

LEG. FINANCE - BILLS 1985 - 1986 2331

HB 92 cont. - HB 93 2331

1       surrender upon demand property attached; (5) fails or refuses to honor  
2       an assignment of wages or an income withholding [ASSIGNMENT] order  
3       under AS 09.65.132 presented by the agency, the person, political  
4       subdivision, or department of the state is liable to the agency in an  
5       amount equal to 100 percent of the amount constituting the basis of  
6       the lien, order to withhold and deliver, attachment, or withholding  
7       [ASSIGNMENT] of wages or income, together with costs, interest, and  
8       reasonable attorney fees.

9       \* Sec. 15. AS 47.23.265(a) is amended to read:

10       (a) Except as otherwise provided under this chapter, when a  
11       notice, paper, or other document is required by this chapter to be  
12       given or served upon a person by the agency, the notice, paper, or  
13       other document may be served as required by Rule 5, Alaska Rules of  
14       Civil Procedure or any other method permitted by law [SENT BY REGIS-  
15       TERED OR CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THAT PERSON.  
16       SERVICE BY MAIL UNDER THIS CHAPTER IS EFFECTED WHEN THE NOTICE, PAPER,  
17       OR OTHER DOCUMENT IS PROPERLY ADDRESSED REGISTERED OR CERTIFIED, AND  
18       MAILED].

19       \* Sec. 16. AS 47.23 is amended by adding a new section to read:

20       Sec. 47.23.278. PAYMENTS NOT DISBURSED. Support payments col-  
21       lected and held by the agency for seven years without disbursal shall  
22       be returned to the obligor.

23       \* Sec. 17. This Act takes effect October 1, 1985.

Offered: 2/18/85  
Referred: Judiciary and Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 92 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to child and spousal support; and  
7 providing for an effective date."

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

9 \* Section 1. AS 09.65.132 is amended to read:

10 Sec. 09.65.132. INCOME WITHHOLDING [ASSIGNMENT] ORDER FOR CHILD  
11 SUPPORT. (a) A judgment, court order, or order of the child support  
12 enforcement agency under AS 47.23 [(AS 47.23)] providing for the  
13 support of a minor child must [SHALL] contain an income withholding  
14 [ASSIGNMENT] order.

15 (b) An income withholding [ASSIGNMENT] order must [SHALL] direct  
16 the obligor, the obligor's employer, future employer, and any person,  
17 political subdivision, or department of the state to withhold [ASSIGN]  
18 money due or to be due the obligor and pay the money to the [OBLIGEE  
19 OR, WHERE THE ORDER IS ISSUED TO THE CHILD SUPPORT ENFORCEMENT AGENCY  
20 (AS 47.23) OR COLLECTIONS ARE BEING MADE THROUGH THE CHILD SUPPORT EN-  
21 FORCEMENT AGENCY, TO THAT] agency, in an amount determined under (h)  
22 of this section [SUFFICIENT TO MEET THE SUPPORT PAYMENTS IMPOSED BY  
23 THE COURT OR BY THE CHILD SUPPORT ENFORCEMENT AGENCY UNDER AS 47.23.-  
24 140].

25 (c) If support payments are in arrears in an amount at least  
26 equal to support payable for one month, the agency, on behalf of an  
27 [AN] obligee or person or public agency designated to receive support  
28 payments, shall [MAY] request an income withholding [ASSIGNMENT] order  
29 against the obligor [TO TAKE EFFECT] by filing a sworn statement with

1 the court that alleges [ALLEGING IN A SWORN STATEMENT] that the  
2 obligor is in arrears in an amount at least equal to the support  
3 payable for one month [HAS FAILED TO MAKE A SUPPORT PAYMENT IN FULL  
4 WITHIN 45 DAYS OF THE DATE THE PAYMENT WAS DUE AND BY FILING THAT  
5 STATEMENT WITH THE COURT].

6 (d) If an application is [HAS BEEN] filed with the clerk of  
7 court, notice shall be served upon the obligor in the manner provided  
8 by Rule 5, Alaska Rules of Civil Procedure or any other method permit-  
9 ted by law. The notice shall [BE SENT BY CERTIFIED MAIL, RETURN  
10 RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF THE OBLIGOR. THE  
11 NOTICE SHALL BE POSTMARKED NO LATER THAN 10 DAYS AFTER THE DATE ON  
12 WHICH THE APPLICATION WAS FILED AND SHALL] inform the obligor that the  
13 income withholding order [ASSIGNMENT] will take effect 15 days after  
14 the date on which the notice is served [WAS RECEIVED] unless the  
15 obligor requests a hearing within the 15 days after the notice is  
16 served [WAS SENT]. If the obligor requests a hearing, an income  
17 withholding order [ASSIGNMENT] may not take effect until the conclu-  
18 sion of the hearing. The court shall hold a hearing requested under  
19 this section within 15 days after the date the obligor requests the  
20 hearing, to determine if there are any mistakes of fact that make the  
21 withholding order improper, if the amount to be withheld is incorrect,  
22 or if there are any other legal defenses. The court shall inform the  
23 obligor, either at the hearing or within 15 days after the hearing,  
24 whether or not the withholding will occur and of the date on which it  
25 is to commence. [IF THE OBLIGOR PAYS ALL SUPPORT PAYMENTS DUE BEFORE  
26 THE HEARING, AN INCOME ASSIGNMENT ORDER MAY NOT TAKE EFFECT.]

27 (e) The obligee or person or public agency that requested the  
28 income withholding [ASSIGNMENT] order shall immediately send a copy of  
29 the income withholding [ASSIGNMENT] order and a copy of AS 47.23.260

1 and 47.23.270 by certified mail to persons who may owe money to an  
2 obligor. An income withholding [ASSIGNMENT] order made under this  
3 section is binding upon a person, employer, political subdivision, or  
4 department of the state immediately upon receipt of a copy of the  
5 income withholding [ASSIGNMENT] order. An employer shall begin with-  
6 holding the specified amount from the employee's wages 14 days after  
7 the mailing date on the notice or on the first day of the next pay  
8 period, if earlier. The amount withheld shall be sent to the agency.

9 (f) An employer may not discharge, discipline, or refuse to em-  
10 ploy an obligor on the basis of an income withholding order issued  
11 [ASSIGNMENT] under this section. If an employer discharges, disci-  
12 plines, or refuses to employ an obligor because of an income withhold-  
13 ing obligation, the court, after notice and hearing, may order rein-  
14 statement or restitution to the obligor, or both. A person who vio-  
15 lates this subsection or a regulation adopted to implement it, is  
16 liable for a fine of not more than \$1,000.

17 (g) An income withholding order [ASSIGNMENT] under this section  
18 has priority over all other attachments, executions, garnishments, or  
19 other legal process brought under state law against the same wages  
20 [ASSIGNMENTS] unless otherwise ordered by the court. An income with-  
21 holding order [ASSIGNMENT] is not limited to the wages of an obligor  
22 but may include all money owed to the obligor not otherwise exempt by  
23 law. Exemptions under AS 09.38 do not apply to income assignments  
24 under this section[; HOWEVER, 50 PERCENT OF THE OBLIGOR'S NET DISPOS-  
25 ABLE EARNINGS IS EXEMPT FROM EXECUTION UNDER THIS SECTION. IN THIS  
26 SUBSECTION, "NET DISPOSABLE EARNINGS" HAS THE MEANING GIVEN IN 15  
27 U.S.C. 1672].

28 (h) The court may order an obligor to pay the plaintiff's court  
29 [ALL COURTS] costs and reasonable attorney fees which resulted from

1 [INVOLVED IN] an income withholding [ASSIGNMENT] proceeding under this  
2 section.

3 \* Sec. 2. AS 09.65.132 is amended by adding new subsections to read:

4 (i) An employer shall, to the extent permitted under 15 U.S.C.  
5 1673(b), withhold the current support obligation from an obligor's  
6 wages. An employer shall withhold additional income, to the extent  
7 permitted under 15 U.S.C. 1673(b), from an obligor's wages for any  
8 support arrearage.

9 (j) An employer may combine into a single payment amounts with-  
10 held from more than one obligor if the employer specifies the portion  
11 of the payment attributable to each obligor. If in receipt of more  
12 than one income withholding order regarding one obligor, the employer  
13 shall honor the orders by paying each in full in the sequence of its  
14 receipt to the extent permitted under 15 U.S.C. 1673(b).

15 (k) At the time an obligor terminates employment with an em-  
16 ployer then in receipt of an unsatisfied income withholding order  
17 regarding the obligor, the employer shall immediately inform the  
18 agency of the obligor's name and last known address and the name and  
19 address of all other known employers of the obligor.

20 (l) An obligor may petition the court to terminate or reduce the  
21 withholding of income, if all support payments are current, upon good  
22 cause shown, such as the emancipation of a child for whom support is  
23 paid, or the lack of contact by the agency with the obligee.

24 \* Sec. 3. AS 25.24.160 is amended to read:

25 Sec. 25.24.160. JUDGMENT. In a judgment in an action for di-  
26 vorce or action declaring a marriage void or at any time after judg-  
27 ment, the court may provide

28 (1) [Repealed

29 (2)] for the payment by either or both parties of an amount

1 of money or goods, in gross or installments that may include automatic  
2 cost-of-living increases, as may be just and proper for the parties to  
3 contribute toward the nurture and education of their children, and the  
4 court may order the parties to arrange with their employers for an  
5 automatic payroll deduction each month or each pay period, if the  
6 period is other than monthly, of the amount of the installment; if the  
7 employer agrees, the installment shall be forwarded by the employer to  
8 the clerk of the superior court which entered the judgment or to the  
9 court trustee, and the amount of the installment is exempt from  
10 execution;

11 (2) [(3)] for the recovery by one party from the other of  
12 an amount of money for maintenance, in gross or in installments, as  
13 may be just and necessary without regard to which of the parties is in  
14 fault;

15 (3) [(4)] for the delivery to either party of that party's  
16 personal property in the possession or control of the other party at  
17 the time of giving the judgment;

18 [(5) Repealed]

19 (4) [(6)] for the division between the parties of their  
20 property, whether joint or separate, acquired only during coverture,  
21 in the manner as may be just, and without regard to which of the  
22 parties is in fault; however, the court, in making the division, may  
23 invade the property of either spouse acquired before marriage when the  
24 balancing of the equities between the parties requires it; and to  
25 accomplish this end the judgment may require that one or both of the  
26 parties assign, deliver, or convey any of their real or personal  
27 property to the other party;

28 (5) [(7)] to change the name of one of the parties.

29 \* Sec. 4. AS 47.23.020(a) is amended to read:

1 (a) The agency shall

2 (1) seek enforcement of [OBTAIN, ENFORCE, AND ADMINISTER]  
3 child support orders of the superior courts of the state in other  
4 jurisdictions and shall obtain, enforce, and administer the orders in  
5 this state;

6 (2) adopt regulations to carry out the purposes of this  
7 chapter, including regulations that [WHICH] establish

8 (A) schedules for determining the amount an obligor is  
9 liable to contribute toward the support of an obligee under this  
10 chapter and under 42 U.S.C. 651 - 665 (Title IV-D, Social Secur-  
11 ity Act);

12 (B) procedures for hearings conducted under AS 47.23.-  
13 170; and

14 (C) subject to AS 47.23.025 and to federal law, a  
15 uniform [SCHEDULE OF PENALTIES AND A] rate of interest on arrear-  
16 ages of support that shall be charged the obligor upon notice if  
17 child support payments are 10 or more days overdue or if payment  
18 is made by a check backed by insufficient funds;

19 (3) administer and enforce the Uniform Reciprocal Enforce-  
20 ment of Support Act (AS 25.25);

21 (4) establish, enforce, and administer child support obli-  
22 gations administratively in accordance with this chapter;

23 (5) administer the state plan required under 42 U.S.C.  
24 651 - 665 (Title IV-D, Social Security Act) as amended;

25 (6) disburse child support payments collected by the agency  
26 to the obligee together with interest charged under (2)(C) of this  
27 subsection; [AND]

28 (7) establish and enforce through the superior courts of  
29 the state child support orders from other jurisdictions pertaining to

1 obligors within the state; [DEPOSIT PENALTIES CHARGED UNDER (2)(C) OF  
2 THIS SUBSECTION IN THE GENERAL FUND]

3 (8) enforce and administer spousal support orders if a  
4 spousal support obligation has been established with respect to the  
5 spouse and if the support obligation established with respect to the  
6 child of that spouse is also being administered; and

7 (9) obtain a medical support order as part of a child or  
8 spousal support order if health care coverage is available to the  
9 obligor at a reasonable cost.

10 \* Sec. 5. AS 47.23 is amended by adding a new section to read:

11 Sec. 47.23.022. ENFORCEMENT REQUESTS FROM OTHER STATES. (a)  
12 The agency may act, under the laws of this state, upon requests from  
13 similar state agencies in other states that operate child support  
14 enforcement programs under 42 U.S.C. 651 - 665 (Title IV-D Social  
15 Security Act) to establish and enforce against obligors within this  
16 state support obligations determined in other states.

17 (b) Requests from child support enforcement agencies in other  
18 states shall be made by application containing the information that  
19 this state's agency requires and including written authorization from  
20 the requesting state agency and the obligee for this state's agency to  
21 initiate action necessary to establish, enforce, and collect the  
22 support obligation on their behalf.

23 \* Sec. 6. AS 47.23.025 is amended to read:

24 Sec. 47.23.025. RATES OF [PENALTY AND] INTEREST. [A PENALTY  
25 IMPOSED UNDER AS 47.23.020(a)(2)(C) MAY NOT BE AT A RATE THAT EXCEEDS  
26 THE RATE OF INTEREST IMPOSED ON DELINQUENT TAXES UNDER AS 43.05.225.]  
27 The rate of interest imposed under AS 47.23.020(a)(2)(C) shall equal  
28 the rate imposed under AS 43.05.225 or a lesser rate that is the  
29 maximum rate of interest permitted to be imposed under federal law.

1 \* Sec. 7. AS 47.23.045 is amended to read:

2       Sec. 47.23.045. DETERMINATION OF SUPPORT OBLIGATION. The agency  
3 may appear in an action seeking an award of support on [IN] behalf of  
4 a child owed a duty of support, or to enforce a spousal support order  
5 if a spousal support obligation has been established and if a support  
6 obligation, established with respect to a child of that spouse, is  
7 also being administered, and may also appear in an action seeking  
8 modification of a support order, decree or judgment already entered.  
9 Action under this section may be undertaken upon application of an  
10 obligee, or at the agency's own discretion if the obligor is liable to  
11 the state under AS 47.23.120(a) or (b).

12 \* Sec. 8. AS 47.23.060(c) is amended to read:

13       (c) In a court proceeding where the support of a minor child is  
14 at issue, the court may order either or both parents to pay the amount  
15 necessary for support, maintenance, nurture, and education of the  
16 child. The court shall issue a medical support order as part of a  
17 child or spousal support order if health care coverage is available to  
18 the obligor at a reasonable cost. Upon a showing of good cause the  
19 court may order the parents required to pay support to give reasonable  
20 security for payments. An order for prospective child support may be  
21 modified or revoked as the court considers necessary.

22 \* Sec. 9. AS 47.23.100 is amended to read:

23       Sec. 47.23.100. ALL PERSONS MAY USE AGENCY. The agency shall  
24 provide aid upon application to any person due child support under the  
25 laws of this state regardless of whether assistance is received under  
26 AS 47.25.310 - 47.25.410 [UPON APPLICATION] The agency may not  
27 impose a fee for services provided under AS 47.23.010 - 47.23.280  
28 unless required by federal law.

29 \* Sec. 10. AS 47.23.150(a) is amended to read:

1           (a) Action to enforce a support order administratively under  
2 AS 47.23.230 - 47.23.270 is initiated by the agency serving a notice  
3 on the obligor of the obligor's liability under the support order.  
4 [NOTICE UNDER THIS SUBSECTION SHALL BE SERVED PERSONALLY OR BY REGIS-  
5 TERED, CERTIFIED, OR INSURED MAIL, RETURN RECEIPT REQUESTED, FOR  
6 RESTRICTED DELIVERY ONLY TO THE PERSON TO WHOM THE NOTICE IS DIRECTED  
7 OR TO THE PERSON AUTHORIZED UNDER FEDERAL REGULATION TO RECEIVE THAT  
8 PERSON'S RESTRICTED DELIVERY MAIL.]

9 \* Sec. 11. AS 47.23.226 is amended to read:

10           Sec. 47.23.226. COLLECTION OF [ACTION TO COLLECT] CHILD SUPPORT.  
11 To [COMMENCE AN ACTION TO] collect the payment due, the custodian of a  
12 child, or the agency on behalf of that person, shall file with the  
13 court (1) a motion [PETITION] requesting establishment of a judgment;  
14 (2) an affidavit that states that one or more payments of child sup-  
15 port are 30 or more days past due and that specifies the amounts past  
16 due and the dates they became past due; and (3) notice of the ob-  
17 ligor's right to respond. Service on the obligor shall be in the  
18 manner provided in AS 47.23.265 [BY THE RULE OF CIVIL PROCEDURE FOR  
19 SERVICE OF SUMMONS IN A CIVIL ACTION]. The child's custodian, or the  
20 agency on behalf of the custodian, shall file with the court proof of  
21 service of the petition, affidavit, and notice. The obligor shall  
22 respond no later than 15 days after service by filing an affidavit  
23 with the court. If the obligor's affidavit states that the obligor  
24 has paid any of the amounts claimed to be delinquent, describes in  
25 detail the method of payment or offers any other defense to the peti-  
26 tion, then the obligor is entitled to a hearing. After the hearing,  
27 if any, the court shall enter a judgment for the amount of money owed.  
28 If the obligor does not file an affidavit under this section, the  
29 court shall enter a default judgment against the obligor.

1 \* Sec. 12. AS 47.23.250(i) is amended to read:

2 (i) Exemptions under AS 09.38 do not apply to proceedings to  
3 enforce the payment of child support under AS 47.23.230 - 47.23.270;  
4 however, 50 percent of the obligor's net disposable earnings is exempt  
5 from execution under AS 47.23.230 - 47.23.253 [47.23.270]. In this  
6 subsection, "net disposable earnings" has the meaning given in 15  
7 U.S.C. 1672.

8 \* Sec. 13. AS 47.23.255 is amended to read:

9 Sec. 47.23.255. INCOME WITHHOLDING [ASSIGNMENT] ORDERS. (a)  
10 The agency shall pay the obligee all money recovered by the agency  
11 under an income withholding [ASSIGNMENT] order except for costs and  
12 attorney fees that are recovered from the obligor.

13 (b) Notwithstanding AS 47.23.250, an income withholding [ASSIGN-  
14 MENT] order contained in a decision of the agency that has not been  
15 set aside by the superior court under AS 47.23.220 shall be enforced  
16 under the procedure established in AS 09.65.132.

17 \* Sec. 14. AS 47.23.260 is amended to read:

18 Sec. 47.23.260. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH AN  
19 ORDER OR LIEN. If any person, political subdivision, or department of  
20 the state (1) fails to make an answer to an order to withhold and  
21 deliver within the time prescribed in AS 47.23.250; (2) fails or  
22 refuses to deliver property in accordance with an order issued under  
23 AS 47.23.250; (3) pays over, releases, sells, transfers, or conveys  
24 real property subject to a lien filed under AS 47.23.230 to or for the  
25 benefit of the obligor or any other person; (4) fails or refuses to  
26 surrender upon demand property attached; (5) fails or refuses to honor  
27 an assignment of wages or an income withholding [ASSIGNMENT] order  
28 under AS 09.65.132 presented by the agency, the person, political  
29 subdivision, or department of the state is liable to the agency in an

1 amount equal to 100 percent of the amount constituting the basis of  
2 the lien, order to withhold and deliver, attachment, or withholding  
3 [ASSIGNMENT] of wages or income, together with costs, interest, and  
4 reasonable attorney fees.

5 \* Sec. 15. AS 47.23.265(a) is amended to read:

6 (a) Except as otherwise provided under this chapter, when a  
7 notice, paper, or other document is required by this chapter to be  
8 given or served upon a person by the agency, the notice, paper, or  
9 other document may be served as required by Rule 5, Alaska Rules of  
10 Civil Procedure or any other method permitted by law [SENT BY REGIS-  
11 TERED OR CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THAT PERSON.  
12 SERVICE BY MAIL UNDER THIS CHAPTER IS EFFECTED WHEN THE NOTICE, PAPER,  
13 OR OTHER DOCUMENT IS PROPERLY ADDRESSED REGISTERED OR CERTIFIED, AND  
14 MAILED].

15 \* Sec. 16. AS 47.23 is amended by adding a new section to read:

16 Sec. 47.23.278. PAYMENTS NOT DISBURSED. Support payments col-  
17 lected and held by the agency for seven years without disbursal shall  
18 be returned to the obligor.

19 \* Sec. 17. This Act takes effect immediately in accordance with AS 01.-  
20 10.070(c).

Introduced: 1/18/85  
Referred: Health, Education & Social  
Services, Judiciary and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 92

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to child and spousal support; and  
7 providing for an effective date."

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

9 \* Section 1. AS 09.10 is amended by adding a new section to read:

10 Sec. 09.10.095. ACTIONS FOR ESTABLISHMENT OF PARENTAGE. A  
11 person may bring an action to adjudicate parentage only if it is com-  
12 menced before the child whose parentage is at issue reaches the age of  
13 18.

14 \* Sec. 2. AS 09.65.132 is amended to read:

15 Sec. 09.65.132. INCOME WITHHOLDING [ASSIGNMENT] ORDER FOR CHILD  
16 SUPPORT. (a) A judgment, court order, or order of the child support  
17 enforcement agency (AS 47.23) providing for the support of a minor  
18 child must [SHALL] contain an income withholding [ASSIGNMENT] order.

19 (b) An income withholding [ASSIGNMENT] order must [SHALL] direct  
20 the obligor, the obligor's employer, future employer, and any person,  
21 political subdivision, or department of the state to withhold [ASSIGN]  
22 money due or to be due the obligor and pay the money to the [OBLIGEE  
23 OR, WHERE THE ORDER IS ISSUED TO THE CHILD SUPPORT ENFORCEMENT AGENCY  
24 (AS 47.23) OR COLLECTIONS ARE BEING MADE THROUGH THE CHILD SUPPORT EN-  
25 FORCEMENT AGENCY, TO THAT] agency, in an amount determined under (h)  
26 of this section [SUFFICIENT TO MEET THE SUPPORT PAYMENTS IMPOSED BY  
27 THE COURT OR BY THE CHILD SUPPORT ENFORCEMENT AGENCY UNDER AS 47.23.-  
28 140].

29 (c) The agency, on behalf of an [AN] obligee or person or public

1 agency designated to receive support payments, may request an income  
2 withholding [ASSIGNMENT] order to take effect by alleging in a sworn  
3 statement that the obligor is in arrears in an amount at least equal  
4 to the support payable for one month [HAS FAILED TO MAKE A SUPPORT  
5 PAYMENT IN FULL WITHIN 45 DAYS OF THE DATE THE PAYMENT WAS DUE] and by  
6 filing that statement with the court.

7 (d) If an application is [HAS BEEN] filed with the clerk of  
8 court, the obligor must be served with notice, in the manner provided  
9 by Rule 5 of the Rules of Civil Procedure, on [SHALL BE SENT BY CER-  
10 TIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF  
11 THE OBLIGOR. THE NOTICE SHALL BE POSTMARKED NO LATER THAN 10 DAYS  
12 AFTER] the date on which the application is [WAS] filed. The notice  
13 must [AND SHALL] inform the obligor that the income withholding order  
14 [ASSIGNMENT] will take effect 15 days after the date on which the  
15 notice was served [RECEIVED] unless the obligor requests a hearing  
16 within 15 days after the notice was served [SENT]. If the obligor  
17 requests a hearing, an income withholding order [ASSIGNMENT] may not  
18 take effect until the conclusion of the hearing. The court shall hold  
19 a hearing requested under this section within 15 days after the date  
20 the obligor requests the hearing, to determine if there are any mis-  
21 takes of fact which would make the withholding order improper or if  
22 the amount to be withheld is incorrect. Notice of the withholding  
23 decision must be sent to the obligor within 45 days after the notice  
24 of proposed withholding. [IF THE OBLIGOR PAYS ALL SUPPORT PAYMENTS DUE  
25 BEFORE THE HEARING, AN INCOME ASSIGNMENT ORDER MAY NOT TAKE EFFECT.]

26 (e) The obligee or person or public agency that requested the  
27 income withholding [ASSIGNMENT] order shall immediately send a copy of  
28 the income withholding [ASSIGNMENT] order by certified mail to persons  
29 who may owe money to an obligor. An income withholding [ASSIGNMENT]

1 order made under this section is binding upon a person, employer,  
2 political subdivision, or department of the state immediately upon  
3 receipt of a copy of the income withholding [ASSIGNMENT] order. The  
4 employer must begin withholding the specified amount from the employ-  
5 ee's wages no later than the first pay period that occurs 14 days  
6 after the mailing date on the notice. The amount withheld must be  
7 sent to the agency.

8 (f) An employer may not discharge, discipline, or refuse to  
9 employ an obligor on the basis of an income withholding order [ASSIGN-  
10 MENT] under this section. If an employer discharges, disciplines, or  
11 refuses to employ an obligor because of an income withholding obliga-  
12 tion, the court, after notice and hearing, may order reinstatement or  
13 restitution to the obligor, or both. A person who violates this  
14 subsection or a regulation adopted to implement it, is guilty of a  
15 misdemeanor and, upon conviction, is punishable by a fine of not more  
16 than \$1,000.

17 (g) An income withholding order [ASSIGNMENT] under this section  
18 has priority over all other attachments, executions, garnishments, or  
19 other legal process brought under state law against the same wages  
20 [ASSIGNMENTS UNLESS OTHERWISE ORDERED BY THE COURT]. An income with-  
21 holding order [ASSIGNMENT] is not limited to the wages of an obligor  
22 but may include all money owed to the obligor not otherwise exempt by  
23 law. Exemptions under AS 09.38 do not apply to income assignments  
24 under this section[; HOWEVER, 50 PERCENT OF THE OBLIGOR'S NET DISPOS-  
25 ABLE EARNINGS IS EXEMPT FROM EXECUTION UNDER THIS SECTION. IN THIS  
26 SUBSECTION, "NET DISPOSABLE EARNINGS" HAS THE MEANING GIVEN IN  
27 15 U.S.C. 1672].

28 (h) The amount withheld from the obligor's wages must be equal  
29 to the current support obligation, up to the limits of 15 U.S.C. sec.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

1 order made under this section is binding upon a person, employer,  
2 political subdivision, or department of the state immediately upon  
3 receipt of a copy of the income withholding [ASSIGNMENT] order. The  
4 employer must begin withholding the specified amount from the employ-  
5 ee's wages no later than the first pay period that occurs 14 days  
6 after the mailing date on the notice. The amount withheld must be  
7 sent to the agency.

8 (f) An employer may not discharge, discipline, or refuse to  
9 employ an obligor on the basis of an income withholding order [ASSIGN-  
10 MENT] under this section. If an employer discharges, disciplines, or  
11 refuses to employ an obligor because of an income withholding obliga-  
12 tion, the court, after notice and hearing, may order reinstatement or  
13 restitution to the obligor, or both. A person who violates this  
14 subsection or a regulation adopted to implement it, is guilty of a  
15 misdemeanor and, upon conviction, is punishable by a fine of not more  
16 than \$1,000.

17 (g) An income withholding order [ASSIGNMENT] under this section  
18 has priority over all other attachments, executions, garnishments, or  
19 other legal process brought under state law against the same wages  
20 [ASSIGNMENTS UNLESS OTHERWISE ORDERED BY THE COURT]. An income with-  
21 holding order [ASSIGNMENT] is not limited to the wages of an obligor  
22 but may include all money owed to the obligor not otherwise exempt by  
23 law. Exemptions under AS 09.38 do not apply to income assignments  
24 under this section[; HOWEVER, 50 PERCENT OF THE OBLIGOR'S NET DISPOS-  
25 ABLE EARNINGS IS EXEMPT FROM EXECUTION UNDER THIS SECTION. IN THIS  
26 SUBSECTION, "NET DISPOSABLE EARNINGS" HAS THE MEANING GIVEN IN  
27 15 U.S.C. 1672].

28 (h) The amount withheld from the obligor's wages must be equal  
29 to the current support obligation, up to the limits of 15 U.S.C. s 1672.

1 1673(b). If the current support payment does not equal the limits of  
2 15 U.S.C. sec. 1673(b), an additional amount may be withheld toward  
3 any arrearages. The combined total amount withheld for current sup-  
4 port and arrearages may not exceed the limits of 15 U.S.C. sec.  
5 1673(b).

6 (i) An obligor may petition the court to terminate the with-  
7 holding of income upon good cause shown, such as the emancipation of a  
8 child for whom support is paid, the lack of contact by the agency with  
9 the obligee, or the timely payment history of an obligor for a three-  
10 year period.

11 (j) The court may order an obligor to pay all court [COURTS]  
12 costs involved in an income withholding [ASSIGNMENT] proceeding under  
13 this section.

14 \* Sec. 3. AS 25.20.050 is amended by adding a new subsection to read:

15 (e) An action to adjudicate parentage must be permitted to be  
16 initiated until the child whose parentage is at issue reaches age 18.

17 \* Sec. 4. AS 25 is amended by adding a new chapter to read:

18 Chapter 26. INTERSTATE INCOME WITHHOLDING ACT.

19 Sec. 25.26.010. PURPOSE. The purpose of this chapter is to  
20 enhance the enforcement of support obligations (1) by providing a  
21 quick and effective procedure for the withholding of income derived in  
22 this jurisdiction to enforce support orders of other jurisdictions,  
23 and (2) by requiring that income withholding, to enforce the support  
24 orders of this jurisdiction, be sought in other jurisdictions. This  
25 chapter must be construed liberally to effect that purpose.

26 Sec. 25.26.020. INITIATION OF INCOME WITHHOLDING AND COOPERATION  
27 WITH OTHER JURISDICTIONS. On behalf of a client, or on application of  
28 a resident obligee or obligor of a support order issued by this state,  
29 or by an agency to whom the obligee has assigned support rights, the

1 Alaska child support enforcement agency shall request the agency of  
2 another jurisdiction in which the obligor derives income to obtain an  
3 income withholding order. The Alaska agency shall compile and trans-  
4 mit to the agency of the other jurisdiction all documentation required  
5 to enter a support order for this purpose. The Alaska agency also  
6 shall transmit to the agency of the other jurisdiction a certified  
7 copy of any subsequent modifications of the support order. If the  
8 Alaska agency receives notice that the obligor is contesting income  
9 withholding in another jurisdiction, it shall promptly notify the  
10 individual obligee of the date, time, and place of the hearings and of  
11 the obligee's right to attend.

12 Sec. 25.26.030. RESPONSIBILITIES FOR ENTERING A SUPPORT ORDER OF  
13 ANOTHER JURISDICTION FOR PURPOSES OF INCOME WITHHOLDING. (a) Upon  
14 receiving from an agency of another jurisdiction a support order of  
15 another jurisdiction, along with the documentation specified in (b) of  
16 this section, the Alaska agency shall file the documents with the  
17 clerk of the court in which withholding is being sought. The clerk of  
18 the court shall accept the documents filed. The acceptance consti-  
19 tutes entry of the support order under this chapter.

20 (b) The following documentation is required for the entry of a  
21 support order of another jurisdiction:

22 (1) a certified copy of the support order with all modi-  
23 fications;

24 (2) a certified copy of an income withholding order, if  
25 any, still in effect;

26 (3) a copy of the portion of the income withholding statute  
27 of the jurisdiction which issued the support order, which states the  
28 requirements for obtaining income withholding under the laws of that  
29 jurisdiction;

1           (4) a sworn statement of the obligee or certified statement  
2 of the agency of the arrearages and the assignment of support rights,  
3 if any;

4           (5) a statement of

5           (A) the name, address, and social security number of  
6 the obligor, if known;

7           (B) the name and address of the obligor's employer or  
8 of any other source of income of the obligor derived in this  
9 state against which income withholding is sought;

10          (C) the name and address of the agency or person to  
11 whom support payments collected by income withholding must be  
12 transmitted.

13          (c) If the documentation received by the agency under (a) of  
14 this section does not conform to the requirements of (b) of this  
15 section, the agency shall remedy any defect that it can without the  
16 assistance of the requesting agency or person. If the agency is  
17 unable to make such corrections, the requesting agency or person must  
18 immediately be notified of the necessary additions or corrections. In  
19 neither case may the documentation be returned. The agency shall file  
20 with the court the documentation required by (a) and (b) of this  
21 section even if it is not in the usual form required by the laws or  
22 court rules of this state, so long as the substantive requirements of  
23 this section are met.

24          (d) A support order entered under (a) of this section is en-  
25 forceable by an income withholding order against income derived in  
26 this state, in the manner and with the effect set out in AS 25.26.040  
27 -- 25.26.100 and AS 09.65.132. Entry of the order does not confer  
28 jurisdiction on the courts or agencies of this state for any purpose  
29 other than income withholding.

1           Sec. 25.26.040. NOTICE. (a) On the date that a support order  
2 is entered under AS 25.26.030, the agency shall serve upon the  
3 obligor, in accordance with AS 09.65.132(d), notice of a proposed  
4 income withholding. That notice must contain the same information  
5 required by AS 09.65.132(d). The notice must also advise the obligor  
6 that the income withholding was requested on the basis of a support  
7 order of another jurisdiction.

8           (b) If the obligor seeks a hearing to contest the proposed  
9 income withholding, the agency shall immediately notify the requesting  
10 agency, the obligee, and the obligor, or an attorney for either, of  
11 the date, time, and place of the hearing, and of the obligee's right  
12 to attend the hearing.

13           Sec. 25.26.050. INCOME WITHHOLDING HEARING. (a) At a hearing  
14 contesting proposed income withholding based on a support order en-  
15 tered under AS 25.26.030, the entered order, accompanying sworn or  
16 certified statement, and a certified copy of an income withholding  
17 order, if any, still in effect, constitute prima facie proof, without  
18 further proof or foundation, that (1) the support order is valid; (2)  
19 the amount of current support payments and arrearages is as stated;  
20 and (3) the obligee would be entitled to income withholding under the  
21 laws of the jurisdiction that issued the support order.

22           (b) Once a prima facie case has been established, the obligor  
23 may raise only the following, with the burden on the obligor to estab-  
24 lish the defenses:

25           (1) that withholding is not proper because of a mistake of  
26 fact that is not res judicata concerning such matters as an error in  
27 the amount of current support owed or arrearage that had accrued;  
28 mistaken identity of the obligor; or error in the amount of income to  
29 be withheld;

1           (2) that the court or agency that issued the support order  
2 entered under this chapter lacked personal jurisdiction over the  
3 obligor;

4           (3) that the support order entered under this chapter was  
5 obtained by fraud; or

6           (4) that the statute of limitations precludes enforcement  
7 of all or part of the arrearages.

8           (c) If the obligor presents evidence that constitutes a full or  
9 partial defense, the court shall, on the request of the obligee,  
10 continue the case to permit further evidence relative to the defense  
11 to be adduced by either party. However, if the obligor acknowledges  
12 liability sufficient to entitle the obligee to income withholding, the  
13 court shall require income withholding for the payment of the current  
14 support obligation under the support order and of so much of any  
15 arrearages as is not in dispute, while continuing the case with re-  
16 spect to those matters still in dispute. The court shall determine  
17 those matters still in dispute as soon as possible, and, if appropri-  
18 ate, shall modify the withholding order to conform to that resolution.

19           (d) In addition to other procedural devices available to a  
20 party, any party to the proceeding, or a guardian ad litem or other  
21 representative of the child, may adduce testimony of witnesses in  
22 another state, including the parties, and of any of the children, by  
23 deposition, written discovery, photographic discovery such as vid-  
24 eotaped depositions, or personal appearance before the court by tele-  
25 phone or photographic means. The court, on its own motion, may direct  
26 that the testimony of a person be taken in another state and may  
27 prescribe the manner in which and the terms upon which the testimony  
28 is to be taken.

29           (e) A court of this state may request the appropriate court or

1 agency of another state to hold a hearing to adduce evidence, to  
2 permit a deposition to be taken to order a party to produce or give  
3 evidence under other procedures of that state, and to forward to the  
4 court of this state certified copies of the evidence adduced in com-  
5 pliance with the request.

6 (f) Upon request of a court or agency of another state the  
7 courts of this state, which are competent to hear support matters, may  
8 order a person in this state to appear at a hearing or deposition  
9 before the court to adduce evidence or to produce or give evidence  
10 under other procedures available in this state. A certified copy of  
11 the evidence adduced, such as a transcript or videotape, must be  
12 forwarded by the clerk of the court to the requesting court or agency.

13 (g) A person within this state may voluntarily testify by state-  
14 ment or affidavit in this state for use in a proceeding to obtain  
15 income withholding outside this state.

16 Sec. 25.26.060. INCOME WITHHOLDING ORDER. If the obligor does  
17 not request a hearing in the time provided, or if a hearing is held  
18 and it is determined that the obligee has or is entitled to income  
19 withholding under the local law of the jurisdiction that issued the  
20 support order, the court shall issue an income withholding order under  
21 AS 09.65.132. The agency shall notify the requesting agency or person  
22 of the date upon which withholding will begin.

23 Sec. 25.26.070. NOTICE TO EMPLOYER AND OTHER PROVISIONS. The  
24 provisions of AS 09.65.132 apply to income withholding based on a  
25 support order of another jurisdiction entered under this chapter.

26 Sec. 25.26.080. DISTRIBUTION OF COLLECTED SUPPORT PAYMENTS. (a)  
27 The income withholding order must direct payment to be made to the  
28 agency. The agency shall transmit to the agency or person designated  
29 in AS 25.26.030(b)(5)(C) payments received under an income withholding

1 order that is based on a support order of another jurisdiction entered  
2 under this chapter.

3 (b) A support order entered under AS 25.26.030 does not nullify,  
4 and is not nullified by, a support order made by a court of this state  
5 under any other law, or a support order made by a court of any other  
6 state. Amounts collected by withholding of income must be credited  
7 against the amounts accruing or accrued for any period under a support  
8 order issued by either this state or another state.

9 Sec. 25.26.090. CHANGES IN ORIGINAL ORDER. The agency, upon  
10 receiving a certified copy of an amendment or modification to a sup-  
11 port order entered under AS 25.26.030, shall initiate, as though the  
12 order were a support order of this state, necessary procedures to  
13 amend or modify the income withholding order of this state which was  
14 based upon the entered support order. The court shall amend or modify  
15 the income withholding order to conform to the modified support order.

16 Sec. 25.26.100. CHANGES IN JURISDICTION. If the agency deter-  
17 mines that the obligor has obtained employment in another state or has  
18 a new or additional source of income in another state, it shall  
19 promptly notify the agency that requested the income withholding of  
20 the changes, and shall forward to that agency all information it has  
21 or can obtain with respect to the obligor's new address and the name  
22 and address of the obligor's new employer or other source of income.  
23 The agency shall include with the notice a certified copy of the  
24 income withholding order in effect in this state.

25 Sec. 25.26.110. VOLUNTARY INCOME WITHHOLDING. A person who is  
26 the obligor on a support order of another jurisdiction may obtain  
27 voluntary income withholding by filing with the agency a request for  
28 the withholding and a certified copy of the support order of the other  
29 jurisdiction. The court shall issue an income withholding order under

1 AS 09.65.132. Payment must be made to the agency.

2 Sec. 25.26.120. CHOICE OF LAW. (a) The law of this state  
3 applies in all actions and proceedings concerning the issuance, en-  
4 forcement, and duration of income withholding orders issued by a court  
5 of this state, based upon a support order of another jurisdiction  
6 entered under AS 25.26.030, except as provided in (b) of this section.

7 (b) The law of the jurisdiction that issued the support order  
8 governs the following:

9 (1) the interpretation of the support order entered under  
10 AS 25.26.030, including amount, form of payment, and the duration of  
11 support;

12 (2) the amount of support arrearages necessary to require  
13 the issuance of an income withholding order.

14 Sec. 25.26.130. ADDITIONAL REMEDIES. The remedy provided in  
15 this chapter is in addition to, and not in substitution for, any other  
16 remedy otherwise available to enforce a support order of another  
17 jurisdiction. Relief under this chapter may not be denied, delayed,  
18 or otherwise affected because of the availability of other remedies,  
19 nor may relief under any other statute be delayed or denied because of  
20 the availability of the remedy in this chapter.

21 Sec. 25.26.140. DEFINITIONS. In this chapter,

22 (1) "agency" means the child support enforcement agency of  
23 the Alaska Department of Revenue (AS 47.23) and, when the context  
24 requires, means either a court or an administrative unit of another  
25 jurisdiction with functions similar to those described in this chap-  
26 ter, including the issuance and enforcement of support orders;

27 (2) "child" means a person, whether above or below the age  
28 of majority, with respect to whom a support order exists;

29 (3) "court" means the superior court of this state and,

1 when the context requires, means either a court or an agency of another  
2 jurisdiction with functions similar to those described in this  
3 chapter, including the issuance and enforcement of support orders;

4 (4) "employer" means a payor of income;

5 (5) "income" means all money owed to an obligor, including  
6 wages, that is not otherwise exempt by law;

7 (6) "income derived in this jurisdiction" means income, the  
8 payor of which is subject to the jurisdiction of this state for the  
9 purpose of imposing and enforcing income withholding under AS 09.-  
10 65.132;

11 (7) "jurisdiction" means a state or political subdivision,  
12 territory, or possession of the United States, the District of  
13 Columbia, and the Commonwealth of Puerto Rico;

14 (8) "obligee" means a person or entity entitled to receive  
15 support under an order of support; the term includes an agency of  
16 another jurisdiction to which a person has assigned his or her right  
17 of support;

18 (9) "obligor" means a person required to make payments  
19 under the terms of a support order for a child, spouse, or former  
20 spouse;

21 (10) "support order" means an order, decree, or judgment  
22 for the support, or for the payment of arrearages on the support, of a  
23 child, spouse, or former spouse, issued by a court or agency of another  
24 jurisdiction, whether interlocutory or final, whether prospectively  
25 or retroactively modifiable, and whether incidental to a proceeding  
26 for divorce, judicial or legal separation, separate maintenance,  
27 paternity, guardianship, civil protection, or other proceeding.

28 \* Sec. 5. AS 47.23.020(a) is amended to read:

29 (a) The agency shall

1 when the context requires, means either a court or an agency of another  
2 jurisdiction with functions similar to those described in this  
3 chapter, including the issuance and enforcement of support orders;

4 (4) "employer" means a payor of income;

5 (5) "income" means all money owed to an obligor, including  
6 wages, that is not otherwise exempt by law;

7 (6) "income derived in this jurisdiction" means income, the  
8 payor of which is subject to the jurisdiction of this state for the  
9 purpose of imposing and enforcing income withholding under AS 09.-  
10 65.132;

11 (7) "jurisdiction" means a state or political subdivision,  
12 territory, or possession of the United States, the District of  
13 Columbia, and the Commonwealth of Puerto Rico;

14 (8) "obligee" means a person or entity entitled to receive  
15 support under an order of support; the term includes an agency of  
16 another jurisdiction to which a person has assigned his or her right  
17 of support;

18 (9) "obligor" means a person required to make payments  
19 under the terms of a support order for a child, spouse, or former  
20 spouse;

21 (10) "support order" means an order, decree, or judgment  
22 for the support, or for the payment of arrearages on the support, of a  
23 child, spouse, or former spouse, issued by a court or agency of another  
24 jurisdiction, whether interlocutory or final, whether prospectively  
25 or retroactively modifiable, and whether incidental to a proceeding  
26 for divorce, judicial or legal separation, separate maintenance,  
27 paternity, guardianship, civil protection, or other proceeding.

28 \* Sec. 5. AS 47.23.020(a) is amended to read:

29 (a) The agency shall

1 AS 09.65.132. Payment must be made to the agency.

2 Sec. 25.26.120. CHOICE OF LAW. (a) The law of this state  
3 applies in all actions and proceedings concerning the issuance, en-  
4 forcement, and duration of income withholding orders issued by a court  
5 of this state, based upon a support order of another jurisdiction  
6 entered under AS 25.26.030, except as provided in (b) of this section.

7 (b) The law of the jurisdiction that issued the support order  
8 governs the following:

9 (1) the interpretation of the support order entered under  
10 AS 25.26.030, including amount, form of payment, and the duration of  
11 support;

12 (2) the amount of support arrearages necessary to require  
13 the issuance of an income withholding order.

14 Sec. 25.26.130. ADDITIONAL REMEDIES. The remedy provided in  
15 this chapter is in addition to, and not in substitution for, any other  
16 remedy otherwise available to enforce a support order of another  
17 jurisdiction. Relief under this chapter may not be denied, delayed,  
18 or otherwise affected because of the availability of other remedies,  
19 nor may relief under any other statute be delayed or denied because of  
20 the availability of the remedy in this chapter.

21 Sec. 25.26.200. DEFINITIONS. In this chapter,

22 (1) "agency" means the child support enforcement agency of  
23 the Alaska Department of Revenue (AS 47.23) and, when the context  
24 requires, means either a court or an administrative unit of another  
25 jurisdiction with functions similar to those described in this chap-  
26 ter, including the issuance and enforcement of support orders;

27 (2) "child" means a person, whether above or below the age  
28 of majority, with respect to whom a support order exists;

29 (3) "court" means the superior court of this state and,

- 1           (1) obtain, enforce, and administer child support orders of  
2 the superior courts of the state;
- 3           (2) adopt regulations to carry out the purpose of this  
4 chapter, including regulations that [WHICH] establish
- 5                 (A) schedules for determining the amount an obligor is  
6 liable to contribute toward the support of an obligee under this  
7 chapter and under 42 U.S.C. 651 -- 665 (Title IV-D, Social Secu-  
8 rity Act);
- 9                 (B) procedures for hearings conducted under AS 47.23.-  
10 170; and
- 11                (C) subject to AS 47.23.025 and to federal law, a  
12 uniform schedule of penalties and a rate of interest on arrear-  
13 ages of support that must [SHALL] be charged the obligor upon  
14 notice if child support payments are 10 or more days overdue or  
15 if payment is made by a check backed by insufficient funds;
- 16           (3) administer and enforce the Uniform Reciprocal Enforce-  
17 ment of Support Act (AS 25.25);
- 18           (4) establish, enforce, and administer child support obli-  
19 gations administratively in accordance with this chapter;
- 20           (5) administer the state plan required under 42 U.S.C. 651  
21 -- 665 (Title IV-D, Social Security Act) as amended;
- 22           (6) disburse child support payments collected by the agency  
23 to the obligee together with interest charged under (2)(C) of this  
24 subsection; [AND]
- 25           (7) deposit penalties charged under (2)(C) of this sub-  
26 section in the general fund;
- 27           (8) administer and enforce the Interstate Income Withhold-  
28 ing Act (AS 25.26);
- 29           (9) enforce and administer spousal support orders only if a

1 spousal support obligation has been established with respect to the  
2 spouse and if the support obligation established with respect to the  
3 child of that spouse is also being administered; and

4 (10) obtain medical support orders as part of a child sup-  
5 port order if health care coverage is available to the obligor at a  
6 reasonable cost.

7 \* Sec. 6. AS 47.23.025 is amended to read:

8 Sec. 47.23.025. RATES OF PENALTY AND INTEREST. A penalty im-  
9 posed under AS 47.23.020(a)(2)(C) must be 6 percent [MAY NOT BE AT A  
10 RATE THAT EXCEEDS THE RATE OF INTEREST IMPOSED ON DELINQUENT TAXES  
11 UNDER AS 43.05.225]. The rate of interest imposed under AS 47.23.-  
12 020(a)(2)(C) must [SHALL] equal the rate imposed under AS 43.05.225 or  
13 a lesser rate that is the maximum rate of interest permitted to be  
14 imposed under federal law.

15 \* Sec. 7. AS 47.23.045 is amended to read:

16 Sec. 47.23.045. DETERMINATION OF SUPPORT OBLIGATION. The agency  
17 may appear in an action seeking an award of support on [IN] behalf of  
18 a child owed a duty of support, or to enforce a spousal support order  
19 if a spousal support obligation has been established and if the sup-  
20 port obligation, established with respect to a child of that spouse,  
21 is also being administered, and may also appear in an action seeking  
22 modification of a support order, decree or judgment already entered.  
23 Action under this section may be undertaken upon application of an  
24 obligee, or at the agency's own discretion if the obligor is liable to  
25 the state under AS 47.23.120(a) or (b).

26 \* Sec. 8. AS 47.23.060(c) is amended to read:

27 (c) In a court proceeding where the support of a minor child is  
28 at issue, the court may order either or both parents to pay the amount  
29 necessary for support, maintenance, nurture, and education of the

1 child. The court shall issue a medical support order as part of a  
2 child support order if health care coverage is available to the  
3 obligor at a reasonable cost. Upon a showing of good cause the court  
4 may order the parents required to pay support to give reasonable  
5 security for payments. An order for prospective child support may be  
6 modified or revoked as the court considers necessary.

7 \* Sec. 9. AS 47.23.150(a) is amended to read:

8 (a) Action to enforce a support order administratively under  
9 AS 47.23.230 -- 47.23.270 is initiated by the agency serving a notice  
10 on the obligor of the obligor's liability under the support order.  
11 [NOTICE UNDER THIS SUBSECTION SHALL BE SERVED PERSONALLY OR BY REGIS-  
12 TERED, CERTIFIED, OR INSURED MAIL, RETURN RECEIPT REQUESTED, FOR  
13 RESTRICTED DELIVERY ONLY TO THE PERSON TO WHOM THE NOTICE IS DIRECTED  
14 OR TO THE PERSON AUTHORIZED UNDER FEDERAL REGULATION TO RECEIVE THAT  
15 PERSON'S RESTRICTED DELIVERY MAIL.]

16 \* Section 10. AS 47.23.226 is amended to read:

17 Sec. 47.23.226. ACTION TO COLLECT CHILD SUPPORT. To commence an  
18 action to collect the payment due, the custodian of a child, or the  
19 agency on behalf of that person, shall file with the court (1) a  
20 petition requesting establishment of a judgment; (2) an affidavit that  
21 states that one or more payments of child support are 30 or more days  
22 past due and that specifies the amounts past due and the dates they  
23 became past due; and (3) notice of the obligor's right to respond.  
24 Service on the obligor must [SHALL] be in the manner provided in  
25 AS 47.23.265 [BY THE RULES OF CIVIL PROCEDURE FOR SERVICE OF SUMMONS  
26 IN A CIVIL ACTION]. The child's custodian, or the agency on behalf of  
27 the custodian, shall file with the court proof of service of the  
28 petition, affidavit, and notice. The obligor shall respond no later  
29 than 15 days after service by filing an affidavit with the court. If

1 the obligor's affidavit states that the obligor has paid any of the  
2 amounts claimed to be delinquent, describes in detail the method of  
3 payment or offers any other defense to the petition, then the obligor  
4 is entitled to a hearing. After the hearing, if any, the court shall  
5 enter a judgment for the amount of money owed. If the obligor does  
6 not file an affidavit under this section, the court shall enter a  
7 default judgment against the obligor.

8 \* Sec. 11. AS 47.23.250(i) is amended to read:

9 (i) Exemptions under AS 09.38 do not apply to proceedings to  
10 enforce the payment of child support under AS 47.23.230 -- 47.23.270;  
11 however, 50 percent of the obligor's net disposable earnings is exempt  
12 from execution under AS 47.23.230 -- 47.23.253 [47.23.270]. In this  
13 subsection, "net disposable earnings" has the meaning given in 15  
14 U.S.C. 1672.

15 \* Sec. 12. AS 47.23.255 is amended to read:

16 Sec. 47.23.255. INCOME WITHHOLDING [ASSIGNMENT] ORDERS. (a) The  
17 agency shall pay the obligee all money recovered by the agency under  
18 an income withholding [ASSIGNMENT] order except for costs that are  
19 recovered from the obligor.

20 (b) Notwithstanding AS 47.23.250, an income withholding [ASSIGN-  
21 MENT] order contained in a decision of the agency that has not been  
22 set aside by the superior court under AS 47.23.220 must [SHALL] be  
23 enforced under the procedure established in AS 09.65.132.

24 \* Sec. 13. AS 47.23.260 is amended to read:

25 Sec. 47.23.260. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH AN  
26 ORDER OR LIEN. If any person, political subdivision, or department of  
27 the state (1) fails to make an answer to an order to withhold and  
28 deliver within the time prescribed in AS 47.23.250; (2) fails or  
29 refuses to deliver property in accordance with an order issued under

1 AS 47.23.250; (3) pays over, releases, sells, transfers, or conveys  
2 real property subject to a lien filed under AS 47.23.230 to or for the  
3 benefit of the obligor or any other person; (4) fails or refuses to  
4 surrender upon demand property attached; (5) fails or refuses to honor  
5 an assignment of wages or an income withholding [ASSIGNMENT] order  
6 under AS 09.65.132 presented by the agency, the person, political  
7 subdivision, or department of the state is liable to the agency in an  
8 amount equal to 100 percent of the amount constituting the basis of  
9 the lien, order to withhold and deliver, attachment, or withholding  
10 [ASSIGNMENT] of wages or income, together with costs, interest, and  
11 reasonable attorney fees.

12 \* Sec. 14. AS 47.23.265(a) is amended to read:

13 (a) Except as otherwise provided under this chapter, when a  
14 notice, paper, or other document is required by this chapter to be  
15 given or served upon a person by the agency, the notice, paper, or  
16 other document may be served as required by Rule 5, Alaska Rules of  
17 Civil Procedure [SENT BY REGISTERED OR CERTIFIED MAIL TO THE LAST  
18 KNOWN ADDRESS OF THAT PERSON]. [SERVICE BY MAIL UNDER THIS CHAPTER IS  
19 EFFECTED WHEN THE NOTICE, PAPER, OR OTHER DOCUMENT IS PROPERLY AD-  
20 DRESSED REGISTERED OR CERTIFIED, AND MAILED.]

21 \* Sec. 15. This Act takes effect immediately in accordance with AS 01.-  
22 10.070(c).

# COMMITTEE REPORT

## SENATE

FURTHER:

4/26/85

Date 5/8/85

Mr. President

The Committee on FINANCE considered CSHB 92 (Jud)

child and spousal support; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_  
\_\_\_\_\_  
*William*  
\_\_\_\_\_  
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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman recommendation

Offered: 3/27/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 92 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to child and spousal support; and  
7 providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 09.65.132 is amended to read:  
10 Sec. 09.65.132. INCOME WITHHOLDING [ASSIGNMENT] ORDER FOR CHILD  
11 SUPPORT. (a) A judgment, court order, or order of the child support  
12 enforcement agency under AS 47.23 [(AS 47.23)] providing for the  
13 support of a minor child must [SHALL] contain an income withholding  
14 [ASSIGNMENT] order. An income withholding order under this section  
15 may not be enforced unless the obligor had notice of the order when it  
16 was made or an application for the order was served on the obligor in  
17 the manner provided for service of a summons under Rule 4, Alaska  
18 Rules of Civil Procedure.  
19 (b) An income withholding [ASSIGNMENT] order must [SHALL] direct  
20 the obligor, the obligor's employer, future employer, and any person,  
21 political subdivision, or department of the state to withhold [ASSIGN]  
22 money due or to be due the obligor and pay the money to the [OBLIGEE  
23 OR, WHERE THE ORDER IS ISSUED TO THE CHILD SUPPORT ENFORCEMENT AGENCY  
24 (AS 47.23) OR COLLECTIONS ARE BEING MADE THROUGH THE CHILD SUPPORT EN-  
25 FORCEMENT AGENCY, TO THAT] agency, in an amount determined under (h)  
26 of this section [SUFFICIENT TO MEET THE SUPPORT PAYMENTS IMPOSED BY  
27 THE COURT OR BY THE CHILD SUPPORT ENFORCEMENT AGENCY UNDER AS 47.23.-  
28 140].  
29 (c) If support payments are in arrears in an amount at least

1 equal to support payable for one month, the agency, on behalf of an  
2 [AN] obligee or person or public agency designated to receive support  
3 payments, shall [MAY] request an income withholding [ASSIGNMENT] order  
4 against the obligor to take effect by filing a sworn statement with  
5 the court that alleges [ALLEGING IN A SWORN STATEMENT] that the obli-  
6 gor is in arrears in an amount at least equal to the support payable  
7 for one month [HAS FAILED TO MAKE A SUPPORT PAYMENT IN FULL WITHIN 45  
8 DAYS OF THE DATE THE PAYMENT WAS DUE AND BY FILING THAT STATEMENT WITH  
9 THE COURT].

10 (d) If an application is [HAS BEEN] filed with the clerk of  
11 court, notice shall be served upon the obligor by the agency in the  
12 manner provided by Rule 5, Alaska Rules of Civil Procedure or any  
13 other method permitted by law. The notice shall [BE SENT BY CERTIFIED  
14 MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF THE  
15 OBLIGOR. THE NOTICE SHALL BE POSTMARKED NO LATER THAN 10 DAYS AFTER  
16 THE DATE ON WHICH THE APPLICATION WAS FILED AND SHALL] inform the  
17 obligor that the income withholding order [ASSIGNMENT] will take  
18 effect 15 days after the date on which the notice is served [WAS  
19 RECEIVED] unless the obligor requests a hearing within the 15 days  
20 after the notice is served [WAS SENT]. If the obligor requests a  
21 hearing, an income withholding order [ASSIGNMENT] may not take effect  
22 until the conclusion of the hearing. The court shall hold a hearing  
23 requested under this section within 15 days after the date the obligor  
24 requests the hearing, to determine if there are any mistakes of fact  
25 that make the withholding order improper, if the amount to be withheld  
26 is incorrect, or if there are any other legal defenses. The court  
27 shall inform the obligor, either at the hearing or within 15 days  
28 after the hearing, whether or not the withholding will occur and of  
29 the date on which it is to commence. It is not a defense under this

1 section that less than one full month's payment is due if at least one  
2 full month's payment was due on the date notice was served under this  
3 section [. IF THE OBLIGOR PAYS ALL SUPPORT PAYMENTS DUE BEFORE THE  
4 HEARING, AN INCOME ASSIGNMENT ORDER MAY NOT TAKE EFFECT].

5 (e) The obligee or person or public agency that requested the  
6 income withholding [ASSIGNMENT] order shall immediately send a copy of  
7 the income withholding [ASSIGNMENT] order , a copy of AS 47.23.260 and  
8 AS 09.65.132, and an explanation of the effect of the statutes by  
9 certified mail to persons who may owe money to an obligor. An income  
10 withholding [ASSIGNMENT] order made under this section is binding upon  
11 a person, employer, political subdivision, or department of the state  
12 immediately upon receipt of a copy of the income withholding [ASSIGN-  
13 MENT] order. An employer shall begin withholding the specified amount  
14 from the employee's wages 14 days after the mailing date on the notice  
15 of withholding or on the first day of the next pay period, if earlier.  
16 The amount withheld shall be sent to the agency.

17 (f) An employer may not discharge, discipline, or refuse to em-  
18 ploy an obligor on the basis of an income withholding order issued  
19 [ASSIGNMENT] under this section. If an employer discharges, disci-  
20 plines, or refuses to employ an obligor because of an income withhold-  
21 ing obligation, the court, after notice and hearing, may order rein-  
22 statement or restitution to the obligor, or both. A person who vio-  
23 lates this subsection or a regulation adopted to implement it, is  
24 liable for a civil penalty of not more than \$1,000.

25 (g) An income withholding order [ASSIGNMENT] under this section  
26 has priority over all other attachments, executions, garnishments, or  
27 other legal process brought under state law against the same money  
28 [ASSIGNMENTS] unless otherwise ordered by the court. An income with-  
29 holding order [ASSIGNMENT] is not limited to the wages of an obligor

1 but may include all money owed to the obligor not otherwise exempt by  
2 law. Exemptions under AS 09.38 do not apply to income assignments  
3 under this section [; HOWEVER, 50 PERCENT OF THE OBLIGOR'S NET DISPOS-  
4 ABLE EARNINGS IS EXEMPT FROM EXECUTION UNDER THIS SECTION. IN THIS  
5 SUBSECTION, "NET DISPOSABLE EARNINGS" HAS THE MEANING GIVEN IN 15  
6 U.S.C. 1672].

7 (h) The court may order payment of [AN OBLIGOR TO PAY] all court  
8 [COURTS] costs that resulted from [INVOLVED IN] an income withholding  
9 [ASSIGNMENT] proceeding under this section.

10 \* Sec. 2. AS 09.65.132 is amended by adding new subsections to read:

11 (i) An employer shall, to the extent permitted under 15 U.S.C.  
12 1673(b), withhold the current support obligation from an obligor's  
13 wages. An employer shall withhold additional income, to the extent  
14 permitted under 15 U.S.C. 1673(b), from an obligor's wages for any  
15 support arrearage.

16 (j) An employer may combine into a single payment to the agency  
17 amounts withheld from more than one obligor if the employer specifies  
18 the portion of the payment attributable to each obligor.

19 (k) At the time an obligor terminates employment with an em-  
20 ployer then in receipt of an unsatisfied income withholding order  
21 regarding the obligor, the employer shall immediately inform the  
22 agency of the obligor's name and last known address and the name and  
23 address of all other known employers of the obligor.

24 (l) A petition by the obligor to the court to terminate or  
25 reduce the withholding of income may be granted upon good cause shown.

26 \* Sec. 3. AS 25.24.160 is amended to read:

27 Sec. 25.24.160. JUDGMENT. In a judgment in an action for di-  
28 vorce or action declaring a marriage void or at any time after judg-  
29 ment, the court may provide

1 (1) [Repealed  
2 (2)] for the payment by either or both parties of an amount  
3 of money or goods, in gross or installments that may include cost-of-  
4 living adjustments, as may be just and proper for the parties to  
5 contribute toward the nurture and education of their children, and the  
6 court may order the parties to arrange with their employers for an  
7 automatic payroll deduction each month or each pay period, if the  
8 period is other than monthly, of the amount of the installment; if the  
9 employer agrees, the installment shall be forwarded by the employer to  
10 the clerk of the superior court which entered the judgment or to the  
11 court trustee, and the amount of the installment is exempt from execu-  
12 tion;

13 (2) [(3)] for the recovery by one party from the other of  
14 an amount of money for maintenance, in gross or in installments, as  
15 may be just and necessary without regard to which of the parties is in  
16 fault;

17 (3) [(4)] for the delivery to either party of that party's  
18 personal property in the possession or control of the other party at  
19 the time of giving the judgment;

20 [(5) Repealed]

21 (4) [(6)] for the division between the parties of their  
22 property, whether joint or separate, acquired only during coverture,  
23 in the manner as may be just, and without regard to which of the  
24 parties is in fault; however, the court, in making the division, may  
25 invade the property of either spouse acquired before marriage when the  
26 balancing of the equities between the parties requires it; and to  
27 accomplish this end the judgment may require that one or both of the  
28 parties assign, deliver, or convey any of their real or personal  
29 property to the other party;

1                   (5) [(7)] to change the name of one of the parties.

2       \* Sec. 4. AS 47.23.020(a) is amended to read:

3                   (a) The agency shall

4                         (1) seek enforcement of [OBTAIN, ENFORCE, AND ADMINISTER]  
5 child support orders of the superior courts of the state in other  
6 jurisdictions and shall obtain, enforce, and administer the orders in  
7 this state;

8                         (2) adopt regulations to carry out the purposes of this  
9 chapter, including regulations that [WHICH] establish

10                                 (A) schedules for determining the amount an obligor is  
11 liable to contribute toward the support of an obligee under this  
12 chapter and under 42 U.S.C. 651 - 665 (Title IV-D, Social Secur-  
13 ity Act);

14                                 (B) procedures for hearings conducted under AS 47.23.-  
15 170; and

16                                 (C) subject to AS 47.23.025 and to federal law, a  
17 uniform [SCHEDULE OF PENALTIES AND A] rate of interest on arrear-  
18 ages of support that shall be charged the obligor upon notice if  
19 child support payments are 10 or more days overdue or if payment  
20 is made by a check backed by insufficient funds;

21                         (3) administer and enforce the Uniform Reciprocal Enforce-  
22 ment of Support Act (AS 25.25);

23                         (4) establish, enforce, and administer child support obli-  
24 gations administratively in accordance with this chapter;

25                         (5) administer the state plan required under 42 U.S.C.  
26 651 - 665 (Title IV-D, Social Security Act) as amended;

27                         (6) disburse child support payments collected by the agency  
28 to the obligee together with interest charged under (2)(C) of this  
29 subsection; [AND]

1           (7) establish and enforce through the superior courts of  
2 the state child support orders from other jurisdictions pertaining to  
3 obligors within the state; [DEPOSIT PENALTIES CHARGED UNDER (2)(C) OF  
4 THIS SUBSECTION IN THE GENERAL FUND]

5           (8) enforce and administer spousal support orders if a  
6 spousal support obligation has been established with respect to the  
7 spouse and if the support obligation established with respect to the  
8 child of that spouse is also being administered; and

9           (9) obtain a medical support order as part of a child sup-  
10 port order if health care coverage is available to the obligor at a  
11 reasonable cost.

12 \* Sec. 5. AS 47.23 is amended by adding a new section to read:

13           Sec. 47.23.022. ENFORCEMENT REQUESTS FROM OTHER STATES. (a)  
14 The agency may act, under the laws of this state, upon requests from  
15 similar state agencies in other states that operate child support  
16 enforcement programs under 42 U.S.C. 651 - 665 (Title IV-D Social  
17 Security Act) to establish and enforce against obligors within this  
18 state support obligations determined in other states.

19           (b) Requests from child support enforcement agencies in other  
20 states shall be made by application containing the information that  
21 this state's agency requires and including written authorization from  
22 the requesting state agency and the obligee for this state's agency to  
23 initiate action necessary to establish, enforce, and collect the  
24 support obligation on their behalf.

25 \* Sec. 6. AS 47.23.025 is amended to read:

26           Sec. 47.23.025. RATES OF [PENALTY AND] INTEREST. [A PENALTY  
27 IMPOSED UNDER AS 47.23.020(a)(2)(C) MAY NOT BE AT A RATE THAT EXCEEDS  
28 THE RATE OF INTEREST IMPOSED ON DELINQUENT TAXES UNDER AS 43.05.225.]  
29 The rate of interest imposed under AS 47.23.020(a)(2)(C) shall equal

1 the rate imposed under AS 43.05.225 or a lesser rate that is the  
2 maximum rate of interest permitted to be imposed under federal law.

3 \* Sec. 7. AS 47.23.045 is amended to read:

4 Sec. 47.23.045. DETERMINATION OF SUPPORT OBLIGATION. The agency  
5 may appear in an action seeking an award of support on [IN] behalf of  
6 a child owed a duty of support, or to enforce a spousal support order  
7 if a spousal support obligation has been established and if a support  
8 obligation, established with respect to a child of that spouse, is  
9 also being administered, and may also appear in an action seeking  
10 modification of a support order, decree or judgment already entered.  
11 Action under this section may be undertaken upon application of an  
12 obligee, or at the agency's own discretion if the obligor is liable to  
13 the state under AS 47.23.120(a) or (b).

14 \* Sec. 8. AS 47.23.060(c) is amended to read:

15 (c) In a court proceeding where the support of a minor child is  
16 at issue, the court may order either or both parents to pay the amount  
17 necessary for support, maintenance, nurture, and education of the  
18 child. The court shall issue a medical support order as part of a  
19 child support order if health care coverage is available to the obli-  
20 gor at a reasonable cost. Upon a showing of good cause the court may  
21 order the parents required to pay support to give reasonable security  
22 for payments. An order for prospective child support may be modified  
23 or revoked as the court considers necessary.

24 \* Sec. 9. AS 47.23 is amended by adding a new section to read:

25 Sec. 47.23.075. EMPLOYMENT INFORMATION. (a) An employer of an  
26 obligor or a labor union of which an obligor is a member shall provide  
27 to the agency information requested regarding the obligor's employ-  
28 ment, wages or salary, and location.

29 (b) An employer of an obligor or a labor union of which an

1 obligor is a member that knowingly violates this section is liable for  
2 a civil penalty of not more than \$1,000.

3 \* Sec. 10. AS 47.23.150(a) is amended to read:

4 (a) Action to enforce a support order administratively under  
5 AS 47.23.230 - 47.23.270 is initiated by the agency serving a notice  
6 on the obligor of the obligor's liability under the support order.  
7 [NOTICE UNDER THIS SUBSECTION SHALL BE SERVED PERSONALLY OR BY REGIS-  
8 TERED, CERTIFIED, OR INSURED MAIL, RETURN RECEIPT REQUESTED, FOR  
9 RESTRICTED DELIVERY ONLY TO THE PERSON TO WHOM THE NOTICE IS DIRECTED  
10 OR TO THE PERSON AUTHORIZED UNDER FEDERAL REGULATION TO RECEIVE THAT  
11 PERSON'S RESTRICTED DELIVERY MAIL.]

12 \* Sec. 11. AS 47.23.226 is amended to read:

13 Sec. 47.23.226. COLLECTION OF [ACTION TO COLLECT] CHILD SUPPORT.  
14 To [COMMENCE AN ACTION TO] collect the payment due, the custodian of a  
15 child, or the agency on behalf of that person, shall file with the  
16 court (1) a motion [PETITION] requesting establishment of a judgment;  
17 (2) an affidavit that states that one or more payments of child sup-  
18 port are 30 or more days past due and that specifies the amounts past  
19 due and the dates they became past due; and (3) notice of the ob-  
20 ligor's right to respond. Service on the obligor shall be in the  
21 manner provided in AS 47.23.265 [BY THE RULE OF CIVIL PROCEDURE FOR  
22 SERVICE OF SUMMONS IN A CIVIL ACTION]. The child's custodian, or the  
23 agency on behalf of the custodian, shall file with the court proof of  
24 service of the petition, affidavit, and notice. The obligor shall  
25 respond no later than 15 days after service by filing an affidavit  
26 with the court. If the obligor's affidavit states that the obligor  
27 has paid any of the amounts claimed to be delinquent, describes in  
28 detail the method of payment or offers any other defense to the peti-  
29 tion, then the obligor is entitled to a hearing. After the hearing,

1 if any, the court shall enter a judgment for the amount of money owed.  
2 If the obligor does not file an affidavit under this section, the  
3 court shall enter a default judgment against the obligor.

4 \* Sec. 12. AS 47.23.250(i) is amended to read:

5 (i) Exemptions under AS 09.38 do not apply to proceedings to  
6 enforce the payment of child support under AS 47.23.230 - 47.23.270;  
7 however, [50 PERCENT OF THE OBLIGOR'S] net disposable earnings are  
8 [IS] exempt from execution as provided in 15 U.S.C. 1673(b) [UNDER  
9 AS 47.23.230 - 47.23.270]. In this subsection, "net disposable earn-  
10 ings" has the meaning given in 15 U.S.C. 1672.

11 \* Sec. 13. AS 47.23.255 is amended to read:

12 Sec. 47.23.255. INCOME WITHHOLDING [ASSIGNMENT] ORDERS. (a)  
13 The agency shall pay to the obligee all money recovered by the agency  
14 from the obligor under an income withholding [ASSIGNMENT] order except  
15 for court costs and money assigned to the agency under AS 47.23.120 -  
16 47.23.130 [THAT ARE RECOVERED FROM THE OBLIGOR].

17 (b) Notwithstanding AS 47.23.250, an income withholding [ASSIGN-  
18 MENT] order contained in a decision of the agency that has not been  
19 set aside by the superior court under AS 47.23.220 shall be enforced  
20 under the procedure established in AS 09.65.132.

21 \* Sec. 14. AS 47.23.260 is amended to read:

22 Sec. 47.23.260. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH AN  
23 ORDER OR LIEN. If any person, political subdivision, or department of  
24 the state (1) fails to make an answer to an order to withhold and  
25 deliver within the time prescribed in AS 47.23.250; (2) fails or  
26 refuses to deliver property in accordance with an order issued under  
27 AS 47.23.250; (3) pays over, releases, sells, transfers, or conveys  
28 real property subject to a lien filed under AS 47.23.230 to or for the  
29 benefit of the obligor or any other person; (4) fails or refuses to

1       surrender upon demand property attached; (5) fails or refuses to honor  
2       an assignment of wages or an income withholding [ASSIGNMENT] order  
3       under AS 09.65.132 presented by the agency, the person, political  
4       subdivision, or department of the state is liable to the agency in an  
5       amount equal to 100 percent of the amount constituting the basis of  
6       the lien, order to withhold and deliver, attachment, or withholding  
7       [ASSIGNMENT] of wages or income, together with costs, interest, and  
8       reasonable attorney fees.

9       \* Sec. 15. AS 47.23.265(a) is amended to read:

10           (a) Except as otherwise provided under this chapter, when a  
11       notice, paper, or other document is required by this chapter to be  
12       given or served upon a person by the agency, the notice, paper, or  
13       other document may be served as required by Rule 5, Alaska Rules of  
14       Civil Procedure or any other method permitted by law [SENT BY REGIS-  
15       TERED OR CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THAT PERSON.  
16       SERVICE BY MAIL UNDER THIS CHAPTER IS EFFECTED WHEN THE NOTICE, PAPER,  
17       OR OTHER DOCUMENT IS PROPERLY ADDRESSED REGISTERED OR CERTIFIED, AND  
18       MAILED].

19       \* Sec. 16. AS 47.23 is amended by adding a new section to read:

20           Sec. 47.23.278. PAYMENTS NOT DISBURSED. Support payments col-  
21       lected and held by the agency for seven years without disbursement shall  
22       be returned to the obligor.

23       \* Sec. 17. This Act takes effect October 1, 1985.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

*110*  
*copy 4/85*

Revision Date \_\_\_\_\_

Page 1 of 2

REQUEST

Bill/Resolution No: CSHB 92 JUD  
Title: An Act relating to child support enforcement  
Sponsor: Governor  
Requestor: Governor  
Date of Request: 4-2-85

FISCAL DETAIL

Agency Affected: Revenue  
Program Category Affected: Revenue Collection and Management  
BRU, Program of Subprogram(s) Affected: Child Support Enforcement Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<u>OPERATING</u>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<u>TOTAL OPERATING</u>	-	-	-	-	-	-
<u>CAPITAL</u>	-	-	-	-	-	-
<u>REVENUE</u>	*(69.6)	(69.6)	(69.6)	(69.6)	(69.6)	(69.6)

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<u>TOTAL</u>	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

not applicable

\* Due to the immediate effective date of the bill, the FY 85 fiscal impact is unknown at this time. However, in no event will it exceed the 69.6 figure shown above.

ANALYSIS: See attached.

Prepared By: Holli Ilene Ploog  
Division: Child Support Enforcement

Phone: 276-3441  
Date: 4-2-85

Approved by Commissioner: Holli Ilene Ploog  
Agency: Revenue

Date: 4/1/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Analysis:

This bill is required for Alaska to be in compliance with federal legislation (HR 4325---Child Support Enforcement Amendments of 1984). Audit sanctions could result from failure to establish corresponding state legislation. The total federal grant for Public Assistance could be reduced up to 5%.

Revenue Reduction:

AS 47.23.025 (Rates of Penalty and Interest)

The proposed legislation eliminates the rate imposed as penalty to obligors for late and missed payments which currently is 12%.

Computation Basis:

The estimated \$69.6 annual reduction in revenues is based on the average loss of \$5.8 per month in penalties using actual unpaid obligations for a sample period from October through December, 1984. Penalties are imposed for missed or late payments and are one time assessments.

Note: The satisfaction of penalty does not occur until all current obligations, arrearages, and accrued interest have been paid. Therefore, we are unable to determine when or if the division will actually collect the penalties assessed. In fact, collections in FY 84 were only \$186.56 and FY 85 to date collections are only \$535.86. (These figures are not in thousands of dollars.)

HOUSE BILL 92. FISCAL NOTE SUMMARY

Department of Revenue	Revenue (69.6)
Department of Law	-0-
Department of Health and Social Services	<u>-0-</u>
TOTAL	(69.6) Less Revenue

BILL SHEFFIELD  
GOVERNOR



HB 92

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 18, 1985

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to child support enforcement. This bill is intended to ensure that Alaska Statutes are in compliance with the federal Child Support Enforcement Amendments of 1984, PL 98-378, which strengthens enforcement techniques of state agencies. It is essential that these provisions be in effect by October 1, 1985, in order for the state to continue to obtain federal funding of 70 percent for support enforcement. Other provisions of the bill strengthen the remedies presently available by amending AS 47.23 and AS 09.65.132.

Sections 1 and 3 of the bill are necessitated by Sec. 466 of PL 98-378, which mandates that each state must have in effect a law that will permit the establishment of the parentage of a child at any time before the child's 18th birthday. Section 1 adds new AS 09.10.095, which acts as a statute of limitation. Section 3 amends AS 25.20.050, relating to establishment of paternity, to specify that such an action must be permitted until the child is 18. As a statute of limitation, a child's right to bring such an action would toll during his minority, so an action could still be maintained until age 20. AS 25.20.050 would not prohibit an action at that time, but simply reflects the federal mandate that parentage actions be permitted at least until the child reaches age 18.

Section 2 amends AS 09.65.132 to conform to federal requirements relating to income withholding orders. The use of the term "income withholding order" in substitution for "income assignment order" will provide for consistency in state and federal statutes. PL 98-378 requires that collections be deposited and distributed by a public agency designated by the state. In this case, the agency is the child support enforcement division of the Department of

Revenue (referred to as the "agency"). Since the agency will be required to administer any income withheld, and will be accountable for collection and distribution, the bill also requires that all applications for income withholding orders be filed through the agency. The effectiveness of AS 09.65.132 as an enforcement tool is strengthened by requiring an automatic procedure to trigger withholding without court intervention if an obligor does not request a hearing, and an expedited decision if a hearing is requested. The service requirement is also amended so that no more restrictive service provision is necessary than would be required under normal motion practice in a typical lawsuit. PL 98-378 also requires that employers who discharge an employee, discipline an employee, or refuse to hire a person, because of an income withholding order, be fined; therefore the bill adds a provision making commission of any of those acts a misdemeanor punishable by a fine of not more than \$1,000. This misdemeanor is not classified; thus the imprisonment provisions of AS 12.55.135 do not apply.

Section 2 of the bill also amends AS 09.65.132(g) to remove the income exemption for collections from income under an income withholding order, because new subsection (h) requires that at least the amount of the support obligation be withheld, subject to the limits of 15 U.S.C. sec. 1673(b). 15 U.S.C. sec. 1673(b) allows withholding of 50 percent of an individual's disposable earnings, or 60 percent if the individual does not support a spouse or dependent child. The maximum amount allowed to be withheld is raised to 55 and 65 percent, respectively, if collection is for arrearages over 12 weeks old. Section 11 of the bill modifies AS 47.23.250(i) to also remove the income exemptions set out in that subsection.

Section 4 of the bill contains a new chapter, AS 25.26, the Interstate Income Withholding Act, which is also required by PL 98-378. This chapter draws heavily upon a Model Interstate Income Withholding Act, drafted by the Child Support Projects section of the American Bar Association and the National Conference of State Legislatures. The Model Act was prepared to assist states to meet the deadline of October 1, 1985 for implementation of the interstate withholding requirements. The Model Act enables states that enact similar provisions to order income withholding in another state in the same manner as they would impose intrastate withholding, without the necessity of filing a new action in the other state, as is necessary under the

existing Uniform Reciprocal Enforcement of Support Act (AS 25.25) or other enforcement statutes.

Sections 5, 7, and 8 of the bill amend several sections of AS 47.23 to reflect other requirements of PL 98-378. The child support enforcement agency will be responsible for enforcing existing spousal support orders where it is also enforcing a child support order. It must also attempt to obtain medical support orders as a part of a child support order if health care coverage is available to the obligor at a reasonable cost.

Section 6 of the bill reflects a change in the percentage of penalty that must be assessed, if any is imposed, to comport with PL 98-378. Under the federal law, the penalty rate must be between three and six percent; the bill imposes the highest penalty possible. Even at the six percent penalty rate, the present penalty is reduced by one-half from the 12 percent penalty now assessed.

Section 9 of the bill corrects an oversight. Section 11, ch. 144, SLA 1984, enacted AS 47.23.265, which currently sets out specific service provisions for all of AS 47.23. Service provisions contained in AS 47.23.150 should have been deleted at the same time, but were not. The amendment to AS 47.23.150 in sec. 9 of the bill accomplishes the deletion.

Section 10 of the bill amends AS 47.23.226 to refer to the general service provision in AS 47.23.265. Section 14 of the bill then modifies that general service provision so that no more restrictive service requirements are necessary than are appropriate under Rule 5 of the Alaska Rules of Civil Procedure. Civil Rule 5 allows service either upon a party or his attorney by first class mail. It has been perceived as a problem to some of the individuals handling child support cases on behalf of the agency that the previous requirement of service by registered or certified mail often set up a barrier to the receipt of the notice. Since the affected sections only relate to the enforcement of previously established support orders, the court has continuing jurisdiction to enforce those orders. Balchen v. Balchen, 566 P.2d 324 (Alaska 1977). In that case, the Alaska Supreme Court acknowledged that the proper service provision in enforcement actions is Civil Rule 5(b), and not Civil Rule 4 which requires personal or restricted delivery service. The court even commented that there would be merit to providing, in matters of support enforcement, that service could be made directly upon the party rather than

upon the attorney for the party from the earlier divorce proceeding.

Sections 12 and 13 of the bill simply change language in statutes pertaining to income assignment orders to reflect the new term, "income withholding" orders.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield". The signature is written in dark ink and is positioned above the printed name and title.

Bill Sheffield  
Governor

DE  
3/27

# Alaska State Legislature



## House of Representatives House Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4990

### LETTER OF INTENT FOR CSHB 92 (JUD)

It is the intent of the House Judiciary Committee, in amending AS 09.65.132(h) in sec. 1 of CSHB 92 (JUD), that either party in an income withholding proceeding may be ordered by the court to pay all court costs and that payment of attorney's fees will continue to fall under Civil Rule 82, Alaska Rules of Civil Procedure.

It is the further intent of the Committee that the term "alimony", as used in a number of other states, is included in the meaning of the term "spousal support".

It is also the recommendation of the Committee that the Revisor of Statutes consider placing all of the statutes relating to child and spousal support, presently found in Titles 9 and 47, in Title 35 of the Alaska Statutes, Marital and Domestic Relations.

A handwritten signature in black ink, appearing to read "Mike Miller".

Mike Miller, Chair

HOUSE LETTER OF INTENT ADOPTED 4/1/06

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

4/24/85

Date 4-25-85

Mr. President

The Committee on JUDICIARY considered CSHB 92(Jud)  
child and spousal support; efd.

and (a majority of the committee) (the committee) reports it back with  
the following recommendations:

do pass

do pass with attached amendment(s)

replace with/or adopt CS for \_\_\_\_\_

new title

same title and recommends \_\_\_\_\_

and attached a "LETTER OF INTENT"

NEW FISCAL NOTE

reports it back without recommendation

recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Rich Halford  
John Taylor  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Patricia J. Foley  
Chairman

DO PASS  
Chairman recommendation

COMMITTEE REPORT  
SENATE

FURTHER:

JUDICIARY  
FINANCE

4/16/85

Date

4-23-85

Mr. President

The Committee on HESS considered CSHB 92(Jud)  
child and spousal support; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

1 *Paul Joseph*  
1 *Ed De Vries*  
1 *Paul Frick*  
1 *Cecilia Stungolm*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 *Letter Frobenkamp*  
Chairman  
Do Pass  
Chairman recommendation

# COMMITTEE REPORT

## HOUSE

(11)

FURTHER:

4/12/77

Date: 4-9-86

The Committee on FINANCE has had HB 93

"An Act establishing a system of recreation rivers; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 93 (FIN)  same title  
 new title
- and recommends NO PASS
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Albert H. Adams

Jim H. ...

Ronald J. ...

Pat ...

Pat ...

...

...

...

...

...

...

...

...

...

Albert H. Adams  
CHAIRMAN

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 4/9/86

**REQUEST**

Bill/Resolution No. : CSHB 93 (Fin)  
 Title : Recreational Rivers  
 \_\_\_\_\_  
 Sponsor : Rules/Governor  
 Requestor : House Finance  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Natural Resources  
 BRU : Land and Water Management  
Parks and Outdoor Recreation  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

The bill designates land without requiring any immediate management or planning. There is no fiscal impact expected during the next three to five years.

Prepared by : Ned Farquhar <sup>NF</sup> Phone : 465-2400  
 Division : Commissioner's Office Date : 4/9/86  
 Approved by Commissioner : *Eileen P. Wamsnick* Date : 4/9/86  
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 93 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a system of recreation rivers;  
7 and providing for an effective date."

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

9 \* Section 1. AS 41.23 is amended by adding new sections to read:

10 ARTICLE 2. STATE RECREATION RIVERS.

11 Sec. 41.23.200. PURPOSES. (a) The purpose of AS 41.23.200 -  
12 41.23.220 is to establish management guidelines for those rivers  
13 designated for recreation under AS 41.23.200 - 41.23.220 while permit-  
14 ting each river to be individually managed under a multiple use man-  
15 agement plan.

16 (b) The goals and objectives by which a recreation river shall  
17 be managed include

18 (1) the protection and maintenance of the fish and wildlife  
19 populations and habitat on a sustained yield basis so as to maintain,  
20 restore, and enhance fishing, hunting, and trapping activities;

21 (2) protection of the scenic and natural integrity of the  
22 river and continuation of the traditional recreational uses of the  
23 river by the public including boating, hiking, snowmachining, skiing,  
24 dog mushing, and wildlife viewings;

25 (3) management of upland activities for the protection and  
26 maintenance of water quality and stream flow.

27 (c) The commissioner shall allow an activity when compatible  
28 with (b)(1) - (3) of this section and a management plan adopted under  
29 AS 41.23.220 including, but not limited to use of aircraft,

1 powerboats, snowmachines, all-terrain vehicles, and other motorized  
2 transportation; harvest of wood products; sand and gravel extraction  
3 for public use; and public use facilities. AS 41.23.200 - 41.23.280  
4 may not be construed as permitting an activity that is incompatible  
5 with the purposes of AS 41.23.200(b)(1) - (3).

6 Sec. 41.23.210. GENERAL MANAGEMENT OF RECREATION RIVER. (a)  
7 The land and water within the area designated as a recreation river  
8 under AS 41.23.280(c) is assigned to the Department of Natural Re-  
9 sources for multiple use management consistent with the purposes of  
10 AS 41.23.200 - 41.23.280.

11 (b) Within three years from the effective date of the desig-  
12 nation of a river as a recreation river under AS 41.23.280(c), the  
13 commissioner shall, after consultation with appropriate state agen-  
14 cies, reserve to the state under AS 46.15.145 an instream flow or  
15 level for the water in the river described in AS 41.23.280(c) that is  
16 adequate to achieve the purposes of AS 41.23.200 - 41.23.280.

17 (c) The provisions of AS 41.23.200 - 41.23.280 do not affect the  
18 responsibility of

19 (1) the Department of Fish and Game, the Board of Fisher-  
20 ies, the Board of Game, or the Guide Licensing and Control Board under  
21 AS 08.54, AS 16, or AS 41.99.010;

22 (2) the Department of Environmental Conservation under  
23 AS 46.03; or

24 (3) state agencies and municipalities under AS 44.19.145-  
25 (a)(11) and AS 46.40.100.

26 (d) The commissioner shall not infringe upon the use of weapons,  
27 including firearms, within a recreation river except in sites of high  
28 public use such as picnic areas, boat ramps, camping grounds, and  
29 parking areas when the commissioner determines that the use of weapons

1 constitutes a threat to public safety. Except as provided in this  
2 subsection, the commissioner may not restrict the exercise of fishing,  
3 hunting, or trapping within a recreation river.

4 (a) The commissioner may lease land cooperatively within a  
5 recreation river to a person for the construction and operation of a  
6 public use facility within the recreation river.

7 (f) The commissioner may not restrict commercial activities  
8 existing within the boundaries of an area designated as a recreation  
9 river under AS 41.23.280(c) at the time of the designation unless the  
10 commissioner determines that the commercial activity threatens the  
11 quality of the water or an essential habitat within the recreation  
12 river.

13 Sec. 41.23.280. MANAGEMENT PLAN. (a) The commissioner shall  
14 adopt and may revise a comprehensive multiple use management plan for  
15 a river designated as a recreation river under AS 41.23.280(c). The  
16 commissioner shall consult with the Department of Fish and Game during  
17 the formulation or revision of a management plan governing the use of  
18 an area within a recreation river. The commissioner shall comply with  
19 the notice requirements of AS 38.05.945 and shall hold at least one  
20 public hearing in the municipalities and communities that are prox-  
21 imately located to the recreation river and with the local fish and  
22 game advisory committee in the area in the adoption or revision of a  
23 management plan. The comprehensive multiple-use management plan shall  
24 establish long-range guidelines and management practices consistent  
25 with the purposes of AS 41.23.200 - 41.23.280 to

26 (1) protect the fish and wildlife habitat and the free-  
27 flowing nature of the river;

28 (2) identify special recreational values and manage the  
29 level of intensity and types of recreational uses;

1 (3) designate compatible land uses and management guide-  
2 lines for associated development;

3 (4) manage commercial activities or development, including  
4 recreational services such as guiding;

5 (5) provide for necessary public services, such as trans-  
6 portation and utility corridors, public safety, and law enforcement;

7 (6) allow reasonable and necessary access to public land  
8 and private holdings and to land beyond the recreation river corri-  
9 dor;

10 (7) establish criteria and timelines to review future  
11 proposed uses for compatibility with the purposes of AS 41.23.200 -  
12 41.23.280;

13 (8) establish guidelines and setback restrictions for an  
14 activity occurring under AS 41.23.200(c).

15 (b) The commissioner may adopt regulations necessary to imple-  
16 ment the plan.

17 (c) A comprehensive management plan adopted or revised by the  
18 commissioner under (a) of this section shall be submitted to the  
19 legislature for review within the first 10 days of the first regular  
20 session of the legislature to convene after the adoption or revision  
21 by the commissioner.

22 (d) The Department of Fish and Game and the Boards of Fish and  
23 Game shall consult with the commissioner before adopting or revising  
24 regulations governing fish and game management in an area designated  
25 as a recreation river.

26 Sec. 41.23.239. MANAGEMENT OF MUNICIPAL LAND. If a municipality  
27 commits land for inclusion in a recreation river designated under  
28 AS 41.23.280(c), the commissioner shall obtain the concurrence of the  
29 municipality to the management plan proposed under AS 41.23.220 as it

applies to municipal land.

23 Sec. 41.23.240. ACQUISITION OF ADDITIONAL LAND. (a) The com-  
24 missioner may acquire in the name of the state land that is adjacent  
25 to or located within the land described in AS 41.23.230(c) by pur-  
26 chase, lease, gift, or exchange.

27 (b) The commissioner may not acquire land for inclusion in a  
28 recreation river by eminent domain.

29 Sec. 41.23.250. APPLICATION OF PUBLIC LAND LAWS. Except to the  
30 extent that a provision is inconsistent with a provision of AS 41.-  
31 23.200 - 41.23.230 the provisions of AS 38.04; AS 38.05; AS 38.35; and  
32 AS 38.95 apply to land described in AS 41.23.230(c).

33 Sec. 41.23.260. COOPERATIVE MANAGEMENT AGREEMENTS. (a) The  
34 commissioner may enter into a cooperative management agreement for the  
35 management of land and water described in AS 41.23.230(c) or other  
36 adjacent land and water with a federal agency, a municipality of the  
37 state, another agency of the state, or a private landowner.

38 (b) The commissioner may transfer the management of a specific  
39 site within a recreation river described in AS 41.23.230(c) to a state  
40 agency to assist in the development of a facility or to carry out a  
41 program authorized by law.

42 (c) The commissioner may not manage a recreation river described  
43 in AS 41.23.230(c)(1) - (6) as a unit of the state park system.

44 Sec. 41.23.270. RECOMMENDATIONS BY COMMISSIONER. (a) Before  
45 recommending the establishment of a recreation river to the legisla-  
46 ture, the commissioner shall adopt a plan for the area encompassing  
47 the proposed recreation river.

48 (b) In the adoption of a plan recommending the establishment of  
49 a recreation river, the commissioner shall

(1) after notice under AS 38.05.045, hold a public hearing

In each community that is located proximately to or within the boundaries of an area proposed for inclusion within a recreation river;

(2) prepare a summary of the testimony offered at each public hearing held under (1) of this subsection with regard to the establishment of the proposed recreation river for inclusion in the plan;

(3) consult with each fish and game advisory committee with responsibilities for an area within the boundaries of an area proposed for inclusion within a recreation river and include the recommendations of the local fish and game advisory committee in the plan; and

(4) provide a copy of the plan to each community in which a hearing was held under (1) of this subsection.

Sec. 47.23.288. DESIGNATED RIVERS. (a) Subject to valid existing rights, the state-owned land and water designated as a recreation river under (c) of this section constitute a special purpose area under art. VIII, sec. 7 of the Alaska Constitution. State-owned land and water may be designated as a recreation river only by the legislature.

(b) The state-owned land and water described in this section are closed to mineral entry and leasing under AS 38.05.150 - 38.05.175 and 38.05.185 - 38.05.275. The state-owned land and water described in this section is closed to land disposals under AS 38.05.035(b), 38.05.045 - 38.05.069, AS 38.08 and AS 38.09 within one-half mile upland of the meander of the ordinary high water mark of the river.

(c) The land and water presently owned by the state and all land and water acquired by the state in the future, including shore and submerged land, that lies within the following described parcels are designated recreation rivers:

(1) Taichulitna State Recreation River

- (A) Township 16 North, Range 10 West, Tenth Meridian  
 Section 6: N1/2  
 Section 7: NW1/4
- (B) Township 16 North, Range 11 West, Tenth Meridian  
 Section 1: N1/2, SW1/4  
 Section 2: S1/2, NW1/4  
 Section 3  
 Section 11: N1/2  
 Section 12: S1/2
- (C) Township 17 North, Range 10 West, Tenth Meridian  
 Section 6: S1/2, N1/2, NW1/4  
 Section 7  
 Sections 11 - 13  
 Sections 22 - 24
- (D) Township 17 North, Range 11 West, Tenth Meridian  
 Section 1: N1/2, SW1/4  
 Section 2: N1/2  
 Sections 4 - 6  
 Section 8: N1/2  
 Sections 9 - 11  
 Section 14: S1/2  
 Section 15  
 Section 17: NW1/4  
 Section 18: N1/2, SW1/4  
 Section 19: NW1/4, SW1/4  
 Section 22  
 Section 23: S1/2

Section 25: 31/321/2

Section 26: 31/2

Section 27

Section 28

Section 29: 31/2

(E) Township 17 North, Range 12 West, Tward Meridian

Section 7: 31/2

Section 8: 31/2

Section 9

Section 10: 31/2

Section 11: 31/2

Section 12: 31/2

Sections 13 - 15

Section 16: 31/2

Sections 17 - 19

Section 20: 31/2, 31/321/2

(F) Township 17 North, Range 12 West, Tward Meridian

Section 6: 31/2

Section 10: 31/2

Section 11: 31/2

Section 12: 31/2

Sections 13 - 15

Section 24: 31/2

(G) Township 18 North, Range 10 West, Tward Meridian

Section 18: 31/4, 31/4, 31/4

Section 19: 31/4, 31/2, 31/4, 31/4, 31/4

Section 20: 31/2, 31/4

Section 21

Section 22: 31/2, 31/2

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Section 26: NE1/4, SW1/4, NW1/4

Section 27: NE1/4, SW1/4

Sections 28 - 29

Section 30: NE1/4, SW1/4

Section 31: NE1/4, SW1/4, NW1/4, SE1/4, SW1/4

Section 32: NE1/4, SW1/4

Section 34: NE1/4, SW1/4

(10) Township 18 North, Range 11 East, Seward Meridian

Section 6: NE1/4, SW1/4, NW1/4, SE1/4

Section 7

Section 11: NE1/4, SW1/4

Section 12: NE1/4, SW1/4

Section 13: NE1/4, SW1/4, NW1/4, SE1/4

Section 18: SW1/4

Sections 17 - 16

Section 19: SW1/4

Section 20: NE1/4, SW1/4

Section 21: SW1/4

Section 24: NE1/4, SW1/4

Section 27

Section 28: SW1/4

Section 30: SW1/4

Section 33

(11) Township 18 North, Range 12 East, Seward Meridian

Sections 1 - 2

Section 17: NE1/4, SW1/4

(12) Township 19 North, Range 12 East, Seward Meridian

Section 3: NE1/4, SW1/4

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Section 4: E1/2E1/2, W1/2SE1/4, SE1/4SW1/4  
 Section 9: E1/2, SW1/4, E1/2NW1/4, SW1/4NW1/4  
 Section 10: NW1/4  
 Section 15: W1/2SW1/4, SW1/4NW1/4  
 Section 16  
 Section 31  
 Section 33: SW1/2SW1/2, E1/2SE1/4, SW1/4SE1/4  
 Sections 37 - 38  
 Section 34  
 Section 35: S1/2, NW1/4

(10) Township 20 North, Range 11 West, Seward Meridian

Section 18: W1/2  
 Section 19: S1/2

(11) Township 20 North, Range 11 West, Seward Meridian

Section 1  
 Section 2: S1/2  
 Section 11: S1/2  
 Sections 12 - 13  
 Section 14: E1/2  
 Sections 22 - 24  
 Section 25: W1/2  
 Section 26  
 Section 27: E1/2  
 Section 34: S1/2, SE1/4, SW1/4NW1/4  
 Section 35: NW1/4

(12) Township 21 North, Range 11 West, Seward Meridian

Section 31: SW1/4

(13) Township 21 North, Range 12 West, Seward Meridian

Section 25: that portion south of the Skwentna

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River

Section 16: that portion south of the Skowanna  
River

Section 15: that portion south of the Skowanna  
River

Section 26: that portion south of the Skowanna  
River

(2) Alexander Creek State Recreation River

(A) Township 16 North, Range 7 West, Seward Meridian  
Sections 5 - 7

Sections 18 - 19

(B) Township 17 North, Range 7 West, Seward Meridian

Section 10: NE 1/4, SE 1/4

Section 11

Sections 10 - 11

Section 12: SE 1/4

(C) Township 17 North, Range 8 West, Seward Meridian

Section 1

Section 2: NE 1/4, SE 1/4

Section 3: NE 1/4

Section 4: NE 1/4, SE 1/4

Section 11: SE 1/4

Section 12

Section 13: NE 1/4, SE 1/4

Section 14: NE 1/4, SE 1/4

(D) Township 16 North, Range 8 West, Seward Meridian

Section 4: NE 1/4

Section 5

Section 6: SE 1/4

Section 8: N1/2, SE1/4

Section 9

Section 10: SW1/4

Section 14: N1/2SW1/4, SE1/4SW1/4

Section 15: N1/2, SE1/4, S1/2NE1/4

Section 16: N1/2, SE1/4

Section 22: N1/2, N1/2SE1/2, S1/2SE1/4

Section 23: N1/2, N1/2SE1/4

Section 26: N1/2, N1/2SE1/2, N1/2SE1/4

Section 27: S1/2NE1/4

Section 33: SW1/4, S1/2SW1/4

Section 34: S1/2SE1/2

Section 35

Section 36: 1/2

(5) Township 19 North, Range 9 West, Seward Meridian

Section 18: N1/2, S1/2SE1/2

Section 19: N1/2SW1/2

Section 30

Section 31: N1/2, S1/2SW1/2

Section 32

(7) Township 19 North, Range 9 West, Seward Meridian

Sections 3 - 4

Sections 9 - 10

Section 13: S1/2

Section 14: S1/2

Sections 15 - 16

Section 22: N1/2

Section 23: N1/2

Section 24

(5) Lake Creek State Recreation River

(A) Township 21 North, Range 9 West, Second Meridian

Section 3

Section 4: Including Tracts A, B, C and D

Section 9: N1/2 Including Tracts A and B

Section 10

Section 15

(B) Township 22 North, Range 9 West, Second Meridian

Section 4: SW1/4, S1/2

Section 5: N1/2, N1/2SW1/4

Section 9: N1/2, SE1/4, N1/2SW1/4

Section 10: N1/2SW1/4, SW1/4SW1/4

Section 15: S1/2

Section 16: S1/2, N1/2SW1/4

Section 21: S1/2

Section 22: S1/2

Section 27: S1/2

Section 28: S1/2

Section 34

(C) Township 23 North, Range 9 West, Second Meridian

Section 3: N1/2SW1/2

Section 4

Section 5: S1/2, S1/2SW1/4

Section 7: SE1/4, SE1/4NE1/4, S1/2SW1/4

Section 8: S1/2, NE1/4, S1/2SW1/4, SE1/4SW1/4

Section 9: N1/2SW1/4, SE1/4SW1/4, SW1/4SW1/4

Section 17: S1/2, N1/2SE1/2

Section 18: S1/2

Section 19: S1/2, SE1/4, S1/2SW1/4

Section 28: N1/2, SE1/4, S1/2NE1/4, NW1/4NE1/4

Section 29

Section 30: NE1/4, S1/2NW1/4, NE1/4SW1/4, SE1/4

Section 32

Section 33: S1/2SW1/4, NW1/4SW1/4

(5) Township 24 North, Range 9 West, Seward Meridian

Section 25: S1/2SW1/4, SW1/4SE1/4

Section 28: NW1/4, S1/2

Section 30

Section 31: N1/2

Section 32: SW1/4, E1/2

Section 33

Section 34: NW1/4SW1/4

(6) Township 24 North, Range 10 West, Seward Meridian

Section 5

Section 6: N1/2

Section 10

Section 11: S1/2, N1/2SE1/4, SW1/4NE1/4

Section 13: S1/2SW1/4

Section 14

Section 15: NE1/4

Section 23: N1/2, SE1/4

Section 24: N1/2, S1/2SE1/4, NW1/4SE1/4

Section 25

Section 36: NE1/4, S1/2NW1/4

(7) Township 25 North, Range 10 West, Seward Meridian

Sections 6 - 7

Section 8: S1/2, SW1/4

Section 16: N1/2

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Section 17

Section 18: E1/2

Section 19: SE1/4, E1/2

Section 20

Section 21: E1/2

Section 22: SE1/4

Section 23: E1/2

Section 24

Section 25: E1/2, SE1/4

Sections 24 - 25

Section 26: E1/2

(20) Township 25 North, Range 11 West, Fourth Meridian

Section 1: E1/2

(21) Township 26 North, Range 11 West, Fourth Meridian

Section 31

(22) Township 26 North, Range 11 West, Fourth Meridian

Sections 3 - 4

Section 9: E1/2

Section 10

Section 11: E1/2

Section 12

Section 13: E1/2, SE1/4

Section 14

Section 15: E1/2, SE1/4

Section 16

Section 17: SE1/4

Section 18: SE1/4

Section 19

(23) Township 27 North, Range 11 West, Fourth Meridian

Section 6: SW1/4

Section 7

Section 8: SW1/4

Sections 17 - 19

Section 19: NE1/2, SW1/4

Section 20

Section 21: SW1/4

Sections 28 - 29

Section 30: NE1/4

Section 32: E1/2

Section 33

Section 34: NE1/4

(3) Township 17 North, Range 12 West, Seward Meridian

Sections 1 - 2

Section 10: NE1/2, SE1/4

Sections 11 - 14

Section 15: SW1/4

Section 23: NE1/4

Section 24: NE1/2

(2) Township 18 North, Range 12 West, Seward Meridian

Sections 1 - 3

Sections 5 - 12

Sections 13 - 17

Sections 21 - 24

Sections 25 - 29

Sections 33 - 36

(4) Krote Creek and Moose Creek State Recreation River

(A) Township 19 North, Range 5 West, Seward Meridian

Section 2: SW1/4

Section 3

Section 10:  $SE1/2$

Section 11

Section 16

Section 15:  $SE1/4SE1/2$

Section 22:  $SE1/4SE1/2$

Section 23

Section 25: that portion west of the eastern-  
most bank of the Susitna River

Section 26

Section 27:  $SE1/2SE1/2$

Section 34:  $SE1/4NE1/4$

Section 35

Section 36: that portion west of the eastern-  
most bank of the Susitna River

(C) Township 10 North, Range 6 West, Tenth Meridian

Section 4

Section 5:  $SE1/2$

Section 21:  $SE1/4, SE1/4SE1/4$

Section 8

Section 13:  $SE1/2$

Section 14

Section 11:  $SE1/2, SE1/4NE1/4, SE1/4SE1/4$

Section 12:  $SE1/4, SE1/2$

Section 17

Section 24

(C) Township 11 North, Range 6 West, Tenth Meridian

Section 3

Section 9:  $SE1/2SE1/4, SE1/4SE1/4$

Section 10

Section 15: NE1/2, SE1/2SE1/4

Section 16

Section 20: SE1/2

Section 21

Section 22

Section 29: SE1/2

Section 32: SE1/2SE1/2, SE1/4SE1/4

Section 33

Section 34: SE1/4

(D) Township 22 North, Range 4 West, Edward Meridian

Sections 4 - 5

Section 6: SE1/2, SE1/2SE1/2

Sections 7 - 8

Sections 16 - 17

Section 19 - 21

Section 27

Section 28: SE1/2, SE1/4, SE1/2SE1/4

Section 29: SE1/2SE1/4

Section 33: SE1/2SE1/4, SE1/4SE1/4

Section 34

(E) Township 23 North, Range 3 West, Edward Meridian

Section 4

Section 7: SE1/2

Section 9

Section 16

Section 17: SE1/4SE1/4

Sections 18 - 19

Section 20: SE1/2NW1/4

Section 8: 31/25M/4

Section 7

Section 6: 31/7, 31/6

(17) Township 14 North, Range 7 East, Section 5

Section 5

Section 4: 31/21/7, 31/7

Section 3: 31/6, 31/5M/4, 31/45M/4

Section 2: 31/7, 31/45M/4

Section 1: 31/7, 31/5M/4

Section 10

Section 10: 31/4, 31/5M/4

Section 9

Section 8: 31/7, 31/4, 31/5M/4

Section 7: 31/4, 31/5M/4

Section 6

Section 5

(18) Township 16 North, Range 7 East, Section 6

Section 6: 31/5M/4

Section 5: 31/7, 31/6

Section 4

Sections 3 - 13

Section 2: 31/7

Section 1

(19) Township 15 North, Range 7 East, Section 10

Section 10

Section 10: 31/7

Sections 9 - 11

Section 8

Section 7

Section 16: N1/2, N1/2SE1/2

Section 17

Section 18: N1/2SE1/2, SE1/4SW1/4, S1/2NE1/4,  
N1/2SE1/4, SE1/4SE1/4

Section 19: NE1/4NE1/4

Section 20: N1/2

Section 21: N1/2, SE1/4, N1/2SE1/4

Section 27

Section 28: N1/2

Section 33: SE1/4NE1/4

Section 34: N1/2, N1/2SE1/2, SE1/4SW1/4

Section 35: N1/2, SE1/4, N1/2SE1/4

Section 36: N1/4

(1) Township 14 North, Range 6 West, Seward Meridian

Section 11: N1/2

Section 12: SE1/4, N1/2SE1/4

Section 13: NE1/4NE1/4

(2) Township 15 North, Range 6 West, Seward Meridian

Section 5

Section 6

Section 17

Section 18: SE1/4

Section 19: N1/2, N1/2SE1/2

Section 20: N1/2SW1/2

Section 29: N1/2SW1/2

Section 30: N1/2, N1/2SW1/2

Section 31: N1/2

Section 32: N1/2SW1/2, SE1/4SW1/4

(3) Township 25 North, Range 7 West, Seward Meridian

Section 5

Section 6: SE1/4, SW1/4

Section 7: SW1/2, SW1/4, SW1/4SW1/4

Section 8: SW1/4, SW1/4SW1/4

Sections 18 - 19

Sections 30 - 31

(ii) Township 25 North, Range 5 West, Seward Meridian

Section 13: SW1/2 SW1/4

Section 24: SW1/4SW1/4

(iii) Township 26 North, Range 6 West, Seward Meridian

Section 5

Section 8

Section 12: SW1/2, SW1/4, SW1/4SW1/4, SW1/4SW1/4

Section 16: SW1/4

Section 20: SW1/2, SW1/4, SW1/4SW1/4, SW1/4SW1/4

Section 28: SW1/2, SW1/4

Section 30: SW1/2, SW1/4, SW1/4SW1/4

Section 31: SW1/4SW1/4, that portion of SW1/4-SW1/4 within detached segment 150' each side

(iii)

Section 35: lands within 150' (iii)

(iv) Township 26 North, Range 7 West, Seward Meridian

Section 4: SW1/2

Section 5: SW1/2, SW1/4SW1/4

Section 7: SW1/4

Section 8

Section 9: SW1/4, SW1/4SW1/4

Section 17

Section 18: SW1/2

Section 19

Section 29: N1/2

Section 29: S1/2, NW1/4

Section 30

Section 31: NE1/4

Section 32

(C) Township 27 North, Range 6 West, Seward Meridian

Section 4

Section 5: E1/2

Section 8: E1/2

Section 9

Section 16

Section 17: N1/2

Section 18: N1/2

Section 21

Section 28: N1/2

Section 32: N1/2

Section 32: N1/2

Section 33: N1/2

(D) Township 27 North, Range 7 West, Seward Meridian

Section 7

Section 8: N1/2, NW1/4

Section 9: N1/2

Section 16

Section 17: N1/2, SE1/4

Section 20: E1/2

Section

Section 28: N1/2, NW1/4

Section 29: E1/2

Section 32: 31/2

Section 33: 31/2

(C) Township 27 North, Range 2 West, Seward Meridian  
Section 18: SE1/4

(D) Township 28 North, Range 6 West, Seward Meridian  
Section 32: 31/2SE1/4

Section 33: 31/2SE1/2

(5) Talkoona State Recreation River

(A) Township 26 North, Range 3 West, Seward Meridian  
Section 1

Section 2

Sections 3 - 6: including ASLS 21-196, ASLS  
18-24, ASLS 20-24

(B) Township 25 North, Range 4 West, Seward Meridian  
Section 1: exclusive of ASLS 75-149

Section 2: exclusive of ASLS 79-149

Section 3: exclusive of ASLS 79-149

Section 4: 31/2, 31/4 exclusive of ASLS 79-149

Section 7: 31/2

Section 8: 31/2 exclusive of ASLS 79-149

Section 9: 31/2, 31/2SE1/4

Section 10: 31/2NE1/2, SE1/4NE1/4

Section 11: 31/2SE1/2

Section 15: 31/2NW1/4, 2SE1/4SE1/4

Section 16: 31/2, 31/2SE1/2

Section 17: that portion north of the south  
bank of the Talkoona River

Section 18: exclusive of DOT 290642

(C) Township 26 North, Range 5 West, Seward Meridian