

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

3416 HJUD SB 355 - SB 371

28



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

7/25/89
Date

S B

z 5 5

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

5/10/86

8:00 AM

**HOUSE
COMMITTEE REPORT**

(7)

Date referred: 5/8/86

FURTHER REFERRALS: FINANCE

DATE: _____

The JUDICIARY Committee has considered CSSB 355(Fin)

"An Act relating to a court facility in Fairbanks; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCS CSSB 355(JUD)] same title
-] new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING NO PASS:

SIGNING OTHER RECOMMENDATIONS:

Walter J. ...
Walter J. ...

Walter J. ...
Walter J. ...

Walter J. ...
 Chairman

Werners

Original sponsor: Bennett

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
 2 HOUSE CS FOR CS FOR SENATE BILL NO. 355 (Judiciary)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a court facility in Fairbanks;
 7 and providing for an effective date."

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

9 * Section 1. The legislature finds that a need exists for a new court
 10 facility in Fairbanks and that the needed facility must be acquired in as
 11 economical manner as possible. In acquiring the necessary court facility
 12 the supreme court should

13 (1) investigate the feasibility of using state land in the
 14 Fairbanks area as a site for a court facility;

15 (2) investigate the feasibility of contracting with the Alaska
 16 State Housing Authority or with a local government utilizing municipal
 17 revenue bonds to provide the space necessary for a Fairbanks court facili-
 18 ty; and

19 (3) coordinate space acquisition in Fairbanks with other state
 20 agencies.

21 * Sec. 2. The supreme court may enter into a lease-purchase agreement
 22 not to exceed a cost of \$29,900,000 for construction and all other related
 23 costs of a court facility in Fairbanks, if

24 (1) a day-care facility for the use of employees, jurors, wit-
 25 nesses and other appropriate persons is included in the project; and

26 (2) 15 percent of parking spaces for the court facility are
 27 reserved for the public.

28 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
 29 10.070(c).

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SB 355 fm
 Title : AN ACT MAKING A SPECIAL
APPROPRIATION FOR THE CONSTRUCTION
OF A NEW COURT FACILITY IN FAIRBANKS.
 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : ALASKA COURT SYSTEM
 BRU : TRIAL COURTS
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						3,701.0
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	3,701.0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						3,701.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	3,701.0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

SEE ATTACHED SUMMARY

Prepared by : ROBERT G. FISHER Phone : 264-8215
 Division : ALASKA COURT SYSTEM Date : 4/2/86

Approved by Commissioner : _____ Date : 4/2/86
 Agency : ALASKA COURT SYSTEM

Distribution (by Agency preparing fiscal note) :

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

ALASKA COURT SYSTEM
NEW FAIRBANKS COURT FACILITY
CAPITAL BUDGET REQUEST

ASSUMPTIONS: Project planning and design work to commence 7/1/86 and to finish 6/30/88. Building construction and remodeling of existing facility to commence 7/1/88 and to finish 6/30/91.

PROJECT COSTS:

Site acquisition and development, architectural and engineering fees. Remodeling of existing facility. Miscellaneous costs, permits, and fees. Building and parking construction. Construction management, furniture, fixtures and equipment, and other project costs. \$27,465,000

PROJECT FINANCING:

Bond issue (8%, 25 year) \$28,610,000
Underwriter costs (\$40 per \$1,000) 1,145,000

Net proceeds \$27,465,000
=====

Total debt service (see attached debt service schedule) \$62,535,000

Operating and maintenance costs are responsibility of Department of Transportation.

NEW FAIRBANKS COURT FACILITY
DEBT SERVICE SCHEDULE

DATE	OUTSTANDING	CONSTRUCTION PERIOD NET INTEREST	INTEREST	SINKING FUND PAYMENT	TOTAL DEBT SERVICE
Jul-86	\$28,610,000	\$0	\$0	\$0	\$0
Jan-87	28,610,000	84,286	0	0	84,286
Jul-87	28,610,000	122,773	0	0	122,773
Jan-88	28,610,000	161,259	0	0	161,259
Jul-88	28,610,000	199,746	0	0	199,746
Jan-89	28,610,000	367,685	0	0	367,685
Jul-89	28,610,000	497,137	0	0	497,137
Jan-90	28,610,000	626,590	0	0	626,590
Jul-90	28,610,000	756,042	0	0	756,042
Jan-91	28,610,000	885,495	0	0	885,495
Jul-91	28,610,000	1,014,947	0	0	1,014,947
Jan-92	28,610,000	0	1,144,400	301,077	1,445,477
Jul-92	28,610,000	0	1,144,400	301,077	1,445,477
Jan-93	28,610,000	0	1,144,400	301,077	1,445,477
Jul-93	28,610,000	0	1,144,400	301,077	1,445,477
Jan-94	28,610,000	0	1,144,400	301,077	1,445,477
Jul-94	28,610,000	0	1,144,400	301,077	1,445,477
Jan-95	28,610,000	0	1,144,400	301,077	1,445,477
Jul-95	28,610,000	0	1,144,400	301,077	1,445,477
Jan-96	28,610,000	0	1,144,400	301,077	1,445,477
Jul-96	28,610,000	0	1,144,400	301,077	1,445,477
Jan-97	28,610,000	0	1,144,400	301,077	1,445,477
Jul-97	28,610,000	0	1,144,400	301,077	1,445,477
Jan-98	28,610,000	0	1,144,400	301,077	1,445,477
Jul-98	28,610,000	0	1,144,400	301,077	1,445,477
Jan-99	28,610,000	0	1,144,400	301,077	1,445,477
Jul-99	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2000	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2000	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2001	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2001	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2002	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2002	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2003	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2003	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2004	28,610,000	0	1,144,400	301,077	1,445,477
Jun-2004	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2005	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2005	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2006	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2006	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2007	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2007	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2008	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2008	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2009	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2009	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2010	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2010	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2011	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2011	28,610,000	0	1,144,400	301,077	1,445,477
TOTAL		\$4,715,960	\$45,776,000	\$12,043,080	\$62,535,040

ALASKA COURT SYSTEM
 NEW FAIRBANKS COURT FACILITY
 SURPLUS FUNDS INVESTMENT SCHEDULE

DATE	SITE & PLANNING DRAWS	CONSTRUCT- ION DRAWS	TOTAL DRAWS	BALANCE	INTEREST INCOME
Jul-86	ORIGINAL ISSUE	\$0	\$0	\$27,465,000	\$0
Jul-86	962,160	0	962,160	26,502,840	0
Jan-87	962,160	0	962,160	25,540,680	1,060,114
Jul-87	962,160	0	962,160	24,578,520	1,021,627
Jan-88	962,160	0	962,160	23,616,360	983,141
Jul-88	962,160	3,236,314	4,198,474	13,417,886	944,654
Jan-89	0	3,236,314	3,236,314	16,181,572	776,715
Jul-89	0	3,236,314	3,236,314	12,945,258	647,263
Jan-90	0	3,236,314	3,236,314	9,708,944	517,810
Jul-90	0	3,236,314	3,236,314	6,472,630	388,358
Jan-91	0	3,236,314	3,236,314	3,236,316	258,905
Jul-91	0	3,236,314	3,236,314	2	129,453
	\$4,610,300	\$22,654,198	\$27,464,998		\$6,728,040



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

7/25/89
Date

S B

z o i

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

3/19/86

1:30 pm

HOUSE
COMMITTEE REPORT

(7)

Date referred: 2/14/86

FURTHER REFERRALS:

DATE: _____

The JUDICIARY Committee has considered SB 361

"An Act relating to powers of magistrates in the extradition of fugitives."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS.

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signatures]

[Handwritten signature]
Chairman

390

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 361
 Title : An Act Relating to the Powers of Magistrates
 Sponsor : _____
 Requestor : Senate Judiciary
 Date of Request : 2/3/86

FISCAL DETAIL

Agency Affected : Alaska Court System
 BRU : Trial Courts
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No Fiscal Impact

Prepared by : Robert G. Fisher Phone : 264-8215
 Division : Alaska Court System Date : 2/3/86
 Approved by Commissioner : Arthur H. Snowden, II Date : 2/3/86
 Agency : Alas' Court System

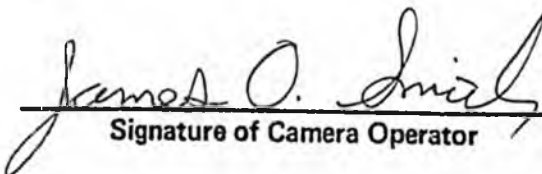
Distribution (by Agency preparing fiscal note):

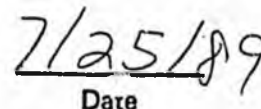
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

S

B

7

6

8

HOUSE
COMMITTEE REPORT

4/14

(9)

Date referred: 3/10/86

FURTHER REFERRALS: JUDICIARY

DATE: 4/14/86

The RESOURCES Committee has considered SSSB 368

"An Act relating to the sale of inherited remote parcels."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with H CS for SSSB 368 (Resources) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Shultz [Signature]

Cato [Signature]

Sund [Signature]

Thompson [Signature]

Miller(NP) [Signature]

Wallis [Signature]

Pearce [Signature]

[Signature] [Signature]

Co-Chairman Shultz

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision D. #: 2/20/86

REQUEST

Bill/Resolution No. SS SB 368
 Title: Sale of Inherited Remote
Parcels
 Sponsor: Senator Bennett
 Requestor: Senate Resources
 Date of Request: 2/20/86

FISCAL DETAIL

Agency Affected: Natural Resources
 BRU: Land & Water Management
 Components: Land Disposals/Fee

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No Fiscal Impact

Prepared by: Michael E. Vediner *RMV* Phone: 465-2400
 Division: Division of Land & Water Management Date: 2/20/86

Approved by Commissioner: Thomas D. Arnold, Deputy Date: 2/21/86
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

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

DORIS LOENNIG
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW

SUITE 120, 515 SEVENTH AVENUE - FAIRBANKS, ALASKA 99701
907 452-2005

December 16, 1985
(Dictated 12-9-85)

Sen. Don Bennett
P.O. Box 2801
Fairbanks, Alaska 99707

Recently I have been probating estates for persons in Manley Hot Springs, Alaska. The man and wife had each applied under the remote parcel provisions for land and had been awarded leases by the State. Tragically they both died in a more or less simultaneous accident leaving the husband's interest to his parents and the wife's interest to her parents. The parents do not reside in the State of Alaska, and have no means of actually proving up on the property. However, each is a valuable asset of the estates since there have been improvements placed on the property by the parties before their death and the remote parcel provisions have been withdrawn by the State so those parcels are no longer available to the public.

I make reference to A.S. 38.05.077(e):

"A remote parcel lease may not be assigned, conveyed, or otherwise transferred, but rights under the lease may devolve by testate or intestate succession. An attempt to assign, convey, or otherwise transfer the lease is void and terminates the lease."

Likewise, under A.S. 38.05.078(d):

"In addition to the terms specified in A.S. 38.05.065(b) a contract of sale for land in a remote parcel shall contain the following conditions: 1) the land may not be sold, leased, or otherwise conveyed before ten years after the date that the contract of sale is signed by the purchaser, but title to the land may devolve by testate or intestate succession."

Interior Delagation
Re: Remote Parcel

Dec. 16, 1985
Page two

My problem is, and one that I have discussed with the Department of Natural Resources, is whether once the property becomes vested in heirs or has devolved by testate or intestate succession, can those heirs then proceed to dispose of their interest? It appears to me that if the answer is otherwise, the State is running into a constitutional problem of depriving persons of property without due process of law; secondly, it is my understanding that this provision was placed in there by those who were afraid that the original bidders would obtain a speculative profit by immediately re-selling the parcel.

My purpose in writing you is since DNR does not agree with me that possibly once property has devolved to an heir that the restriction against sale no longer pertains; would the legislature would consider amending the acts to make it clear that once property has devolved the properties can then be sold since to do otherwise in many cases, and particularly in these cases, would result in the heirs losing the property. In this case the parents are older, they do not reside in the State and they have no way, nor desire really, of trying prove up on the property. On the other hand their children did place improvements on the property which are of some value.

Please review my letter, if you have any questions, do not hesitate to contact me.

Very truly yours,

DORIS LOENNIG, P.C.

By: 

DORIS LOENNIG

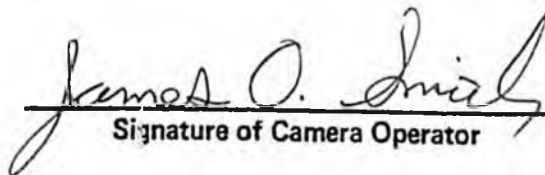
DL:dcm

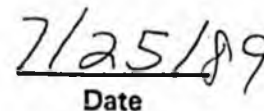


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

S B

z o

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

PO BOX 11 - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-387

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

5/5/86

1:30 pm

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 370 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to aid to families with dependent
7 children and to child support and enforcement; and
8 providing for an effective date."

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

10 * Section 1. AS 47.23.020(a) is amended to read:

11 (a) The agency shall

12 (1) seek enforcement of child support orders of the superi-
13 or courts of the state in other jurisdictions and shall obtain, en-
14 force, and administer the orders in this state;

15 (2) adopt regulations to carry out the purposes of this
16 chapter, including regulations that establish

17 (A) schedules for determining the amount an obligor is
18 liable to contribute toward the support of an obligee under this
19 chapter and under 42 U.S.C. 651 - 665 (Title IV-D, Social Secu-
20 rity Act);

21 (B) procedures for hearings conducted under AS 47.23.-
22 170; and

23 (C) subject to AS 47.23.025 and to federal law, a
24 uniform rate of interest on arrearages of support that shall be
25 charged the obligor upon notice if child support payments are 10
26 or more days overdue or if payment is made by a check backed by
27 insufficient funds;

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

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

3 (5) administer the state plan required under 42 U.S.C.
4 651 - 665 (Title IV-D, Social Security Act) as amended;

5 (6) disburse [CHILD] support payments collected by the
6 agency to the obligee, together with interest charged under (2)(C) of
7 this subsection;

8 (7) establish and enforce through the superior courts of
9 the state child support orders from other jurisdictions pertaining to
10 obligors within the state;

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

15 (9) obtain a medical support order as part of a child
16 support order if health care coverage is available to the obligor at a
17 reasonable cost.

18 * Sec. 2. AS 47.23.062(a) is amended to read:

19 (a) A judgment, court order, or order of the child support
20 enforcement agency under this chapter providing for [THE] support [OF
21 A MINOR CHILD] must contain an income withholding order. An income
22 withholding order under this section may not be enforced unless the
23 obligor had notice of the order when it was made or an application for
24 the order was served on the obligor in the manner provided for service
25 of a summons under Rule 4, Alaska Rules of Civil Procedure.

26 * Sec. 3. AS 47.23.062(b) is amended to read:

27 (b) An income withholding order must direct the obligor, the
28 obligor's employer, future employer, and any person, political subdi-
29 vision, or department of the state to withhold money due or to be due

1 the obligor and pay the money to the agency, in an amount determined
2 under (i) [(h)] of this section.

3 * Sec. 4. AS 47.23.062(g) is amended to read:

4 (g) An income withholding order under this section has priority
5 over all other attachments, executions, garnishments, or other legal
6 process brought under state law against the same money unless other-
7 wise ordered by the court. An income withholding order is not limited
8 to the wages of an obligor but may include all money owed to the
9 obligor not otherwise exempt by law. Exemptions under AS 09.33 do not
10 apply to income withholdings [ASSIGNMENTS] under this section.

11 * Sec. 5. AS 47.23.062(1) is amended to read:

12 (1) A petition by the obligor to the court to terminate or
13 reduce the withholding of income may be granted upon good cause shown.
14 Payment of arrears alone does not constitute good cause.

15 * Sec. 6. AS 47.23.120(a) is amended to read:

16 (a) An obligor is liable to the state in the total amount of
17 assistance granted under AS 47.25.310 - 47.25.420 to or for the
18 benefit of a child whom the obligor owes a duty of support and the
19 relative with whom the child is living. However, [EXCEPT THAT] if a
20 support order has been entered, the liability of the obligor may not
21 exceed the amount of support provided for in the support order.

22 * Sec. 7. AS 47.23.170(e) is amended to read:

23 (e) The hearing officer shall consider the following in making a
24 determination under (d) of this section:

25 (1) the needs of the alleged obligee, disregarding the
26 income or assets of the custodian of the alleged obligee;

27 (2) the amount of the alleged obligor's liability to the
28 state under AS 47.23.120 [47.23.125] if any;

29 (3) the intent of the legislature that children be

1 supported as much as possible by their natural parents:

2 (4) the ability of the alleged obligor to pay.

3 * Sec. 3. AS 47.23.225 is amended to read:

4 Sec. 47.23.225. SUPPORT PAYMENT OBLIGATIONS AS JUDGMENTS. A
5 support [COURT] order ordering a concustodial parent obligor to make
6 periodic [CHILD] support payments to the custodian of a child is a
7 judgment that becomes vested when each payment becomes due and unpaid.
8 The custodian of the child, or the agency on behalf of that person,
9 may take legal action under AS 47.23.226 to establish a judgment for
10 [CHILD] support payments ordered by a court of this state that are
11 delinquent.

12 * Sec. 4. AS 47.23.226 is amended to read:

13 Sec. 47.23.226. COLLECTION OF [CHILD] SUPPORT. To collect the
14 payment due, the custodian of a child, or the agency on behalf of that
15 person, shall file with the court (1) a motion requesting establish-
16 ment of a judgment; (2) an affidavit that states that one or more
17 payments of [CHILD] support are 30 or more days past due and that
18 specifies the amounts past due and the dates they became past due; and
19 (3) notice of the obligor's right to respond. Service on the obligor
20 must [SHALL] be in the manner provided in AS 47.23.265. The child's
21 custodian, or the agency on behalf of the custodian, shall file with
22 the court proof of service of the petition, affidavit, and notice.
23 The obligor shall respond no later than 15 days after service by
24 filing an affidavit with the court. If the obligor's affidavit states
25 that the obligor has paid any of the amounts claimed to be delinquent,
26 describes in detail the method of payment or offers any other defense
27 to the petition, then the obligor is entitled to a hearing. After the
28 hearing, if any, the court shall enter a judgment for the amount of
29 money owed. If the obligor does not file an affidavit under this

1 section, the court shall enter a default judgment against the obligor.

2 * Sec. 10. AS 47.23.255(b) is amended to read:

3 (b) A person required by court order to make [CHILD] support
4 payments through the agency shall keep the agency informed of the
5 person's current address.

6 * Sec. 11. AS 47.23.273 is amended to read:

7 Sec. 47.23.273. REPORTING OF PAYMENT INFORMATION CONCERNING
8 DELINQUENT OBLIGORS. (a) The agency may provide to credit bureaus or
9 lending institutions of any kind information about delinquent [CHILD]
10 support owed by obligors. The information [SO] provided must consist
11 solely of the payment history of the obligor for a period not to
12 exceed 10 years before the date the information is provided.

13 (b) Upon an obligor's payment of delinquent [CHILD] support, the
14 agency shall immediately notify all credit bureaus and lending insti-
15 tutions that were furnished information about the obligor under (a) of
16 this section that the obligor is no longer delinquent.

17 * Sec. 12. AS 47.23.900(3) is amended to read:

18 (3) "duty of support" includes a duty of [CHILD] support
19 imposed or imposable by law, by a court order, decree or judgment, or
20 by a finding or decision rendered under this chapter whether inter-
21 locutory or final, whether incidental to a proceeding for divorce,
22 legal separation, separate maintenance, or otherwise, and includes the
23 duty to pay arrearages of support past due and unpaid together with
24 penalties and interest on arrearages imposed under AS 47.23.-
25 020(a)(2)(C);

26 * Sec. 13. AS 47.23.900(7) is amended to read:

27 (7) "support order" means any judgment, decree, or order of
28 [CHILD] support in favor of an obligee whether temporary or final, or
29 subject to modification, revocation, or remission, regardless of the

kind of action or proceeding in which it is entered.

* Sec. 14. AS 47.25 is amended by adding a new section to read:

Sec. 47.25.345. ASSIGNMENT OF SUPPORT RIGHTS. An applicant for or recipient of assistance under AS 47.25.310 - 47.25.420 is considered to have assigned to the state, through the child support enforcement agency, all rights to accrued and continuing support that the applicant and other persons for whom assistance is sought may have from all sources. The assignment takes effect upon a determination that the applicant is eligible for assistance under AS 47.25.310 - 47.25.420. Except with respect to the amount of any unpaid support obligation accrued under the assignment, the assignment terminates when the applicant ceases to receive assistance.

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

AMENDMENT

TO: CSSB 370 (HESS)

BY GRUENBERG

OFFERED IN THE HOUSE JUDICIARY COMMITTEE

Page 3, lines 16 - 21

AS 47.23.120(a) is amended to read:

(a) An obligor is liable to the state in the total amount of assistance granted under AS 47.25.310 - 47.25.420 to or for the benefit of a child whom the obligor owes a duty of support and the relative with whom the child is living. However, [EXCEPT THAT] if a support order has been entered, the liability of the obligor may not exceed the amount of support provided for in the support order.

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS
FROM: NANCY BENNETT, COMMITTEE STAFF
DATE: APRIL 28, 1986
RE: TODAY'S AGENDA

We have three bills up for consideration today:

SB 370 -AFDC and Child Support Enforcement

We have a draft Committee Substitute incorporating the amendments suggested by Holli Ploog on Thursday (the changes are sections 2 and 4). We also have new documents in the bill file: 45 CFR ch.11, federal regulations for assignment of rights of support; 45 CFR 303.100, federal regulations for income withholding; and correspondence on mandatory wage withholding.

SB 319 - creating a special education service agency

This bill is similar in content to HB 543, passed by the committee earlier this session. There is a comparison of the two bills in your bill file. The major difference is the funding section.

HB 684 - relating to school vehicle safety

This bill would mandate seatbelts in school buses purchased or leased after the effective date of this act, or child safety devices for children under four. The buses must also have seat backs over 28 inches high if over 10,000 lbs. gross weight and meet U.S. DOT safety standards. Buses may eliminate seatbelts to provide for wheelchairs and special equipment. The bill also provides a section granting bus drivers immunity from personal liability for injury to a passenger not wearing a seat belt or safety device.

September 19, 1985

Representative Max Gruenberg
914 Clay Court
Anchorage, AK 99503

Dear Max:

Enclosed is the final letter from Region X regarding the status of statutory compliance with the Child Support Enforcement Amendments of 1984. I am slightly confused and frustrated about this analysis since their original position was to not require all provisions to be in statute (i.e. regulations, procedures were sufficient) and now they are taking a more hard line approach. Vince Herberholt advised me that OCSE will be reassessing their position this week and we should know sometime soon (I hope!) what we need to do to satisfy their requirements.


For your information, in number 1, Mandatory Wage Withholding, we have taken care of the first concern in regulation, the second is programmed into the computer, the fourth is in regulation, and the fifth is taken care of by forms and procedure. Only the third concern, regarding termination of wage withholding, is a problem. If you recall, we discussed this issue in the Judiciary Committee and did not get agreement to keep in the language from the HESS version which would have met the federal requirements. Perhaps we should try again this session.

The second issue cited, Consumer Reporting Agencies, is taken care of by regulation.

After I get a clearer picture of what OCSE's position is, we can discuss how we want to handle it.

As always, thank you for your continued interest and cooperation.

Sincerely,


Holli Ploog
Director

enclosure

Region X
M/S 415
2901 Third Avenue
Seattle, WA 98121

RECEIVED

September 9, 1985

SEP 13 1985

Ms. Hollie Ploog
Director
Child Support Enforcement Division
550 W. 7th, Hunt Bldg., 4th Floor
Anchorage, Alaska 99501

CSED

Re: Revised Analysis Of State Statutes

Dear Hollie:

As part of the compliance process, my office has analyzed Alaska's child support statutes to determine how well they meet the requirements of P.L. 98-378 with regards to the eight (8) mandatory provisions. It is our determination that there are two (2) provisions that do not meet the specific requirements of the 1984 Child Support Amendments.

They are:

1. Mandatory Wage Withholding

P.L. 98-378 requires that wage withholding be applied to all IV-D cases. Alaska's statutes demonstrate that all types of IV-D cases are included in the process except enforcement of spousal support.

P.L. 98-378 requires the State to allocate amounts available for multiple withholding from the same absent parent's wages. Alaska's statutes do not contain this language.

P.L. 98-378 requires that there be provisions for terminating wage withholding when payment of overdue support is not the sole basis for termination. Alaska's statute states that termination of withholding may be granted when petitioned by the obligor and when good cause is shown.

P.L. 98-378 states that the withheld amount must be sent to the State within 10 days of the date the employee is paid. Alaska's statutes contain language which says that the amount withheld "shall be sent to the agency".

P.L. 98-378 states that notice to the employer must include a statement that withholding is binding upon the employer until further notice by the State. Alaska's statutes do not contain this language.

2. Making Information Available To Consumer Reporting Agencies

P.L. 98-378 requires that information on an absent parent be made available to consumer reporting agencies at their request if child support is owed in an amount greater than \$1,000. Alaska's statute (47.23.273) allows for the reporting of information by the IV-D agency, although it is not mandatory.

P.L. 98-378 requires the State to provide advance notice to the absent parent, including procedures to contest the accuracy of the information. Alaska's statutes contain no procedures to contest the action.

In light of these findings, I would like to review the options I believe are available to you at this time:

1. Clarify Your Statutes. If you have basic statutory authority you may clarify your law using regulations, court rules or procedures so that it meets the requirements of P.L. 98-378. This technique requires the State to apply for an authority exemption (see AT 85-5). In applying for this exemption, Alaska must show how current or proposed State regulations, court rules, or procedures clarify the statutory language and provide the necessary authority to meet the Federal law.
2. Request A Delay. If you intend to introduce bills at your next legislative session to meet the requirements of the Federal law (i.e., extending wage withholding to spousal support) you may request a delay in the State Plan process. (See AT 85-11)
3. Request An Exemption. If you believe your current procedures are more efficient and effective than those required by Federal law, you may request an operational exemption. In applying for this exemption, Alaska must meet specific criteria identified in AT 85-5.
4. Take No Action. If you believe that your current statutes meet the requirements in the Federal law and regulations, you may indicate that conclusion in the State Plan preprint. OCSE will review the Plan submission and formally determine if the Plan is approvable. If OCSE determines that the law does not meet Federal requirements and the Plan is not approvable, OCSE will notify the State. At that time, the State may request a reconsideration from the Director, OCSE, under 45 CFR 301.14.

Ms. Hollie Ploog, Director

Page 3

You may wish to discuss this matter with CCSE as a policy issue before you choose one of the options outlined above.

I believe that Alaska can meet the majority of the Federal requirements by clarifying its laws with regulations and procedures and requesting an authority exemption before October 1, 1985.

If you would like to discuss this matter further, please feel free to contact me or Phyllis Benton of my staff. I hope all of the above information is helpful to you.

Sincerely,

Ruthie Jackson

Ruthie Jackson
Regional Representative

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 29, 1986

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that automatically assigns to the state the support rights of recipients of Aid to Families with Dependent Children (AFDC), clarifies a nonsupporting parent's liability for AFDC paid for his or her child, and makes technical amendments to the support enforcement statutes.

AFDC is a joint federal-state program that provides financial assistance to needy dependent children living with parents or relatives. In order to participate in the AFDC program, a state must require that all applicants for and recipients of AFDC assign their rights to support, from any source, to the state. 45 C.F.R. sec. 232.11. In order to comply with federal law, the Department of Health and Social Services requires an applicant to sign a form assigning those rights, and transmits the form to the child support enforcement division (CSED) of the Department of Revenue for action. By making assignment of AFDC applicants' and recipients' support rights automatic, sec. 1 of the bill eliminates the need to pass papers from one state agency to another, thereby allowing CSED to proceed more expeditiously to collect support.

Sections ¹ ~~2~~ and ⁶ ~~7~~ -- ¹¹ 12 of the bill amend child support enforcement statutes in AS 47.23 to reflect CSED's duty under AS 47.23.020 to collect spousal support in cases in which it is administering child support. By referring to

"support," rather than "child support," the statutes would enhance the agency's ability to meet its statutory directive.

The amendment to AS 47.23.062(b), in sec. 3 of the bill, merely corrects a reference to reflect amendments enacted in the 1985 session.

The amendment to AS 47.23.062(1), in sec. 4 of the bill, is to bring our statute into compliance with federal law. 45 C.F.R. 303.100(a)(9).

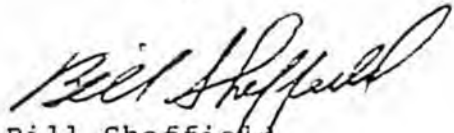
By adding the phrase "for the benefit of" before the word "child" in AS 47.23.120(a), sec. 5 of the bill makes clear that a nonsupporting parent is potentially liable for the full amount of an AFDC grant paid to the parent or relative caring for the nonsupporting parent's child, rather than just the portion paid "to" the child. This is appropriate, because AFDC grants are calculated to allow parents or relatives to care for needy dependent children. The full amount of the grants is intended to benefit the children.

The amendment to AS 47.23.170(e)(2), in sec. 6 of the bill, is a technical one, to correct an incorrect reference.

Finally, sec. 13 provides that the bill take effect immediately so that the agency can fully exercise its enforcement authority and collect support without delay.

Because the bill brings Alaska law into compliance with federal law, expedites the support enforcement process, and fosters the agency's ability to meet its statutory directive to collect both child and spousal support, I urge your prompt passage of this bill.

Sincerely,


Bill Sheffield
Governor

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No.: 58370
 Title : _____

 Sponsor : Rules Committee by
 Requestor : request of the Governor
 Date of Request : 01/10/86

FISCAL DETAIL

Agency Affected : Revenue
 BRU : Child Support Enforcement Division

 Components : Operating

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Holli I. Ploog Phone : 263-6202
 Division : Child Support Enforcement Division Date : 01/10/86

Approved by Commissioner : Matt Barber for Date : 1-16-86
Mary A. Nordale Commissioner
 Agency : Department of Revenue

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST 56370

Bill/Resolution No. : Proposed
 Title : An Act Relating to Aid to Families with Dependent Children...
 Sponsor : Rules by Request
 Requestor : Governor
 Date of Request : 1/86

FISCAL DETAIL

Agency Affected : Health & Social services
 BRU : Assistance Payments
 Components : AFDC

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

Bill will result in no new costs and in no measurable savings.

Prepared by : John B. Taber, Director Phone : 165-3347
 Division : Division of Public Assistance Date : 12/27/85

Approved by Commissioner : John R. Poy Date : 12/31/85
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST 12271

Bill/Resolution No.: Proposed

Title: An Act Relating to Aid to Families with Dependent Children...

Sponsor: Rules by Request

Requestor: Governor

Date of Request: 1/86

FISCAL DETAIL

Agency Affected: Health & Social Services

BRU: Public Assistance/Administra

Components: Eligibility Determination

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

Bill will result in no new costs; it will reduce paperwork, but not so substantially as to result in measurable savings.

Prepared by: John P. Taber, Director Phone: 465-3347

Division: Division of Public Assistance Date: 12-27-85

Approved by Commissioner: John R. Gray Date: 12/31/85

Agency: _____

Distribution (by Agency preparing fiscal note):

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

§ 232.11

needs are considered in determining the amount of assistance.

(g) The State or local agency shall notify the applicant or recipient that the furnishing of the SSN is a condition of eligibility for assistance required by section 402(a)(25) of the Social Security Act and that the SSN will be utilized in the administration of the AFDC program.

[40 FR 27154, June 26, 1975, as amended at 40 FR 52376, Nov. 10, 1975]

§ 232.11 Assignment of rights to support.

(a) The State plan must provide that:

(1) As a condition of eligibility for assistance, each applicant for or recipient of AFDC shall assign to the State any rights to support from any other person as such applicant or recipient may have:

(i) In his own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance; and

(ii) Which have accrued at the time such assignment is executed.

(2) If the relative with whom a child is living fails to comply with the requirements of paragraph (a)(1), (2), or (3) of this section, such relative shall be denied eligibility without regard to other eligibility factors.

(3) If the relative with whom a child is living is found to be ineligible for assistance because of failure to comply with the requirements of paragraph (a)(1), (2), or (3) of this section, any aid for which such child is eligible (determined without regard to the needs of the ineligible relative) will be provided in the form of protective payments as described in § 234.60 of this chapter.

(4) For new applicants, the requirements of paragraph (a) of this section shall be effective August 1, 1975; and for current recipients, it shall be effective as determined by the State agency but not later than the time of the next redetermination of eligibility required by § 205.10(a)(9) of this chapter and in any event not later than February 1, 1976.

(b) An assignment by operation of State law which is substantially identical to the requirements of paragraph

45 CFR Ch. II (10-1-85 Edition)

(a)(1) may be utilized in lieu of the assignment described in that paragraph.

(c) If there is a failure to execute an assignment pursuant to this section, the State may attempt to establish paternity and collect child support pursuant to appropriate State statutes and regulations.

[40 FR 27154, June 26, 1975, as amended at 40 FR 52376, Nov. 10, 1975]

§ 232.12 Cooperation in obtaining support.

The State plan must meet all requirements of this section.

(a) The plan shall provide that as a condition of eligibility for assistance, each applicant for or recipient of AFDC will be required to cooperate (unless good cause for refusing to do so is determined to exist in accordance with §§ 232.40 through 232.49 of this chapter) with the State in:

(1) Identifying and locating the parent of a child for whom aid is claimed;

(2) Establishing the paternity of a child born out of wedlock for whom aid is claimed;

(3) Obtaining support payments for the applicant or recipient and for a child for whom aid is claimed; and

(4) Obtaining any other payments or property due the applicant or recipient or the child.

(b) The plan shall specify that cooperate includes any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in paragraph (a) of this section:

(1) Appearing at an office of the State or local agency or the child support agency as necessary to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the applicant or recipient;

(2) Appearing as a witness at judicial or other hearings or proceedings;

(3) Providing information, or attesting to the lack of information, under penalty of perjury; and

(4) Paying to the child support agency any support payments received from the absent parent after an assignment under § 232.11 has been made. This includes support payments received in the current month and any

meet the requirements in paragraph (f) of this section.

(2) If the complaint cannot be resolved by the submitting State and the absent parent requests an administrative review in the State with the order upon which the referral for offset is based, the submitting State must notify the State with the order of the request for an administrative review and provide that State with all necessary information, including the information listed under paragraph (a)(4) of this section, within 10 days of the absent parent's request for an administrative review.

(3) The State with the order must send a notice to the absent parent and, in non-AFDC cases the custodial parent, of the time and place of the administrative review, conduct the review and make a decision within 45 days of receipt of the notice and information from the submitting State.

(4) If the administrative review results in a deletion of, or decrease in, the amount referred for offset, the State with the order must notify the Office in writing within time frames established by the Office and include the information specified in paragraph (b) of this section.

(5) Upon resolution of a complaint after an offset has been made, the State with the order must notify the submitting State of its decision promptly.

(6) When an administrative review is conducted in the State with the order, the submitting State is bound by the decision made by the State with the order.

(7) Based on the decision of the State with the order, the IV-D agency in the submitting State must take steps to refund any excess amount to the absent parent promptly.

(8) In computing incentives under § 303.52 of this part, if the case is referred to the State with the order for an administrative review, the collections made as a result of Federal tax refund offset will be treated as having been collected in full by both the submitting State and the State with the order.

(h) *Distribution of collections.* (1) Collections received by the IV-D agency as a result of refund offset to satisfy AFDC or non-AFDC past-due support shall be distributed as past-due support as required under § 302.51(b) (4) and (5) of this chapter.

(2) Collections received by the IV-D agency in foster care maintenance cases shall be distributed as past-due support under § 302.52(b) (3) and (4) of this chapter.

(3) The IV-D agency must inform individuals who apply for services under § 302.33 of this chapter in advance that

amounts offset will be applied first to satisfy any past-due support which has been assigned to the State under § 232.11 of this title or section 471(a)(17) of the Act and submitted for Federal tax refund offset.

(4) If the amount collected is in excess of the amounts required to be distributed under §§ 302.51(b) (4) and (5) or 302.52(b) (3) and (4) of this chapter, the IV-D agency must repay the excess to the absent parent whose refund was offset or jointly to the parties filing a joint return within a reasonable period in accordance with State law.

(5) In cases where the Secretary of the Treasury, through OCSE, notifies the State that an offset is being made to satisfy non-AFDC past-due support from a refund based on a joint return, the State may delay distribution until notified that the unobligated spouse's proper share of the refund has been paid or for a period not to exceed six months from notification of offset, whichever is earlier.

(6) Collections from offset may be applied only against the past-due support which was specified in the advance notice described in paragraph (e)(1) of this section.

(i) *Payment of fee.* (1) A refund offset fee, in such amount as the Secretary of the Treasury and the Secretary of Health and Human Services have agreed to be sufficient to reimburse the IRS for the full cost of the offset procedure, shall be billed and collected from the IV-D agency by the Secretary of Health and Human Services or designee and credited to the IRS appropriations which bore all or part of the costs involved in making the collection. The fee which the Secretary of the Treasury may impose with respect to non-AFDC submissions shall not exceed \$25 per submission.

(2) The State IV-D agency may charge an individual who applies for services under § 302.33 of this chapter a fee not to exceed \$25 for submitting past-due support for Federal tax refund offset. The State must inform the individual in advance of the amount of any fee charged.

(j) Each State involved in a referral of past-due support for offset must comply with instructions issued by the Office.

(k) *Limitation of referral for offset of non-AFDC past-due support.*

Offset of Federal income tax refunds to satisfy past-due support in non-AFDC cases is limited to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1955, and before January 1, 1951.

Q. By adding new §§ 303.100 through 303.104 to read as follows:

§ 303.100 Procedures for wage or income withholding.

(a) *Withholding requirement.* (1) The State must ensure that in the case of each absent parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of his or her wages must be withheld, in accordance with this section, as is necessary to comply with the order.

(2) In addition to the amount to be withheld to pay the current month's obligation, the amount to be withheld must include an amount to be applied toward liquidation of overdue support.

(3) The total amount to be withheld under paragraphs (a)(1), (a)(2) and, if applicable, (d)(1)(iii) of this section may not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)).

(4) In the case of a support order being enforced under the State plan, the withholding must occur without the need for any amendment to the support order involved or any further action by the court or entity that issued it. The State must take steps to implement the withholding and to send the advance notice required under paragraph (b) of this section on the earliest of: (i) the date on which the parent fails to make payments in an amount equal to the support payable for one month, (ii) such earlier date that is in accordance with State law, or (iii) the date on which the absent parent requests withholding.

(5) The only basis for contesting a withholding under this section is a mistake of fact, which for purposes of this section means an error in the amount of current or overdue support or the identity of the alleged absent parent.

(6) If there is more than one notice for withholding against a single absent parent, the State must allocate amounts available for withholding giving priority to current support up to the limits imposed under section 303(b) of the Consumer Credit Corporation Act (15 U.S.C. 1673(b)).

(7) The withholding must be carried out in full compliance with all procedural due process requirements of the State.

(8) Payment of overdue support upon receipt of the notice required under paragraph (b) of this section may not be the sole basis for not implementing withholding.

(9) The State must have procedures for promptly terminating the withholding, but in no case should payment of overdue support be the sole basis for termination of withholding.



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

1/25/89
Date

S B

z 7 1

ALASKA PEACE OFFICERS ASSOCIATION

DDC Coordinator
P.O. Box 103520
Anchorage, Ak.
99510-3520
(907) 376-9177



State APOA Office
P.O. Box 103520
Anchorage, Ak.
99510-3520
(907) 376-9177

March 5, 1986

Honorable M. Mike Miller
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Mr. Miller:

The Alaska Peace Officers Association, representing 898 peace officers statewide, would like to take this opportunity to register our strong support for Senate Bills 371, 151 & 413.

Not only does this legislation bring the State of Alaska drug laws into closer conformance to federal statutes, it will also allow law enforcement to continue the war on persons who are exploiting our youth and our taxpayers.

All communities in Alaska are reporting problems with the look alike drugs and this legislation helps to deal with the problem.

Please consider the following in reference to Senate Bill 151.

- PROBLEMS
- #1 How to receive money-property available from the U.S. Federal Government at the state level.
 - #2 How specific departments or communities can acquire money-property forfeited through state channels.

RE: #1 The Federal Government makes available money and property that has been seized and forfeited to the Federal Government via "The Comprehensive Crime Control Act of 1984 (9)".

Certain criterion must be met for the Federal Government to turn that money-property over to any state or local agency.

One of the largest problems is that within thirty days of the seizure, applicaton must be made to the Feds for a claim on the seized items and the agency must verify that the seized item or currency will be used for "Law Enforcement Purposes." ... Note ... not mere deposit into the state general fund for indiscriminate use. At the present time the Feds have turned one vehicle over to D.P.S. for narcotics use as a result of a state joint investigation (1985).

Further, because of the specific language - the state did not apply for seized currency during 1985 but, did assist the City of Palmer in applying for the seized currency. Result, the Palmer City Police Dept. receive \$25,480.00 in federally seized and forfeited currency, that the City of Palmer Police Dept. agreed will be used for law enforcement purposes, and the State of Alaska received \$0.

Possible Solution: We need specific language that will allow the Department of Public Safety and/or the Dept. of Law to receive Free Federal Funds Or Property, above their respective budgets, and need the Commissioner of Administration or designee to be able to give that guarantee that the funds would be used for law enforcement purposes, within the 30 day limit.

RE: #2 The state can acquire money-property through both criminal court decisions and civil court judgements in respect to violation of AS 11. and AS 16., but the present responsibility of the civil forfeiture filing is with the area District Attorney, and generally they are already overworked on criminal cases, have little to no experience in the civil area, and are little concerned about the civil outcome of property-currency seized in connection with violation of AS 11. and AS 16..

Property forfeited to the state through state adjudication fall under AS 17.30.122 and the Commissioner of Administration has the ultimate decision.

(At present, administration allows vehicles forfeited to the state to go to narcotics use if it was seized via narcotics cases but, says that all money will go to the general fund.) The question is does the State D.P.S. or the Dept. of Law wish that money to go back to "Law Enforcement Purposes" or still to the general fund? Or should the money be channeled to local law enforcement agencies that can not afford

their own narcotics programs or officers, and support Dept. of Law offices for the prosecution of those cases.

Possible Solution: If the State Dept. of Public Safety and Dept. of Law wants the funds, we must have the co-operation of the Commissioner of Administration and smooth the process for the Depts. to receive those monies above the present appropriations granted by the State Legislature.

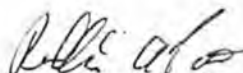
If the state wants the smaller city departments to have the funds for law enforcement use then we must allow through the statutes, the Commissioner of Administration the authority to transfer those seized and forfeited funds to the city police departments.

Further, the process for filing and investigation of civil and criminal forfeitures should be ultimate responsibility of the Attorney General's Office, with one or two knowledgeable attorneys concentrating on this assignment rather than each district attorney, or assistant district attorney in the state having the extra burden and expense out of pocket to fight the civil forfeitures that just happen to accompany criminal cases that are being filed.

CONCLUSION:

If the Dept. of Law and Dept. of Public Safety were to receive above appropriation funds from state and federal seizures the salaries, and related expenses (probably) would be easily covered from the value of the forfeitures, in short term. In long term, entire criminal investigations and prosecution could (probably) be supported through past forfeitures, and maybe even buildings, and jails could (probably) be supported from the forfeited funds of dope dealers and traffickers from the State of Alaska.

Sincerely,


Rollie A. Port
President
Alaska Peace Officers

*Thanks for
participating at
our board meeting
Rollie*

P.S. Steve Kalwara is our local contact in Juneau. If further input is requested, please contact Sgt. Kalwara at the Juneau Police Dept.. The phone number is 586-5211.

cc: file
Governor's Office
chapter presidents
Attorney General Brown
Dep. Commissioner Vaden
Steve Kalwara