 11:35 AM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 2/23/2004
 Agency: Alaska Court System

Alaska State Legislature

Session: (Jan-May)
State Capitol, Room 208
Juneau, AK 99801-1182
(907) 465-3777
Fax (907) 465-2819

Interim: (June-Dec)
716 West 4th Avenue, Suite 600
Anchorage, AK 99501-2133
(907) 269-0155
(907) 269-0154 Fax



Pete Kott
Speaker of the House

Date: February 17, 2004

From: Representative Pete Kott

To: Representative Lesil McGuire, Chair
House Judiciary Committee

Re: HB 513, "CSED name change/driver's license suspension"

I respectfully request that House Bill 513 be scheduled for a hearing in the House Judiciary Committee at your earliest convenience. Attached to this memo are the following:

1. HB 513
2. Sponsor Statement
3. Sectional Analysis (To follow)

If you have any questions please feel free to contact me personally, or my staff, John Main, at ext. #3777.

Alaska State Legislature

Session: (Jan-May)
State Capitol, Room 208
Juneau, AK 99801-1182
(907) 465-3777
Fax (907) 465-2819

Interim: (June-Dec)
716 West 4th Avenue, Suite 600
Anchorage, AK 99501-2133
(907) 269-0155
(907) 269-0154 Fax



Pete Kott
Speaker of the House

SPONSOR STATEMENT

HB 513

“An Act relating to the enforcement of support orders through suspension of driver’s licenses; changing the name of the child support enforcement agency to the child support services agency; amending Rules 90.3 and 90.5, Alaska Rules of Civil Procedure; and providing for an effective date.”

HB 513 changes the name from “Child Support Enforcement Division” to “Child Support Services.” This change will foster positive public and client attitudes about child support payments.

HB 513 also closes an expensive and time-consuming loophole in CSED’s licensing program. When an obligor signs a payment agreement, the agency must release the obligor’s driver’s license. If the obligor fails to comply with the payment agreement, the agency can revoke that release. However, before the obligor’s license can be suspended, the agency must go through the entire notice and review process again. This legislative proposal would allow the agency to suspend an obligor’s driver’s license after revoking a release of the license because the obligor failed to comply with the payment agreement, without going through the entire review process again. Instead, the obligor would have 30 days to request a judicial review of the decision revoking the release. Law must hold the judicial review held within 20 days after the review is requested. This would simplify the process by which a release can be revoked while at the same time ensuring an obligor receives due process before the license is actually revoked. CSED’s ability to use this option to suspend for noncompliance would be limited to five years. In other words, if the obligor has been complying with a payment plan for five years, but then becomes noncompliant, CSED would not be able to automatically suspend, and must restart the more lengthy suspension process.

This legislation will show that CSED is a service-oriented agency dedicated to serve the public in a positive and informative manner, while at the same time, closes a loophole that has allowed individuals to use the system to the detriment of their children. I respectfully request the committee’s favorable consideration of HB 513.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 19, 2004

SUBJECT: Child Support Enforcement Agency Name Change and Driver's License Suspension (HB 513)

TO: Representative Pete Kott
Attn: John Main

FROM: Jean M. Mischel
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Changes the name of the child support enforcement agency to "child support services" agency.

Section 2. Deletes language pertaining to a payment schedule for purposes of maintaining and compiling a list of obligors who have a driver's license and who are not in substantial compliance with a support order.

Section 3. Adds driver's license release revocations, added in another section of this bill, for child support enforcement purposes.

Section 4. Deletes reference to payment schedules for revocation release purposes.

Section 5. Deletes a restriction on release of driver's license and adds a provision regarding refusal of the agency to release a driver's license. Also adds a cross-reference to new sections added by the bill and deletes some of the notice requirements. Deletes opportunity to seek a court finding of compliance with a subpoena and warrant for child support.

Section 6. Adds limiting language to a request for judicial relief from an agency's decision.

Section 7. Adds a cross-reference to new sections in the bill pertaining to a revocation of release of a driver's license as an exception to evidence of substantial compliance.

Section 8. Adds two new sections pertaining to a release and revocation of a release of a driver's license, including failure to be in substantial compliance with a payment schedule or for delay caused by the agency.

Section 9. Adds a new section to the uncodified law regarding an indirect court rule amendment to Rule 90.3, Alaska Rules of Civil Procedure due to the name change in the bill.

Section 10. Adds a new section to the uncodified law regarding an indirect court rule amendment to Rule 90.5, Alaska Rules of Civil Procedure due to the name change in the bill and the change to judicial procedure.

Section 11. States that a 2/3 vote of the legislature is not required for a Rule 90.3 amendment.

Section 12. Adds a revisor's instruction to make conforming amendments as a result of the agency name change in the bill.

Section 13. States that sections 2-8 of the bill are effective only on the condition of a 2/3 vote of the legislature.

Section 14. Adds an effective date.

JMM:med
04-206.med