

ALASKA LEGISLATURE

1801

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

SB152

HFIN

FILE

WAIVED

SB

152

SFIN

FILE

CS FOR SENATE BILL NO. 152(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR LEMAN BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certified nurse aides; and providing for an effective date."

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

3 * Section 1. AS 08.01.087 is amended by adding a new subsection to read:

4 (c) Under procedures and standards of operation established by the department
5 by regulation, and with the agreement of the appropriate agency, the department may
6 designate appropriate state or municipal agencies to investigate reports of abuse,
7 neglect, or misappropriation of property by certified nurse aides.

8 * Sec. 2. AS 08.01.090 is amended to read:

9 Sec. 08.01.090. **Applicability of the Administrative Procedure Act.** The
10 Administrative Procedure Act (AS 44.62) applies to regulations adopted and
11 proceedings held under this chapter, except those under AS 08.01.087(b) and actions
12 taken under AS 08.68.333(c).

13 * Sec. 3. AS 08.68.100(a) is amended to read:

14 (a) The board shall

15 (1) adopt regulations necessary to implement this chapter, including

1 regulations pertaining to practice as an advanced nurse practitioner and a nurse
 2 anesthetist, and regulations necessary to implement AS 08.68.331 - 08.68.336
 3 relating to certified nurse aides in order to protect the health, safety, and welfare
 4 of clients served by nurse aides;

5 (2) approve curricula and adopt standards for basic education programs
 6 that prepare persons for licensing under AS 08.68.190;

7 (3) provide for surveys of the basic nursing education programs in the
 8 state at the times it considers necessary;

9 (4) approve education programs that meet the requirements of this
 10 chapter and of the board, and deny, revoke, or suspend approval of education programs
 11 for failure to meet the requirements;

12 (5) examine, license, and renew the licenses of qualified applicants;

13 (6) prescribe requirements for competence before a former nurse may
 14 resume the practice of nursing under this chapter;

15 (7) keep a record of its proceedings, and submit annual reports to the
 16 governor and legislature;

17 (8) define by regulation the qualifications and duties of the executive
 18 secretary and delegate authority to the executive secretary that is necessary to conduct
 19 board business;

20 (9) develop reasonable and uniform standards for nursing practice;

21 (10) publish advisory opinions regarding whether nursing practice
 22 procedures or policies comply with acceptable standards of nursing practice as defined
 23 under this chapter.

24 * Sec. 4. AS 08.68.140 is amended to read:

25 **Sec. 08.63.140. Applicability of Administrative Procedure Act.** Except as
 26 specified in AS 08.68.333(f), the [THE] board shall comply with the Administrative
 27 Procedure Act (AS 44.62).

28 * Sec. 5. AS 08.68 is amended by adding new sections to read:

29 **Article 3A. Certified Nurse Aides.**

30 **Sec. 08.68.331. Certification of nurse aides.** (a) The board or the
 31 Department of Commerce and Economic Development, as designated by the board,

1 shall issue certification as a nurse aide to qualified applicants. The board, after
 2 consultation with affected agencies, may adopt regulations regarding the certification
 3 of nurse aides, including

4 (1) the training, educational, and other qualifications for certification
 5 that will ensure that the nurse aides are competent to perform the tasks of their
 6 occupation;

7 (2) application, certification, renewal, and revocation procedures; and

8 (3) maintenance of a registry of certified nurse aides.

9 (b) The board may

10 (1) conduct hearings upon charges of alleged violations of this chapter
 11 or regulations adopted under it; and

12 (2) invoke, or request the department to invoke, disciplinary action
 13 under AS 08.01.075 against a certified nurse aide.

14 **Sec. 08.68.352. Use of title.** (a) A person may not use the title "certified
 15 nurse aide" or the abbreviation "C.N.A." unless the person is certified under this
 16 chapter.

17 (b) A person who knowingly violates this section is guilty of a class B
 18 misdemeanor. In this subsection, "knowingly" has the meaning given in
 19 AS 11.81.900(2).

20 **Sec. 08.68.333. Registry of certified nurse aides.** (a) The board shall
 21 maintain a registry of certified nurse aides. At a minimum, this registry must include
 22 the information required under federal regulations that are applicable to nurse aides
 23 found to have committed abuse, neglect, or misappropriation of property in connection
 24 with their employment by a facility participating in the Medicaid or Medicare program.

25 (b) If the board finds that a certified nurse aide has committed abuse, neglect,
 26 or misappropriation of property in connection with employment as a nurse aide, the
 27 board shall revoke the nurse aide's certification and enter the finding in the registry.

28 (c) Upon receiving a notice of a finding under AS 47.05.055 that a certified
 29 nurse aide has committed abuse, neglect, or misappropriation of property, the board
 30 shall immediately revoke the nurse aide's certification without a hearing, enter the
 31 finding in the registry, and notify the nurse aide of the revocation and entry of the

1 finding. Notice is considered given when delivered personally to the nurse aide or
 2 deposited in the United States mail addressed to the nurse aide's last known mailing
 3 address on file with the board. The department shall retain proof of mailing.

4 (d) If the certified nurse aide is employed in a skilled nursing facility or a
 5 nursing facility, other than an intermediate care facility for the mentally retarded, that
 6 is participating in the Medicaid or Medicare program, only the state survey and
 7 certification agency may make, and report to the Board of Nursing, a finding that the
 8 certified nurse aide has committed abuse, neglect, or misappropriation of property in
 9 connection with the nurse aide's employment at the facility.

10 (e) The board shall establish procedures under which a finding under
 11 AS 47.05.055 that a certified nurse aide has committed abuse, neglect, or
 12 misappropriation of property and the resulting revocation of certification will be
 13 removed from the registry if the certified nurse aide requests a hearing and can
 14 establish mistaken identity or the finding has been set aside by the reporting agency
 15 or by a court of competent jurisdiction.

16 (f) AS 44.62.330 - 44.62.630 do not apply to actions taken under (c) of this
 17 section.

18 **Sec. 08.68.334. Grounds for denial, suspension, or revocation of certificate.**

19 The board may deny a certification to, or impose a disciplinary sanction authorized
 20 under AS 08.01.075 against, a person who

21 (1) has obtained or attempted to obtain certification as a nurse aide by
 22 fraud, deceit, or intentional misrepresentation;

23 (2) has been convicted of a crime substantially related to the
 24 qualifications, functions, or duties of a certified nurse aide;

25 (3) has impersonated a registered or practical nurse or other licensed
 26 health care provider;

27 (4) has intentionally or negligently engaged in conduct that has resulted
 28 in a significant risk to the health or safety of a client or in injury to a client;

29 (5) is incapable of working as a certified nurse aide with reasonable
 30 skill, competence, and safety for the public because of

31 (A) professional incompetence;

1 (B) addiction or severe dependency on alcohol or a drug that
2 impairs the licensee's ability to practice safely;

3 (C) physical or mental disability; or

4 (D) other factors determined by the board;

5 (6) has knowingly or repeatedly failed to comply with this chapter, a
6 regulation adopted under this chapter, or with an order of the board; or

7 (7) has misappropriated the property of, abused, or neglected a client.

8 **Sec. 08.68.335. Immunity for certain reports to the board.** A person who,
9 in good faith, reports information to the board relating to alleged incidents of
10 incompetent, unprofessional, or unlawful conduct of a certified nurse aide is not liable
11 in a civil action for damages resulting from the reporting of the information.

12 **Sec. 08.68.336. Fees.** The Department of Commerce and Economic
13 Development shall set fees under AS 08.01.065 for certified nurse aides for each of
14 the following:

15 (1) application;

16 (2) examination;

17 (3) certification; and

18 (4) renewal of certification.

19 * **Sec. 6.** AS 08.68.410 is amended by adding a new paragraph to read:

20 (9) "certified nurse aide" is a person who is certified as a nurse aide by
21 the board.

22 * **Sec. 7.** AS 44.62.330(a)(10) is amended to read:

23 (10) Board of Nursing functions, except those related to findings of
24 abuse, neglect, or misappropriation of property contained in the registry of
25 certified nurse aides under AS 08.68.333;

26 * **Sec. 8.** AS 47.05.010 is amended by adding a new paragraph to read:

27 (15) investigate reports of abuse, neglect, or misappropriation of
28 property by certified nurse aides in facilities licensed by the department under
29 AS 18.20.

30 * **Sec. 9.** AS 47.05.017(b) is amended to read:

31 (b) The department shall adopt regulations identifying actions that it will take,

1 in addition to those otherwise required under AS 47.17 and AS 47.24, when a report
2 of harm is made under AS 47.17 or AS 47.24 that might relate to harm caused by
3 actions or inactions of a public home care provider. The regulations must

4 (1) address circumstances under which the department will, or will
5 require a contractor or grantee to, reassign, suspend, or terminate a person alleged to
6 have perpetrated harm; [AND]

7 (2) include appropriate procedural safeguards to protect the due process
8 rights of public home care providers who may be reassigned, suspended, or terminated
9 under the circumstances described in (1) of this subsection; and

10 (3) if the home care provider is a certified nurse aide, include
11 procedures under which the department shall notify the Board of Nursing if the
12 nurse aide is suspected of abuse, neglect, or misappropriation of property.

13 * Sec. 10. AS 47.05 is amended by adding a new section to read:

14 Sec. 47.05.055. Certified nurse aides. (a) If the department has reason to
15 believe that a certified nurse aide employed in a facility licensed by the department
16 under AS 18.20 has committed abuse, neglect, or misappropriation of property in
17 connection with the person's duties as a certified nurse aide at the facility, the
18 department shall investigate the matter. The department shall conduct proceedings to
19 determine if a finding of abuse, neglect, or misappropriation of property should be
20 made. These proceedings shall be conducted under ^{regulations adopted by the department and} AS 44.62.330 - 44.62.620. ^(insert from) A
21 finding under this subsection that a certified nurse aide has committed abuse, neglect,
22 or misappropriation of property shall be reported by the department to the Board of
23 Nursing.

24 (b) If the certified nurse aide is employed in a skilled nursing facility or
25 nursing facility, other than an intermediate care facility for the mentally retarded, that
26 is participating in the Medicaid or Medicare program, only the state survey and
27 certification agency may make, and report to the Board of Nursing, a finding that a
28 certified nurse aide has committed abuse, neglect, or misappropriation of property in
29 connection with the nurse aide's employment at the facility.

30 * Sec. 11. AS 47.17.030 is amended by adding a new subsection to read:

31 (f) If an investigation under this section shows reasonable cause to believe that

1 a certified nurse aide has committed abuse, neglect, or misappropriation of property,
2 the department shall report the matter to the Board of Nursing.

3 * **Sec. 12.** AS 47.17.290(13) is amended to read:

4 (13) "practitioner of the healing arts" includes chiropractors, mental
5 health counselors, dental hygienists, dentists, health aides, nurses, nurse practitioners,
6 certified nurse aides, occupational therapists, occupational therapy assistants,
7 optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants,
8 physicians, physician's assistants, psychiatrists, psychologists, psychological associates,
9 audiologists licensed under AS 08.11, hearing aid dealers licensed under AS 08.55,
10 marital and family therapists licensed under AS 08.63, religious healing practitioners,
11 acupuncturists, and surgeons;

12 * **Sec. 13.** AS 47.24.010(a) is amended by adding a new paragraph to read:

13 (15) a certified nurse aide.

14 * **Sec. 14.** AS 47.24.013 is amended by adding a new subsection to read:

15 (f) If an investigation conducted by an agency under this section shows
16 reasonable cause to believe that a certified nurse aide has committed abuse, neglect,
17 or misappropriation of property, the agency shall report the matter to the Board of
18 Nursing.

19 * **Sec. 15.** AS 47.24.015 is amended by adding a new subsection to read:

20 (g) If an investigation under this section shows reasonable cause to believe that
21 a certified nurse aide has committed abuse, neglect, or misappropriation of property,
22 the department shall report the matter to the Board of Nursing.

23 * **Sec. 16.** AS 47.33.520 is amended by adding a new subsection to read:

24 (f) If the licensing agency's investigation shows reasonable cause to believe
25 that a certified nurse aide has committed abuse, neglect, or misappropriation of
26 property, the licensing agency shall report the matter to the Board of Nursing.

27 * **Sec. 17. TRANSITION: REGULATIONS.** A state agency affected by this Act may
28 proceed to adopt regulations necessary to implement changes affecting the state agency that
29 are enacted by this Act. The regulations take effect under AS 44.62 (Administrative
30 Procedure Act), but not before the effective date of the changes in law in this Act.

31 * **Sec. 18. TRANSITION: CERTIFICATIONS.** (a) A person who holds a current, valid

1 certification from the Board of Nursing as a nurse aide on the day before the effective date
2 of this bill section, subject to continued eligibility under AS 08.68 and regulations adopted
3 under that chapter, is entitled to retain a renewable certification as a nurse aide.

4 (b) A person who, on the day before the effective date of this bill section, holds a
5 certification from the Board of Nursing as a nurse aide that has been expired for less than two
6 years may apply for renewal of that certification under standards to be established by the
7 board. A certification may not be renewed under this subsection unless the person applies for
8 the renewal before September 1, 1998.

9 * Sec. 19. Section 17 of this Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
 Bill Version: SB152
 (S) Publish Date: 4/16/97

Revision Date: _____
 Title: An Act relating to certified nurse aides.
 Sponsor: Senator Leman
 Requestor: Senate Labor & Commerce

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations
 COMPONENT SERIAL NO. 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	59.6	59.6	59.6	59.6	59.6	59.6
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	15.7	15.7	15.7	15.7	15.7	15.7
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	8.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	86.3	78.3	78.3	78.3	78.3	78.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	86.3	78.3	78.3	78.3	78.3	78.3
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other 1091 Designated PR	86.3	78.3	78.3	78.3	78.3	78.3
TOTAL	86.3	78.3	78.3	78.3	78.3	78.3

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill places certification of nurse aides under the Board of Nursing and grants disciplinary authority of certified nurse aides to the board. Certification of nurse aides is currently administered by the Department of Commerce and Economic Development under Administrative Order #115 signed on 8/4/89. However, current administration of the program does not include enforcement of unacceptable or inappropriate conduct. Since the bill assigns enforcement responsibility to the Board of Nursing, this fiscal note provides a full-time Investigator to work certified nurse aide cases and provides funding for legal services. See attached for further explanation.

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 4/3/97
 Date: 4-3-97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO.: SB 152 *1

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

PERSONAL SERVICES 59.6

1 - Permanent Full-Time Investigator III, Range 18, GOS

TRAVEL 2.0

- Travel and Per Diem for the Investigator III to conduct field work throughout the State: \$2.0

CONTRACTUAL 15.7

- Contractual-related costs for the Investigator III position, such as communications (phones, postage, etc.), misc. case related costs (copies of records), expert witnesses, depositions, etc.: \$3.0
- Office space costs for the Investigator III position: \$2.5
- Legal services in preparing cases for litigation. The funding provides 120 hours of legal services (10 hours per month x 12) at \$85 per hour. There are 1,929 certified nurse aides. At the rate of \$85 per hour, each individual would be responsible to contribute \$5.29 of their licensing fees toward enforcement, for a total of: \$10.2

SUPPLIES 1.0

Provides daily operating desk top supplies for the Investigator III.

EQUIPMENT (One-time costs only) 8.0

Workstation	3.0
Phone/Install	2.0
Computer	2.0
File Cabinet	1.0

TOTAL FY 98 Costs: \$ 86.3

REVENUE:

Certified Nurse Aides currently pay biennial fees of \$30 (\$15 per year). Fees will be adjusted to cover its program costs.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Jo. 2
 Bill Version: SB 152
 (S) Publish Date: 4/16/97

Revision Date: _____
 Title: "An Act relating to certified nurse aides; and providing for an effective date."
 Sponsor: Senator Leman by request
 Requestor: _____

Dept. Affected: Health and Social Services
 BRU: Medical Assistance Admin
 Component: Certification & Licensing
 COMPONENT SERIAL NO. 245
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGES IN REVENUES ()						

FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Federal monies are already provided to fund this program, and no additional funding needs are anticipated.

5/1/97

Prepared by: Ronald A. Cowan
 Division: Medical Assistance

Phone: 561-8081
 Date: 04/02/97

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 4-3-97

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moved Sen. Parnell
w/o objection, adopted

SENATE FINANCE
COMMITTEE

Amendment Number: 1
Bill Number: SB152
Sponsor: Parnell Date: 4/29/97
Logged In By: J. S. Tani

0-LS0808B.1
Lauterbach
4/26/97

AMENDMENT

OFFERED IN THE SENATE
TO: CSSB 152(L&C)

BY SEN. PARNELL
BY REQUEST

- 1 Page 6, lines 20 - 21:
- 2 Delete "regulations adopted by the department and are exempt from"

SB

153

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 16, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/5/98

The FINANCE Committee considered:

SB 153

SENATE BILL NO. 153

SPECIALIZED LICENSE PLATES FOR ARTS

"An Act relating to issuance of special license plates to commemorate the arts."

recommends it be replaced with the following committee substitute HCS SB 153 (FIN) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) DOA 4/16/98

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Ed Hall</i>	Muller	/			
<i>Jerry Martin</i>	Martin			X	
<i>Vick Kohring</i>	Kohring		X		
<i>Frankie Moses</i>	Moses	X			
<i>Greg Davis</i>	G. Davis		X		
<i>John Davis</i>	J. Davis	X			

CHAIR'S SIGNATURE *Ed Hall*

FISCAL NOTE

No: 2

Bill Version: SB 153

(H) Publish Date: 4/16/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date: 4/16/98
 Title: "An act relating to the issuance of special license plates...for the arts."
 Sponsor: Senate Finance
 Requestor: (H) TRA

Department Affected: Administration
 BRU: Motor Vehicles
 Component: Field Services
 COMPONENT SERIAL NO. 2151

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	2.2					
TRAVEL						
CONTRACTUAL	17.7					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.9	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.9					
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	19.9	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

(See attached)

Prepared by: Juanita Hensley
 Division: Motor Vehicles

Phone: 465-5648
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 4/16/98

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FISCAL NOTE
STATE OF ALASKA

1998 LEGISLATIVE SESSION

Bill No: CSSB 157

ANALYSIS: (continued)

This bill establishes a special license plate for children's trust fund. Under this proposed legislation the fee for purchasing the special plate is \$150.00 per set of plates. The license plate manufacturer requires a minimum of 900 sets of plates for the purchase of a new design plate. This bill requires the Commissioner of Administration, after consulting with the Alaska State Council on the Arts, determine the design and color of plates commemorating the arts. It will require a new design for the license plate.

The fiscal analysis assumes that all 900 sets of plates will be sold at \$150. The personal services estimates the cost associated with reissue of the existing license plate for the new license plate depicting the arts. At this time we are not able to project future revenues.

SUMMARY OF EXPENSES:

FY99

Personal services 2.2
cost associated with the reissue of a new plate

Overhead costs 2.7
cost associated with the program and includes: forms, license tabs, DP chargeback, shipping/freight etc.

Set up costs for new design sheeting 10.0

Design costs to design new plate 5.0

HOUSE CONCURRENT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Introduced:

Referred:

A RESOLUTION

1 **Suspending Uniform Rules 24(c), 35, 41(b), and 42(e) of the Alaska State**
2 **Legislature concerning Senate Bill No. 153, relating to special request motor**
3 **vehicle license plates to commemorate the arts.**

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

5 That under Rule 54 of the Uniform Rules of the Alaska State Legislature, the
6 provisions of Rules 24(c), 35, 41(b), and 42(e) of the Uniform Rules, regarding changes to the
7 title of a bill, are suspended in consideration of Senate Bill No. 153, relating to special request
8 motor vehicle license plates to commemorate the arts.

HOUSE CS FOR SENATE BILL NO. 153(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to issuance of special license plates."

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

3 * Section 1. AS 28.10.181(o) is amended to read:

4 (o) Special request university plates. Upon application by the owner of a
5 passenger vehicle, [NONCOMMERCIAL] van or pick-up truck, or motor home, the
6 department may design and issue registration plates representing the University of
7 Alaska Anchorage, University of Alaska Fairbanks, University of Alaska Southeast,
8 or Prince William Sound Community College. The department may disapprove the
9 issuance of registration plates under this subsection when the requested plates are a
10 duplication of an existing registration.

11 * Sec. 2. AS 28.10.181(s) is amended to read:

12 (s) Special request dog mushing plates. Upon application by the owner of a
13 passenger vehicle, [NONCOMMERCIAL] van or pick-up truck, or motor home, the
14 department may design and issue registration plates representing the sport of dog
15 mushing in the state. The department may disapprove the issuance of registration

1 plates under this subsection when the requested plates are a duplication of an existing
2 registration.

3 * Sec. 3. AS 28.10.181 is amended by adding a new subsection to read:

4 (t) Special request plates commemorating the arts. Upon application by the
5 owner of a passenger vehicle, van or pick-up truck, or motor home, the department
6 may issue registration plates commemorating the arts. The commissioner, after
7 consulting with the Alaska State Council on the Arts, shall determine the design and
8 color of plates commemorating the arts. The department may disapprove the issuance
9 of registration plates under this subsection when the requested plates are a duplication
10 of an existing registration.

11 * Sec. 4. AS 28.10.421(d) is amended by adding a new paragraph to read:

12 (14) special request plates commemorating the arts \$150
13 plus the fee required for that vehicle under (b)(1) or (2) of this section; the fee
14 required by this paragraph shall be collected biennially in the same manner as the fee
15 required under (b)(1) or (2) of this section; the commissioner of administration shall
16 separately account for the fees received under this paragraph that the department
17 deposits in the general fund; notwithstanding (g) of this section, the annual estimated
18 balance in the account that is in excess of the cost of issuing special request plates
19 may be appropriated by the legislature for the support of programs benefiting the arts.

FISCAL NOTE
STATE OF ALASKA

1998 LEGISLATIVE SESSION

Bill No: CSSB 157

ANALYSIS: (continued)

This bill establishes a special license plate for children's trust fund. Under this proposed legislation the fee for purchasing the special plate is \$150.00 per set of plates. The license plate manufacturer requires a minimum of 900 sets of plates for the purchase of a new design plate. This bill requires the Commissioner of Administration, after consulting with the Alaska State Council on the Arts, determine the design and color of plates commemorating the arts. It will require a new design for the license plate.

The fiscal analysis assumes that all 900 sets of plates will be sold at \$150. The personal services estimates the cost associated with reissue of the existing license plate for the new license plate depicting the arts. At this time we are not able to project future revenues.

SUMMARY OF EXPENSES:

FY99

Personal services 2.2
cost associated with the reissue of a new plate

Overhead costs 2.7
cost associated with the program and includes. forms, license tabs, DP chargeback, shipping/freight etc.

Set up costs for new design sheeting 10.0

Design costs to design new plate 5.0

Adopted

5/5/98

#1

0-LS0800E.4

Ford

5/4/98

A M E N D M E N T

OFFERED IN THE HOUSE

TO: SB 153

1 Page 1, line 1:

2 Delete "to commemorate the arts"

3 Page 1, following line 2:

4 Insert new bill sections to read:

5 **** Section 1.** AS 28.10.181(o) is amended to read:

6 (o) Special request university plates. Upon application by the owner of a
7 passenger vehicle, [NONCOMMERCIAL], van or pick-up truck, or motor home, the
8 department may design and issue registration plates representing the University of
9 Alaska Anchorage, University of Alaska Fairbanks, University of Alaska Southeast,
10 or Prince William Sound Community College. The department may disapprove the
11 issuance of registration plates under this subsection when the requested plates are a
12 duplication of an existing registration.

13 *** Sec. 2.** AS 28.10.181(s) is amended to read:

14 (s) Special request dog mushing plates. Upon application by the owner of a
15 passenger vehicle, [NONCOMMERCIAL] van or pick-up truck, or motor home, the
16 department may design and issue registration plates representing the sport of dog
17 mushing in the state. The department may disapprove the issuance of registration
18 plates under this subsection when the requested plates are a duplication of an existing
19 registration."

20 Page 1, line 3:

21 Delete "Section 1."

22 Insert "Sec. 3."

1 Renumber the following bill section accordingly.

2 Page 1, line 5:

3 Delete "noncommercial"



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

SB 153 Sponsor Statement

Sponsored by Senate Finance Committee

In the Legislature's effort to bring state spending in line with our revenues, the State Arts Council has been dramatically reduced. Alaska is facing a dilemma. Finding funds for the arts is becoming more and more difficult with a population increasingly adverse to public arts funding. We need to look for innovative ways to fund our existing arts programs if we want public funding to continue. This bill provides the Arts Council a tool to use in this effort.

License plates have become an increasingly popular revenue source for states facing budget constraints. In Alaska we currently have a number of specialty plates that support various organizations. The intent behind adding another specialty plate is to provide the State Arts Council a revenue source to supplement decreasing general fund appropriations.

It has been the position of the Legislature to decrease funding for arts programs in the state and have private individuals and organizations monetarily support these programs. The specialty plate funding mechanism will do exactly this, providing Alaskans a way to voluntarily support funding of the arts and show their pride in doing so.

The plate will be designed in consultation with the State Arts Council and it will be the sole responsibility of the Council to promote the program to success.

FISCAL NOTE

No: 2

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: SB 153
 (H) Publish Date: 4/16/98

Revision Date: 4/16/98
 Title: "An act relating to the issuance of special license plates....for the arts."
 Sponsor: Senate Finance
 Requestor: (H) TRA

Department Affected: Administration
 BRU: Motor Vehicles
 Component: Field Services
 COMPONENT SERIAL NO. 2151

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	2.2					
TRAVEL						
CONTRACTUAL	17.7					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.9	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.9					
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	19.9	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 (See attached)

Prepared by: Juanita Hensley
 Division: Motor Vehicles

Phone: 465-5648
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Alison M. Elgee
 Date: 4/16/98

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: No. 1
 Bill Version: SB153
 (S) Publish Date: 4/16/97

Revision Date: _____ Dept. Affected: Administration
 Title: An Act relating to issuance of special license BRU: Motor Vehicles
plates to commemorate the arts. Component: Field Services
 Sponsor: Senate Finance
 Requestor: (S) TRAN COMPONENT SERIAL NO. 0502

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	2.2					
TRAVEL						
CONTRACTUAL	17.7					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURE						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.9	0	0	0	0	0

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

CHANGE IN REVENUES (1005)	135.0					
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts	19.9	0	0	0	0	0
1006 GE/MHTIA						
Other						
TOTAL	19.9	0	0	0	0	0

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary.)

See Attached.

Prepared By: Juanita Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 04/01/97

Approved by Commissioner: Mark Boyer Date: 4/2/97
 Agency: Administration

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: SB 153 ~~4\~~

Revision Date: _____ Dept. Affected: Administration

ANALYSIS CONTINUED:

This bill establishes a special license plate commemorating the arts. Under this proposed legislation the fee for purchasing the special plate is \$150 per set of plates. The license plate manufacturer requires a minimum of 900 sets of plates for the purchase of a new design plate. This bill requires the Commissioner of Administration, after consulting with the Alaska State Council on the Arts, determine the design and color of plates commemorating the arts. It will require a new design for the license plate.

The fiscal analysis assumes that all 900 sets of plates will be sold at \$150. The projected revenue is estimated at \$135.0. The personal services estimates the cost associated with reissue of the existing license plate for the new license plate depicting the arts. At this time we are not able to project future revenues.

SUMMARY OF EXPENSES

FY98

TRANSACTION COSTS

Personal Services cost associated with reissue of new plate 900 sets of plates at \$2.43 per set of plates =	2.2
Overhead cost associated with program and includes; forms, license tabs, DP chargeback, shipping/freight, etc. 900 sets of plates at \$3.05 per transaction =	2.7

NEW DESIGN COSTS

Set-up cost for new sheeting	10.0
Design cost for design of new plate	5.0

TOTAL \$19.9

SB

153

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED ON
APR 22 1997

DATE: 4/16/97

FURTHER:

DATE TURNED
IN TO OFFICE: 4-22-97

Finance Committee considered

SENATE BILL NO. 153

"An Act relating to issuance of special license plates to commemorate the arts."

and recommends:

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

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Bill E. Hoop</i>	<input checked="" type="checkbox"/>	<i>Stan Parrell</i>			<input checked="" type="checkbox"/>
<i>Al DiGirolamo</i>	<input checked="" type="checkbox"/>				
<i>John Brown</i>	<input checked="" type="checkbox"/>				
<i>Michael...</i>	<input checked="" type="checkbox"/>				
Co-Chair: <i>Peace</i>	<input checked="" type="checkbox"/>	Co-Chair:			
Co-Chair: <i>Bob...</i>	<input checked="" type="checkbox"/>	Co-Chair: <i>B</i>			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
<i>1 - Admin</i>	<i>4/2</i>		<i>19.9</i>

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

REPORTED OUT OF
SFC APR 22 1997

Move by Pearce
NO 4/20/97

0-LS0800VE

SENATE BILL NO. 153

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 3/26/97
Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to issuance of special license plates to commemorate the arts."

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

3 * **Section 1.** AS 28.10.181 is amended by adding a new subsection to read:

4 (t) Special request plates commemorating the arts. Upon application by the
5 owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home,
6 the department may issue registration plates commemorating the arts. The
7 commissioner, after consulting with the Alaska State Council on the Arts, shall
8 determine the design and color of plates commemorating the arts. The department
9 may disapprove the issuance of registration plates under this subsection when the
10 requested plates are a duplication of an existing registration.

11 * **Sec. 2.** AS 28.10.421(d) is amended by adding a new paragraph to read:

12 (14) special request plates commemorating the arts \$150
13 plus the fee required for that vehicle under (b)(1) or (2) of this section; the fee
14 required by this paragraph shall be collected biennially in the same manner as the fee
15 required under (b)(1) or (2) of this section; the commissioner of administration shall

1
2
3
4

separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature for the support of programs benefiting the arts.

SENATE FINANCE
COMMITTEE
Amendment Number: 1 0-LS08006.1
Bill Number: _____ Ford
Sponsor: _____ Date: 4-22-97 4/21/97
Logged In By: [Signature]

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR ADAMS

TO: SB 153

1 Page 1, line 1, following "arts":

2 Insert "and to issuance of license plates to municipalities"

3 Page 1, following line 2:

4 Insert a new bill section to read:

5 **** Section 1.** AS 28.10.181(e) is amended to read:

6 (c) **Vehicles owned by the state** [, MUNICIPALITIES,] **and charitable**
7 **organizations of the state.** Every certificate of registration and registration plate
8 issued to the state [, A MUNICIPALITY,] or charitable organization of the state is
9 in effect until the vehicle for which the registration certificate and plate were issued
10 is no longer owned and operated by the state [, THE MUNICIPALITY,] or the
11 charitable organization of the state or until the department, in its discretion, declares
12 its expiration. The state [, MUNICIPALITY,] or charitable organization of the state
13 shall maintain a current listing of all vehicles registered to it in the order of the
14 registration number assigned to each vehicle, and shall provide a copy of the listing
15 to the department upon request. The listing must include a description of each vehicle
16 and other identifying information required by the department. Registration plates
17 issued under this subsection must be of a distinctive design and numbering system.
18 For the purposes of this subsection, "charitable organization" means a nonprofit
19 association, corporation, society, or other entity organized, incorporated, or
20 headquartered in the state for educational, cultural, scientific, or other charitable
21 purposes, as prescribed in regulations of the department."

22 Page 1, line 3:

23 Delete "Section 1."

0-LS0800NE.1

1 Insert "Sec. 2."

2 Renumber the following bill sections accordingly.

3 Page 1, following line 10:

4 Insert a new bill section to read:

5 "* Sec. 3. AS 28.10.421(d)(10) is amended to read:

6 (10) a vehicle owned by a [MUNICIPALITY OR] charitable
7 organization meeting the requirements of AS 28.10.181(e) \$10;"

8 Renumber the following bill section accordingly.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: No. 1
Bill Version: SB153
(S) Publish Date: 4/16/97

Revision Date: _____ Dept. Affected: Administration
Title: An Act relating to issuance of special license BRU: Motor Vehicles
plates to commemorate the arts. Component: Field Services
Sponsor: Senate Finance
Requestor: (S) TRAN COMPONENT SERIAL NO. 0502

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	2.2					
TR/VEI						
CONTRACTUAL	17.7					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.9	0	0	0	0	0

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

CHANGE IN REVENUES (1005)	135.0	*	*	*	*	*
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	19.9	0	0	0	0	0
1006 GF/MHTIA						
Other						
TOTAL	19.9	0	0	0	0	0

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary.)

See Attached.

Prepared By: Juanita Hensley Phone: 465-2650
Division: Motor Vehicles Date: 04/01/97
Approved by Commissioner: Mark Boyer Alison M. Glaze Date: 4/5/97
Agency: Administration

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: SB 153 *1

Revision Date: _____ Dept. Affected: Administration

ANALYSIS CONTINUED:

This bill establishes a special license plate commemorating the arts. Under this proposed legislation the fee for purchasing the special plate is \$150 per set of plates. The license plate manufacturer requires a minimum of 900 sets of plates for the purchase of a new design plate. This bill requires the Commissioner of Administration, after consulting with the Alaska State Council on the Arts, determine the design and color of plates commemorating the arts. It will require a new design for the license plate.

The fiscal analysis assumes that all 900 sets of plates will be sold at \$150. The projected revenue is estimated at \$135.0. The personal services estimates the cost associated with reissue of the existing license plate for the new license plate depicting the arts. At this time we are not able to project future revenues.

SUMMARY OF EXPENSES

FY98

TRANSACTION COSTS

Personal Services cost associated with reissue of new plate 900 sets of plates at \$2.43 per set of plates =	2.2
Overhead cost associated with program and includes; forms, license tabs, DP chargeback, shipping/freight, etc. 900 sets of plates at \$3.05 per transaction =	2.7

NEW DESIGN COSTS

Set-up cost for new sheeting	10.0
Design cost for design of new plate	5.0

TOTAL \$19.9

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB.153

Revision Date: 4/16/98
 Title: "An act relating to the issuance of special license plates....for the ar..."
 Sponsor: Senate Finance
 Requestor: (H) TRA

Department Affected: Administration
 BRU: Motor Vehicles
 Component: Field Services
 CCOMPONENT SERIAL NO. 2151

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	2.2					
TRAVEL						
CONTRACTUAL	17.7					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.9	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()	*	*	*	*	*	..
-------------------------------	---	---	---	---	---	----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.9					
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	19.9	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

(See attached)

Prepared by: Juanita Henslev
 Division: Motor Vehicles

Phone: 465-5648
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 4/16/98

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**FISCAL NOTE
STATE OF ALASKA**

1998 LEGISLATIVE SESSION

Bill No: CSSB 157

ANALYSIS: (continued)

This bill establishes a special license plate for children's trust fund. Under this proposed legislation the fee for purchasing the special plate is \$150.00 per set of plates. The license plate manufacturer requires a minimum of 900 sets of plates for the purchase of a new design plate. This bill requires the Commissioner of Administration, after consulting with the Alaska State Council on the Arts, determine the design and color of plates commemorating the arts. It will require a new design for the license plate.

The fiscal analysis assumes that all 900 sets of plates will be sold at \$150. The personal services estimates the cost associated with reissue of the existing license plate for the new license plate depicting the arts. At this time we are not able to project future revenues.

SUMMARY OF EXPENSES:

FY99

Personal services	2.2
cost associated with the reissue of a new plate	
Overhead costs	2.7
cost associated with the program and includes: forms, license tabs, DP chargeback, shipping/freight etc.	
Set up costs for new design sheeting	10.0
Design costs to design new plate	5.0

SB

154

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 9, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/10/97

The FINANCE Committee considered:

CSSB 154(FIN) am

CS FOR SENATE BILL NO. 154(FIN) am

CHILD SUPPORT & PATERNITY

"An Act making statutory changes that will be repealed on July 1, 1999, relating to paternity determination and child support; making statutory changes that will be repealed on July 1, 1999, relating to reporting of and access to financial or other information for child support purposes; making statutory changes that will be repealed on July 1, 1999, to laws relating to occupational licenses, crewmember fishing licenses, drivers' licenses, and other permits, certificates, or other authorizations issued by the state, other than recreational fishing and hunting licenses, to facilitate administration of child support laws; making statutory changes that will be repealed on July 1, 1999, relating to immunity from civil liability for good faith compliance with reporting or other requirements for child support purposes; making statutory changes that will be repealed on July 1, 1999, relating to voiding fraudulent transfers and to penalties for noncompliance with orders for child support purposes; making statutory changes that will be repealed on July 1, 1999, providing that an obligor will be considered to be in substantial compliance with a support order or payment schedule if a court determines that the obligor is making the best efforts possible to have no arrearages; making statutory changes

recommends it be replaced the same title
 with the following committee substitute _____ a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) Court fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) (3) HSS, 4/29/97

Don / 4/29/97
CEB 4/29/97 Don 4/29/97

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Ferricault</i> Theriault			X	
<i>John Guld</i> Mulder	✓		XXX	
<i>Terry Martin</i> martin			X	
<i>Vic Kohring</i> Kohring		X		
<i>John Davis</i> J. DAVIS			X	
<i>Ben Grussendorf</i> grussendorf			X	
<i>Joseph Moses</i> MOSES			X	
<i>John G. Davis</i> G. DAVIS			X	
<i>Kelly</i> Kelly			X	
<i>Foster</i> FOSTER	X			

CO CHAIR'S SIGNATURE

Gene Ferricault

REPORTED OUT OF

HFC ADMIN ACCOUNTING

Repland 2002

FISCAL NOTE

No. 4
 Bill Version: CSSB 154(HES)
 (S) Publish Date: 4/29/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Child Support Obligations BRU: Trial Courts
 Sponsor: Sen. Pearce Component: _____
 Requestor: Sen. HESS COMPONENT SERIAL NO. 788

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (

Fund Sources (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Although SB 154 increases the types of licenses subject to revocation, no significant increase in court reviews is anticipated as most hunting, fishing, and crewmen license revocations will be done concurrently with driver's license revocations.

Note that the court will see an increase in the number of actions related to people hunting, fishing, and crewing without a license. Because the number of such cases cannot be accurately assessed, no cost is estimated.

Prepared by: Doug Wooliver, Administrative Attorney Phone: 284-8228
 Agency: Alaska Court System Date: 04/28/97

Approved by: Stephanie J. Cole, Acting Administrative Director Date: 04/28/97
 Agency: Alaska Court System

FISCAL NOTE

*for low
replaces of
A/C Ct. Sys*

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSB 154 (FIN) AM

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Child Support Obligations BRU: Trial Courts
 Component: _____
 Sponsor: Sen. Pearce
 Requestor: House Finance COMPONENT SERIAL NO. 788

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

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

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

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL						

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Doug Wooliver, Administrative Attorney Phone: 264-8228
 Agency: Alaska Court System Date: 05/09/97

Approved by: Stephanie J. Cole, Acting Administrative Director Date: 05/09/97
 Agency: Alaska Court System

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Alaska Court System
Fiscal Analysis
CSSB 154 (FIN) AM

As amended on the Senate floor, CSSB 154 (FIN) am will have a substantial impact on judicial review of license revocations. Under existing law, review of license revocations is limited to a determination of three issues: first, whether there is a support order or payment schedule; second, whether the petitioner is the obligor covered by the support order; and third, whether the obligor is in substantial compliance with the support order or payment schedule (defined as being not more than four months in arrearage). Answers to these three questions are straightforward and not subject to interpretation; the court has no discretion to consider extenuating circumstances. As a result, the issues are very easy for the court to resolve. The average case takes approximately one-half hour, including the time spent reviewing the documents, holding the hearing, and preparing an order. Moreover, the percentage of obligors who request a judicial review of revocations is relatively low, since the obligor knows what the answers are, and knows that the court does not have the discretion to make exceptions.

Section 120 of CSSB 154 (FIN) am adds a fourth issue: the court must determine if the obligor is making the best efforts possible under the obligor's circumstances to have no arrearages. The addition of this factor takes what was an almost ministerial task and turns it into an inquiry requiring the exercise of substantial judicial discretion. Exercising this discretion will require taking both factual evidence and legal argument regarding "best efforts possible" and "obligor's circumstances." Individual cases can be expected to take substantially longer than one-half hour. More significantly, a dramatic increase in the percentage of obligors who petition the court to review their revocation can be expected.

It is anticipated that section 120 will cause a substantial increase in court costs relating to the review of license revocations. Because the conference committee has completed its work on the operating budget and the court system has had only a few months experience with license revocation petitions under existing law, this fiscal note does not attempt to estimate costs. However, we will in all likelihood need to return for additional funding next session.

Alaska Court System
Fiscal Analysis
CSSB 154 (FIN) AM

As amended on the Senate floor, CSSB 154 (FIN) am will have a substantial impact on judicial review of license revocations. Under existing law, review of license revocations is limited to a determination of three issues: first, whether there is a support order or payment schedule; second, whether the petitioner is the obligor covered by the support order; and third, whether the obligor is in substantial compliance with the support order or payment schedule (defined as being not more than four months in arrearage). Answers to these three questions are straightforward and not subject to interpretation; the court has no discretion to consider extenuating circumstances. As a result, the issues are very easy for the court to resolve. The average case takes approximately one-half hour, including the time spent reviewing the documents, holding the hearing, and preparing an order. Moreover, the percentage of obligors who request a judicial review of revocations is relatively low, since the obligor knows what the answers are, and knows that the court does not have the discretion to make exceptions.

Section 120 of CSSB 154 (FIN) am adds a fourth issue: the court must determine if the obligor is making the best efforts possible under the obligor's circumstances to have no arrearages. The addition of this factor takes what was an almost ministerial task and turns it into an inquiry requiring the exercise of substantial judicial discretion. Exercising this discretion will require taking both factual evidence and legal argument regarding "best efforts possible" and "obligor's circumstances." Individual cases can be expected to take substantially longer than one-half hour. More significantly, a dramatic increase in the percentage of obligors who petition the court to review their revocation can be expected.

It is anticipated that section 120 will cause a substantial increase in court costs relating to the review of license revocations. Because the conference committee has completed its work on the operating budget and the court system has had only a few months experience with license revocation petitions under existing law, this fiscal note does not attempt to estimate costs. However, we will in all likelihood need to return for additional funding next session.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 7
Bill Version: CS SB 154(HES)
(S) Publish Date: 4/29/97

Revision Date: _____
Title: Paternity Determination and Child Support
Sponsor: Pearce
Requestor: S HESS

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 359
See also (SN#): _____

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary.)

The Division of Family and Youth Services does not have sufficient information to estimate whether CSED collections on the Division's behalf will have any fiscal impact.

4/15/97
 Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 04/10/97
 Approved by Commissioner: Karen Pearce, Commissioner Date: 4/17/97
 Agency: Department of Health & Social Services

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FISCAL NOTE

No. 6
 Bill Version: C.S.B.154(HES)
 (S) Publish Date: 4/29/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Child Support and Paternity
 Sponsor: Senator Pearce
 Requestor: S. HESS

Department Affected: Administration
 BRU: Motor Vehicles
 Component: Driver Services, Field Services
 COMPONENT SERIAL NO. 0501, 0502

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

102 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Section 150 is the only section in the bill that relates to the Division of Motor Vehicles (DMV). Section 150 does not have any fiscal impact to DMV.

Prepared by: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 4/21/97
 Approved by Commissioner: Mark Bover *Mark Bover*
 Agency: Department of Administration Date: 4/21/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 5
Bill Version: CSSB 154(HES)
(S) Publish Date: 4/29/97

Revision Date: _____
Title: Paternity Determination and Child Support

Dept. Affected: Health and Social Services
BRU: Public Assistance

Sponsor: Senator Drue Pearce
Requestor: HESS, Finance

Component: ATAP
COMPONENT SERIAL NO. 220
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The proposed legislation, if enacted and adequately funded, will increase child support collections. Presuming that the increase in collections includes additional support payments for dependent children receiving assistance from ATAP, DPA should see an increase in designated general fund program receipts.

If CSED is unable to implement provisions of this legislation, CSED will be out of compliance with federal law (PL104-193). Failure to comply with federal law results in a penalty of up to 5% of the federal TANF block grant. Federal law also requires that in the year following a reduction in the TANF grant due to a penalty, the state must increase its spending by an amount equal to the penalty. The penalty for non-compliance could be as much as \$3,150,000 in the first year.

DPA does not have enough information to determine the fiscal impacts of this legislation.

Prepared by: Jim Nordlund
Division: Public Assistance
Approved by Commissioner: Karla Pearce, Commissioner
Agency: Department of Health & Social Services

Phone: 45-3349
Date: 04/14/97
Date: 7/17/97

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 3
Bill Version: CS SB 154(HES)
(S) Publish Date: 4/29/97

Revision Date: _____
Title: An Act relating to paternity determination and child support ...
Sponsor: Senator Pearce
Requestor: Senate HESS

Department: Commerce and Economic Development
BRU: Occupational Licensing
Component: Operations

COMPONENT SERIAL NO. _____ 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost. \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SB 154 amends the Centralized Licensing statutes of AS 08.01 to: 1) require the social security number of applicants; 2) allow copies of records maintained for child support enforcement purposes to be copied to other child support enforcement agencies; and 3) prohibit the renewal of a license unless a social security number is provided. New funds are not required to implement these provisions.

Prepared by: Jennifer Strickler, Administrative Manager
Division: Occupational Licensing
Approved by Commissioner: William L Hensley
Agency: Commerce and Economic Development

Phone: 465-2144
Date: 4/22/97
Date: 4-27-97

Revision Date: _____ Date Affect: _____ Revenue _____
 Title: Child Support and Paternity BR #: Child Support Enforcement
 Component: Child Support Enforcement
 Sponsor: Senator Pearce
 Requestor: (S) HES COMPONENT SERIAL NO. 111

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

While this fiscal note reflects no increased operating funds associated with this legislation, there are continuing increases in federal requirements. These increases will continue to drive up the costs of collecting child support. To meet these increasing federal demands each state must review its operating procedures and workflow requirements and determine if these are best met with an increase of personnel and contracting for services or with further automation.

Past experience has shown that adding modest increments has ultimately resulted in an increase in revenues that meet or exceed the general fund increment. In a different budget atmosphere, we would have asked for funding authority for an additional \$2.2 million. Of that amount \$680,000 would have been general fund appropriation. Because of the intense focus on the general fund line (regardless of any corresponding increase in revenue), we have not asked for more operating funds. In addition, a review of workflow within the Division indicates that an increase in automation would provide a better solution at this time. With the maximum use of technology (and capital budget), we can better attempt to meet federal requirements without additional operating costs.

Prepared by: Glenda Staube
 Division: Child Support Enforcement
 Approved by Commissioner: Wilson L. Condon
 Agency: Revenue

Phone: 269-6801
 Date: April 25, 1997
 Date: April 25, 1997

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
Bill Version: CS 98154 (HES)
(S) Publish Date: 4/29/97

Revision Date: 04/25/97
Title: Paternity Determination & Child Support
Sponsor: Pearce
Requestor: Senate HESS

Dept. Affected: Health and Social Services
BRU: State Health Services
Component: Bureau of Vital Statistics
COMPONENT SERIAL NO. 961
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Public Health is submitting this revised fiscal note to reflect a zero cost. The Bureau of Vital Statistics will be able to reduce the one time costs by performing the reprogramming of the vital records file in house through the utilization of the two staff Analyst/Programmers. The remaining costs of \$4.7 will be covered by the current budget allocation.

SH
4/25/97

Prepared by: Peter M. Nakamura, MD, MPH
Division: Public Health
Approved by Commissioner: Caren Ferenc, Commissioner
Agency: Department of Health & Social Services

Phone: (907) 465-3090
Date: 04/25/97
Date: 4/25/97

Engrossment has been waived
in accordance with
Uniform Rule 43(b).

Certified amendment(s) attached.

CS FOR SENATE BILL NO. 154(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 5/9/97

Offered: 5/8/97

Sponsor(s): SENATOR PEARCE

A BILL

FOR AN ACT ENTITLED

1 "An Act making statutory changes that will be repealed on July 1, 1999,
2 relating to paternity determination and child support; making statutory changes
3 that will be repealed on July 1, 1999, relating to reporting of and access to
4 financial or other information for child support purposes; making statutory
5 changes that will be repealed on July 1, 1999, to laws relating to occupational
6 licenses, crewmember fishing licenses, drivers' licenses, and other permits,
7 certificates, or other authorizations issued by the state, other than recreational
8 fishing and hunting licenses, to facilitate administration of child support laws;
9 making statutory changes that will be repealed on July 1, 1999, relating to
10 immunity from civil liability for good faith compliance with reporting or other
11 requirements for child support purposes; making statutory changes that will be
12 repealed on July 1, 1999, relating to voiding fraudulent transfers and to

AMENDMENT #1

OFFERED IN THE SENATE
TO: CSSB 154 (FIN)

BY SENATOR HALFORD

Page 2, line 2 to Page 3, line 11

Delete **Section. 1** and replace with the following :

Section 1. FINDINGS; INTENT. (a) The legislature finds that the federal requirements are unreasonable and constitutionally questionable, and the statutory changes that must be made to meet the federal requirements may do little to improve collections. These statutory changes are being made only under duress from the federal government.

CERTIFIED AMENDMENT

Nancy Quinto
Secretary of the Senate

Revised

0-1 50853\H.17
Lauterbach
5/9/97

AMENDMENT # 2

OFFERED IN THE SENATE
TO: CSSB 154(FIN)

BY SENATORS HALFORD, TORGERSON

CERTIFIED AMENDMENT

Nancy Quinto
Secretary of the Senate

1 Page 1, lines 1 - 8:
2 Delete all material and insert:
3 ""An Act making statutory changes that will be repealed on July 1, 1999, relating to
4 paternity determination and child support; making statutory changes that will be
5 repealed on July 1, 1999, relating to reporting of and access to financial or other
6 information for child support purposes; making statutory changes that will be repealed
7 on July 1, 1999, to laws relating to occupational licenses, crewmember fishing licenses,
8 drivers' licenses, and other permits, certificates, or other authorizations issued by the
9 state, other than recreational fishing and hunting licenses, to facilitate administration
10 of child support laws; making statutory changes that will be repealed on July 1, 1999,
11 relating to immunity from civil liability for good faith compliance with reporting or
12 other requirements for child support purposes; making statutory changes that will be
13 repealed on July 1, 1999, relating to voiding fraudulent transfers and to penalties for
14 noncompliance with orders for child support purposes; making statutory changes that
15 will be repealed on July 1, 1999, providing that an obligor will be considered to be in
16 substantial compliance with a support order or payment schedule if a court determines
17 that the obligor is making the best efforts possible to have no arrearages; making
18 statutory changes that will be repealed on July 1, 1999, providing that the authority of
19 a tribunal to order that service be given to a party by first class mail applies to
20 subsequent child support enforcement efforts by the agency with respect to that party;
21 making statutory changes that will be repealed on July 1, 1999, allowing a party
22 aggrieved by an order of nondisclosure of information relating to a party or a child in
23 a child support proceeding to contest that order in a hearing when the order was based
24 on an ex parte finding of risk; retaining existing law relating to the duty of employers
25 and labor unions to provide employment and compensation reports to the child support

0-LS0853VII.17

1 enforcement agency; making statutory changes that will be repealed on July 1, 1999,
2 requiring that administrative subpoenas of the child support enforcement agency be
3 served in the manner provided for service of liens by the agency; making statutory
4 changes that will be repealed on July 1, 1999, requiring that administrative orders to
5 withhold and deliver be served by the child support enforcement agency electronically
6 or in the manner provided for service of liens by the agency; retaining existing law with
7 respect to whether a lien arising under the child support laws of another state shall be
8 given full faith and credit in this state; making statutory changes that will be repealed
9 on July 1, 1999, allowing the child support enforcement agency of this or another state,
10 but not any other person, to serve a copy of certain liens relating to child support at any
11 time after recording of the lien; making statutory changes that will be repealed on July
12 1, 1999, allowing the periodic modification of child support orders without a showing
13 of a material change in circumstances but only if the order was not modified in the
14 three years preceding the periodic modification; making statutory changes that will be
15 repealed on July 1, 1999, modifying the duties of the child support enforcement agency
16 but not authorizing the agency to enter into contracts or agreements with contractors
17 to perform some or all of the function of the agency's disbursement unit; reenacting and
18 reinstating existing laws relating to child support and paternity determination upon the
19 repeal of the changes made by this law on July 1, 1999; amending Rules 4, 5, 35,"

20 Page 17, line 21, following "circumstances":

21 Insert "if the child support order being modified on the periodic basis has not
22 been modified or adjusted during the three years preceding the periodic modification"

23 Page 30, lines 25 - 28:

24 Delete all material.

25 Renumber the following bill sections accordingly.

26 Page 33, line 6, through page 34, line 29:

27 Delete all material.

0-1.50853\H.17

- 1 Renumber the following bill sections accordingly.
- 2 Page 35, lines 11 - 12:
- 3 Delete "delivered by first class mail"
- 4 Insert "served in the manner provided for service of liens under AS 25.27.240"
- 5 Page 42, lines 12 - 19:
- 6 Delete all material.
- 7 Renumber the following bill sections accordingly.
- 8 Page 42, lines 21 - 22:
- 9 Delete ", or a person seeking to enforce a child support obligation."
- 10 Page 43, lines 8 - 9:
- 11 Delete "recreational licenses or"
- 12 Page 43, line 17:
- 13 Delete "a recreational license, or"
- 14 Page 43, lines 24 - 25:
- 15 Delete "An applicant for a recreational license is not entitled to receive a
- 16 temporary license under this section."
- 17 Page 43, line 29:
- 18 Delete ", (s), and (t)"
- 19 Insert "and (s)"
- 20 Page 44, lines 2 - 3:
- 21 Delete "Except for notices issued under (s) and (t) of this section regarding
- 22 recreational licenses, the [THE]"
- 23 Insert "The"

0-LS0853VL17

- 1 Page 44, line 10:
 2 Delete "(s), or (t)"
 3 Insert "or (s)"

- 4 Page 44, line 14:
 5 Delete "(s), or (t)"
 6 Insert "or (s)"

- 7 Page 47, lines 7 - 8:
 8 Delete "a recreational license, or"

- 9 Page 48, lines 21 - 26:
 10 Delete all material and insert:
 11 **** Sec. 120. AS 25.27.244(q)(6) is amended to read:**
 12 (6) "substantial compliance" regarding [WTT11] a support order or
 13 payment schedule]" means that, with respect to a support order or a negotiated
 14 payment schedule under (g) of this section, whichever is applicable, the obligor
 15 [EITHER] has
 16 (A) no arrearage;
 17 (B) [OR HAS] an arrearage in an amount that is not more than
 18 four times the monthly obligation under the support order or payment
 19 schedule; or
 20 (C) been determined by a court to be making the best
 21 efforts possible under the obligor's circumstances to have no arrearages
 22 under any support order or negotiated payment schedule relating to child
 23 support."

- 24 Page 48, line 27, through page 49, line 8:
 25 Delete all material.

- 26 Renumber the following bill sections accordingly.

0-L.S0853VH.17

- 1 Page 49, line 13:
2 Delete "Notwithstanding any"
- 3 Page 49, lines 14 - 23:
4 Delete all material.
5 Insert "The licensing entity for commercial crewmember fishing licenses shall print
6 a notice on commercial crewmember fishing license forms stating the provisions of this
7 subsection."
- 8 Page 49, lines 25 - 26:
9 Delete "or a recreational license, other than a big game hunt drawing permit."
- 10 Page 49, line 30.
11 Delete "(1) for a"
- 12 Page 49, line 31, through page 50, line 2:
13 Delete all material.
- 14 Page 50, line 3:
15 Delete "license,"
- 16 Page 50, lines 8 - 15:
17 Delete all material.
- 18 Page 54, lines 17 - 18:
19 Delete "by first class mail [IN THE MANNER PROVIDED FOR SERVICE OF
20 LIENS UNDER AS 25.27.240]"
21 Insert "in the manner provided for service of liens under AS 25.27.240"
- 22 Page 55, line 18, following "service":
23 Insert "in any subsequent child support enforcement effort by the agency"

0-1.50853\H.17

1 Page 56, line 2, following "chapter.":

2 Insert "A person aggrieved by an order of nondisclosure issued under this section that
3 is based on an ex parte finding is entitled on request to a formal hearing, within 30 days of
4 when the order was issued, at which the person may contest the order."

5 Page 60, following line 8:

6 Insert a new subsection to read:

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

15 Page 60, line 25:

16 Delete "as necessary to comply with federal law"

17 Page 61, line 19:

18 Delete "or (t)"

19 Page 60, line 9, through page 61, line 19:

20 Correct internal references to bill section numbers to correspond to renumbering of
21 bill sections made necessary by this amendment.

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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

May 9, 1997

SUBJECT: Privacy Considerations involving Social Security Numbers (CSSB 154(FIN))

TO: Senator John Torgerson

FROM: Terri Lauterbach
Legislative Counsel 

You have asked whether the provisions in CSSB 154(FIN) that require people to provide their social security numbers on a wide variety of public documents violate those people's right of privacy under our state constitution.

In my opinion, a court is unlikely to find that these provisions constitute a violation of the right of privacy afforded under our state constitution.

DISCUSSION

The state constitution's right to privacy is contained in art. I, sec. 22, which reads as follows:

Right of Privacy. The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

The first issue that a court would consider in a privacy challenge to the social security provisions in CSSB 154(FIN) would be the issue of whether a privacy right would be infringed. The test for what interests are protected by the privacy right are, first, a person has exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as "reasonable." Hilbers v. Municipality of Anchorage, 611 P.2d 31 (Alaska 1980).

I will assume, for purposes of this memo, that the first prong of the test is met - you have suggested that some people might have a subjective expectation of privacy in their social security numbers. The question is whether a court would find that expectation to be reasonable.

I think it is unlikely that a court would find that expectation to be reasonable. In State v. Chryst, 793 P.2d 538 (Alaska Ct. App. 1990), the court held that there is no reasonable

Senator John Torgerson

May 9, 1997

Page 2

expectation of privacy with respect to a person's name and address and the locations where he receives utility services. Furthermore, in AS 44.99.300 - 44.99.350, the legislature has indicated that "personal information" does not include a person's name, address, or telephone number, if the number is published in a directory. In my opinion, a court is likely to find that a person's social security number is a specific identifying number, like an address or telephone number, that has become so widespread in use that an expectation that one can keep it private is unreasonable. Social security numbers must be divulged for identification purposes in a wide variety of circumstances. For instance, social security numbers are on drivers' licenses, which must usually be shown to write or cash a check. While there may once have been a higher expectation of privacy for social security numbers, I believe that a court is likely to recognize that, in this day and age, the use of that number for identification purposes has made the expectation of keeping it private an unreasonable expectation.

The inquiry may not end there, however. Perhaps a court will decide that the expectation of privacy in one's social security number is a reasonable one. There would still remain the issue of whether the government could infringe on that right. Court cases construing this provision have uniformly held that the right of privacy that it protects is not absolute. Gray v. State, 525 P.2d (Alaska 1974); Ravin v. State, 537 P.2d 494 (Alaska 1975); State v. Erickson, 574 P.2d 1 (Alaska 1978). It is only unwarranted infringements on the privacy right that will be found to be unconstitutional. As the court in Falcon v. Alaska Pub. Offices Comm'n, 570 P.2d 469 (Alaska 1977) held, it is part of the judicial function to ensure that governmental infringements of this right are supported by sufficient justification.

In my opinion, the court is likely to find sufficient justification for the disclosure of people's social security numbers under CSSB 154(FIN). The court would consider the same information about child support enforcement efforts that was considered by the Congress when it enacted the requirements relating to social security numbers in the federal welfare reform act that is being implemented by CSSB 154(FIN). The Congress found that social security numbers would enhance efforts to locate child support obligors and collect child support payments. The Congress has tried other enforcement methods in the past and has found them insufficient. The Congress has determined that children's poverty, national and state expenditures on welfare programs, and other societal problems could be decreased by more effective methods of child support enforcement. I believe that a court, looking at this type of information, is likely to find that, even if there is some level of a right to privacy in one's social security number, that right is outweighed in this instance by the societal interests in more effective child support enforcement.

If this memo does not fully answer your questions, or if I can be of other assistance on this matter, please let me know.

TML:jdr
97-345.jdr

CSSB154 (FIN)
FEDERAL CHILD SUPPORT REQUIREMENTS
Child Support Enforcement Bill

Background

Congress and President Clinton have stressed the correlation between strong child support efforts and a successful welfare reform program. This bipartisan effort to strengthen child support laws recognizes the responsibility of ALL parents to support their children.

The new Federal Welfare Reform Law (PRWORA Act) makes substantial changes to child support mandates for all states and requires a major overhaul of Alaska child support operations. Many of these changes require only operational or regulatory changes. Listed below are the changes requiring statutory revisions.

Penalties

Without passage of the bill this year, Alaska can lose ALL federal funds for the child support program. The Public Assistance Division will lose \$8+ million in state reimbursements collected by CSED. Additionally, Alaska can lose a portion of their TANF block grant — possibly up to \$3.2 million.

Federal Mandates

- NO
- ~~All employers must report new hires or rehires within 20 days (presently employers with 20 or more employees must report within a month). CSED must send data to feds within 7 days of receiving information.~~
 - Employer must send withheld money to CSED in 7 days (presently 10 days)
 - No prior notice of withholding order to obligors (presently prior notice given)
 - Financial institutions and other entities must match data quarterly with CSED (reduces need for subpoenas to get financial information)
 - Existing licensing statutes amended to:
 - make revocable for noncompliance with subpoena or warrant
 - ~~add: hunting (for non-personal use), fishing (non-subsistence) and commercial fishing (crew members only - not limited entry) licenses~~
 - Payments disbursed according to federal law - past AFDC recipients must receive all child support payments before state can collect to reimburse itself
 - Social security numbers required on state licenses, permits and other documents, such as divorce decrees and death certificates. SSN must be shared with all state child support agencies.
 - Various state agencies must provide information to all child support agencies - for child support purposes only
 - Entities providing information or honoring CSED actions are immune from prosecution if acting in good faith
 - Expanded paternity establishment requirements
 - after a 60-day period, a signed acknowledgment of paternity can't be rescinded - except in a court and based on fraud, duress, or material mistake of fact

Federal Child Support Requirements
Child Support Enforcement Bill
Page 2

- parents must be informed of rights and consequences of signing an acknowledgment of paternity
- acceptance of paternity establishments from other states
- putative father can request blood tests and establishment of paternity
- DHSS to decide "good cause" exceptions to required genetic testing and CSED decides noncompliance
- parties to paternity establishment must provide employer information - so that the support order can be established and a withholding order can be sent quickly
- Location of custodial parent or children to be withheld if risk to health, safety or liberty (presently in interstate law, but not domestic law)
- Conformance with ALL provisions of Uniform Interstate Family Support Act
- ~~Authority to contract out child support disbursement functions~~
- State authority to require delinquent obligors to participate in appropriate work activities
- Fraudulent transfers voided when used to evade child support collections
- ~~Recognizing liens from other states~~
- ~~Legal service by first class mail if diligent efforts made for in-person delivery~~
- No "statute of limitations" on reporting arrears to credit bureaus



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for
Children and Families

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

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CSED-DIRECTOR

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

Dear Ms. Straube:

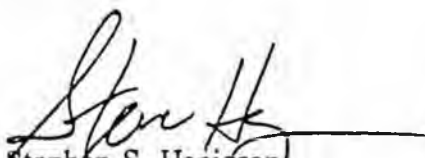
Thank you for your inquiry concerning the child support enforcement provisions of the recently enacted Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), often referred to as Federal welfare reform.

As you know, PL 104-193 introduced several new child support enforcement requirements which, pursuant to Sections 454 and 466 of the Social Security Act, must be reflected in State law in order for a State to maintain an approved Title IV-D State Plan. If a State fails to enact any of the required State laws or procedures under section 466, or otherwise fails to comply with any State plan requirement under section 454, they are at risk of having their State plan disapproved and of losing all Federal IV-D funding.

Alaska received approximately \$11.2 million in Title IV-D funding for the administration of its child support program in FY 1996, as well as nearly \$3 million in Title IV-D performance-related child support incentives. Furthermore, under section 409(a)(8) of the Social Security Act a State failing to comply with the requirements of title IV-D of the Act could also lose a portion of its Federal funding under the Title IV-A (Temporary Assistance to Needy Families) program. Alaska's Federal funding for IV-A for FY 1997 will be about \$63 million dollars.

As always, we in the Regional Office are available to review and discuss issues concerning the implementation of Federal welfare reform requirements with you or with any other representatives of the state. Please let me know if we can be of any assistance.

Sincerely,


Stephen S. Henigson
Regional Administrator

State Plan Disapproval

PROGRAM INSTRUCTION

ACTION TRANSMITTAL

OCSE-AT-97-05

April 28, 1997

TO: STATE AGENCIES ADMINISTERING CHILD SUPPORT ENFORCEMENT PLANS APPROVED UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT AND OTHER INTERESTED INDIVIDUALS

SUBJECT: Procedures for Determining That a State IV-D Plan is Disapproved

BACKGROUND: Title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193, made a number of amendments to sections 454 and 466 of the Social Security Act (the Act), requiring States to either establish new, or modify existing, procedures effective either October 1, 1996, March 1, 1997 or October 1, 1997. For States which require legislation in order to conform their State IV-D plans to the revised statute, section 395(b)(2) of PRWORA provides a grace period until not later than the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of PRWORA (August 22, 1996). In cases which require that the State constitution be amended, section 395(c) of PRWORA provides a grace period until one year after the effective date of the State constitutional amendment, but no later than five years after the date of enactment of PRWORA.

CSE is tracking the progress of each of the States in enacting the new State plan requirements and mandatory laws, and is noting the date when each State's 1997 legislative session ends in order to ascertain when these laws are required to be in effect and when the State must submit new or amended State plan material for approval by OCSE in order to operate a Child Support Enforcement program according to the requirements of title IV-D of the Act. If a State fails to submit the necessary State plan amendments, OCSE will have to determine that the State does not have an approvable State plan. A determination that a State IV-D plan is disapproved will result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE.

STATUTORY

AUTHORITY: Section 455(a)(1)(A) of the Act specifies that funds appropriated under title IV-D shall be paid to States with approved State IV-D plans. There is no authority to expend Federal funds under title IV-D of the Act for the operation of a Child Support Enforcement program unless such State has an approved State IV-D plan.

Section 466 of the Act requires that all States, as a condition for approval of their State IV-D plan, must have in effect laws requiring the use of mandatory procedures to increase the effectiveness of their Child Support Enforcement programs. As a condition for State plan approval, section 454(20) of the Act provides that, to the extent required by section 466, States must have laws in effect and implement the procedures prescribed in or pursuant to such laws.

Section 454 of the Act sets the statutory requisites for the State IV-D plan. In addition, regulations at 45 CFR 301.10 define the State IV-D plan as a comprehensive statement submitted by the IV-D agency describing the nature and scope of its program. The State IV-D plan contains all the information necessary for the Office of Child Support Enforcement (OCSE) to determine whether the plan can be approved, as a basis for Federal financial participation in the State IV-D program.

Section 452(a)(3) of the Act requires that OCSE review and approve State plans for Child Support Enforcement programs under title IV-D of the Act. The authority to approve State plans is delegated to the Regional Office, but OCSE retains authority for determining that a State IV-D plan is not approvable.

As stated above, a determination that a State IV-D plan is disapproved will result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE. If a State is dissatisfied with OCSE's decision, reconsideration may be requested pursuant to 45 CFR 301.14. Withholding of Federal payments cannot be stayed pending reconsideration.

Section 402(a)(2) of the Act (as amended by PRWORA) provides that the chief executive officer of a State must certify that it will operate a child support enforcement program under an approved IV-D plan as a condition of eligibility for a TANF block grant under title IV-A of the Act. Therefore, States should be aware that TANF funds may also be at risk.

Although it is not required under Title IV-D of the Act, OCSE will give States an advance notice of "Intent to Disapprove" a previously approved State IV-D plan. The State will then be permitted the opportunity to waive reconsideration of the OCSE's final decision and to exercise, prior to the State plan approval/disapproval decision, the right to a hearing under the procedures set forth in 45 CFR Part 213. If the State elects to pursue its hearing rights prior to issuance of OCSE's decision, no further administrative appeal will be allowed.

ATTACHMENT: Instructions for State Plan Disapproval
Timetable of Effective Dates 1997 Legislative Calendar

**SUPERSEDED
MATERIAL:** OCSE-AT-86-21

INQUIRIES: ACF Regional Administrators

/ S /

Anne F. Donovan
Acting Deputy Director
Office of Child Support

Enforcement

April 25, 1997

The Honorable Gary Wilken
Alaska State Legislature
State Capitol, Room 510

Dear Senator Wilken:

SB 154 brings Alaska statutes into compliance with the child support provisions of PL 104-193. Passage and implementation of this conforming legislation is needed to avoid fiscal penalties imposed against the state's TANF block grant. The following provides additional information on the penalties that will be imposed if the state is not in compliance with the federally mandated child support provisions of PL 104-193.

Under federal law, failure to comply with paternity establishment and child support enforcement requirements under part D of PL104-193 results in a penalty of up to 5% of the federal TANF block-grant. The block grant payable to the state would be reduced following this schedule:

- For the first quarter and each subsequent quarter that ends before the first quarter that the state is found to be in compliance, not less than 1% and not more than 2%.
- For the second consecutive finding that the state is out of compliance not less than 2% and no more than 3%;
- For the third and subsequent findings of non-compliance not less than 3% and not more than 5%.

Federal law also stipulates that in the fiscal year following a reduction in the TANF grant due to a penalty, states must increase their state spending by an amount equal to the penalty.

If this legislation is not enacted and implemented and the federal penalties are applied, the state would have to voluntarily replace lost federal funds in the first year of the penalty in order to maintain ATAP funding at adequate levels. Federal law, however, mandates that the state must replace these funds in subsequent years. Under a worse case scenario, the maximum penalty that could be levied for non-compliance would be approximately \$3.2 million and the state would be required to offset the loss dollar for dollar in the fiscal year following the year the penalty was imposed.

The net affect of not complying with child support provisions of P.L. 104-193 is a substantial increase in GF spending. However, passage and implementation of this legislation would likely increase child support collections for ATAP children and generate additional general fund program receipts for ATAP.

If you have any questions or need additional information, please contact me or my assistant, Ron Kreher, at 465-3340.

Sincerely,

Jim Nordlund
Director of Public Assistance

Cc: Glenda Straube, Director
Child Support Enforcement Division

CSSB154 (FIN)
Federal Welfare Reform - Child Support Provisions
Sectional Analysis

This bill was drafted to meet the child support requirements of P.L. 104-193, the federal welfare reform act. All of the bill's provisions are mandated by that act. Because many of the bill's sections are substantively similar, covering comparable requirements for various state agencies, this sectional analysis groups those sections together instead of having a separate paragraph, in numerical order, for each one.

Section 1 details the findings and intent of the bill.

Section 2 of the bill would require banks to provide financial records of child support obligors or obligees to the child support enforcement agency of this or another state, for child support purposes authorized under law.

Sections 3, 4, 6, 8, 9, 12, 14, 15, 17, 23, 24, 27, 29, 30, 31, 35, 43, 45, 46, and 106 would require that applicants for state licenses and permits provide their social security numbers, and that social security numbers be included in certain judgments, decisions, and other official documents. In related provisions, sections 3, 4, 13, 16, 18, 25, 25, 28, 30, 32, and 37 would require the licensing entities to provide the social security numbers to the child support enforcement agency of this or another state upon request, for child support purposes authorized under law.

Sections 7, 19, 26, and 144 through 149 of the bill would require various state agencies to provide copies of records concerning child support obligors and obligees to the child support enforcement agency of this or another state, or the federal government, for child support purposes authorized under law. These sections would also allow the information to be transmitted by electronic means as appropriate.

Under Sections 10 and 11, the Department of Revenue would be required to disclose otherwise non-public information about taxpayers to the child support enforcement agency of this or another state, for child support purposes authorized under law.

Section 15 would provide immunity for actions taken by a person in good faith compliance with a child support subpoena, lien, levy, or withholding order.

Sections 20 and 21 would mandate the form of affidavits of paternity, including a requirement that the form describe the consequences of acknowledging paternity, and the deadline for rescission of the acknowledgment.

Section 22 would clarify the effect of an acknowledgment of paternity executed prior to the effective date of the new requirements stated in Sec. 20 or an acknowledgment of paternity executed in another state, and would require the registrar to offer certain assistance regarding the forms.

Section 33 would require the Department of Labor to provide information not only under the currently specified provision of the United States Code, but also as otherwise required by federal law for child support purposes.

The Department of Labor would be required under Section 34 to provide specified information on applicants or recipients of benefits to the child support enforcement agency of this or another state, for child support purposes authorized under law.

Section 36 would amend existing law on legitimation of a child born out of wedlock to explain the effect of acknowledgments of paternity made on the new forms required by Section 21, and those made on earlier forms. Section 36 also would recognize legitimation through a determination of paternity made by any tribunal (including administrative), not just one made by a court.

Section 37 would clarify the type of genetic testing used to establish paternity. Section 38 would specify when a tribunal must order genetic testing in a paternity case. Section 39 would allow recovery of genetic testing costs from the putative father unless the tests show he is not the father. Section 40 would require any tribunal, not just a court, to give full faith and credit to the paternity determination of another state. Section 41 would provide various measures relating to paternity establishment, including evidence standards and issuance of temporary support orders. Section 42 would provide for regulations by the Department of Health and Social Services to allow hospitals a good-cause exception to the requirement of providing in-house paternity acknowledgment services.

Section 44 would require a court to modify an existing child support order without requiring a showing of material change of circumstance when necessary for the state to comply with a federal statute.

Section 47 could require courts to provide CSED with a copy of all child support orders.

Sections 48 through 73 would amend the provisions of AS 25.25, the Uniform Interstate Family Support Act, to conform to the amendments recently made by the Uniform Law Commissioners.

Section 74 would give CSED the authority to adopt regulations to enhance administrative enforcement of child support orders, and to contract with financial institutions to operate automatic data-match systems.

Section 76 would ensure that CSED has authority to exchange information as required by federal law.

Under Section 77, CSED could enter into agreements with third parties to perform certain of their functions.

Section 78 would allow CSED or the court to enter an order that an obligor with child support arrears must arrange a payment plan or participate in appropriate work activities. It also

would ensure that CSED, or the child support agency of another state, has access to information used by the Department of Public Safety or a successor agency to locate individuals for law enforcement or motor vehicle purposes.

Section 80 would correct the statutory references regarding payment of costs of genetic testing.

Section 81 would allow a custodial parent to request immediate income withholding without requesting other services of CSED. Section 82 would allow the income withholding order and related documents to be served electronically (in addition to regular means) and would require that amounts withheld under such an order be sent to the agency within seven business days, instead of 14 working days, after it would have been paid to the employee. This conforms with the amount of time the employer has to answer the inquiries that accompany the withholding order. Under Section 83, the employer could combine amounts withheld from various employees into one payment to the agency so long as they comply with the relevant time deadlines.

Section 84 would specify the requirements that all employers must meet when providing information on all employee hiring and rehiring.

The administrative subpoena statute would be rewritten under Section 85 and 86, to set forth the method of delivery, the procedure for objecting to the administrative subpoena, the penalty for noncompliance, and to discontinue the requirement that the commissioner must approve each subpoena. Section 87 would require compliance with a subpoena issued by the child support agency of another state and provide for enforcement of the subpoena by CSED.

Section 88 would permit CSED to impose fees for service provided without having to charge the custodian a fee or withholding a portion of child support payments from proceeds received by operation of an income withholding order.

Section 89 would require that child support payments be disbursed according to federal law.

Section 91 would require that, when CSED locates a child support obligor who is liable for public assistance reimbursement, its notice must include a statement that payments must be made through CSED.

Section 92 would allow income withholding to commence without prior notice to the obligor if an arrearage occurs. Under Section 93, the notice sent to the obligor regarding income withholding shall inform the obligor of the procedures for contesting the withholding. Section 94 would require the conference officer to inform the obligor of the informal conference decision at the hearing or within 15 days. Section 95 would allow a formal hearing if the conference officer determines that withholding will continue.

Section 96 would clarify that the amount of a child support obligation will be determined using the standards set out in Civil Rule 90.3.