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place it appears and inserting in lieu thereof "subparagraph (A)(i)".

(B) Section 407(c) of such Act is amended--

(i) by striking "subparagraph (A) of subsection (b)(1)" and inserting in lieu thereof "subsection (b)(1)(A)(i)";

(ii) by striking "subparagraph (B) of such subsection" and inserting in lieu thereof "subsection (b)(1)(A)(ii)"; and

(iii) by striking "subparagraph (A) of subsection (b)(2)" and inserting in lieu thereof "subsection (b)(1)(B)(i)".

(C) Section 407(d)(3) of such Act is amended by striking "section 402(b)(1)(C)" and inserting in lieu thereof "subsection (b)(1)(A)(iii)".

(c) Participation in Training and Education Programs as a Quarter of Work.--(1) Section 407(d)(1) of such Act is amended--

(A) by inserting "(A)" after "means a calendar quarter"; and

(B) by inserting before the semicolon at the end the following: ", or (B) at the option of the State, a calendar quarter in which such individual attended, full-time, an elementary school, a secondary school, or a vocational or technical training course (approved by the Secretary) that is designed to prepare the individual for gainful employment, or in which such individual participated in an education or training program established under the Job Training Partnership Act".

(2) Section 407(d) of such Act is amended by adding at the end the following new sentence:

"Notwithstanding section 402(a)(1), a State that chooses to exercise the option provided under paragraph (1)(B) may provide that the definition of calendar quarter under such option apply in one or more political subdivisions of the State.".

(3) Section 407(b)(1)(A)(iii)(I) of such Act (as so redesignated by subsection (b)(1)(A) of this section) is amended by inserting ", no more than 4 of which may be quarters of work defined in subsection (d)(1)(B)," after "(d)(1))".

(4)(A) Section 407(b)(2)(B)(ii) of such Act (as added by the amendment made by subsection (b)(1)(C) of this section) is amended by adding at the end the following new subclause:

"(III) Any family that is otherwise eligible for aid to families with dependent children that does not receive such aid in any month solely by reason of the State exercising the option under clause (i) shall be deemed, for purposes of determining the period under paragraph (1)(A)(iii)(I), to be receiving such aid in such month.".

(B) Section 407(d)(1) of such Act (as amended by paragraph (1) of this subsection) is amended by striking "a community work experience" and all that follows through the semicolon and inserting in lieu thereof "the program under section 402(a)(19) and part F;".

(d) Expansion of Medicaid Coverage for Two-Parent Families.--(1) Section 1902(a)(10)(A)(i) of such Act is amended--

(A) by striking "or" at the end of subclause (III),

(B) by adding "or" at the end of subclause (IV), and

(C) by adding at the end the following new subclause:

"(V) who are qualified family members as defined in section 1905(m)(1);".

(2) Section 1905 of such Act is amended by inserting after subsection (l) the following new subsection:

"(m)(1) Subject to paragraph (2), the term 'qualified family member' means an individual (other than a qualified pregnant woman or child, as defined in subsection (n)) who is a member of a family that would be receiving aid under the State plan under part A of title IV pursuant to section 407 if the State had not exercised the option under section 407(b)(2)(B)(i).

"(2) No individual shall be a qualified family member for any period after September 30, 1998.".

(e) Evaluation and Report.--(1) The Secretary of Health and Human Services shall evaluate the time-limited and conventional State programs conducted under section 407 of the Social Security Act (as amended by this section), including the effects of the work requirement applicable to families receiving benefits under such section.

(2) The Secretary shall, not later than July 1, 1996, submit to the Congress an interim report containing the findings of such evaluation together with recommendations for any changes in such program, and shall, not later than July 1, 1998, submit to the Congress a final report containing such findings and recommendations.

(f) Section 402(a) of such Act (as amended by sections 201(a) and 401(a) of this Act) is amended--

(1) by striking "and" at the end of paragraph (40);

(2) by striking the period at the end of paragraph (41) and inserting "; and"; and

(3) by inserting immediately after paragraph (41) the following new paragraph:

"(42) provide that if, under section 407(b)(2)(B)(i), the State limits the number of months for which a family may receive aid to families with dependent children, the State shall provide medical assistance to all members of the family under the State's plan approved under title XIX, without time limitation.

(g) Effective Date.--(1) Except as provided in paragraph (2), and in section 1905(m)(2) of the Social Security Act (as added by subsection (d)(2) of this section), the amendments made by this section shall become effective on October 1, 1990.

(2) The amendments made by this section shall not become effective with respect to Puerto Rico, American Samoa, Guam, or the Virgin Islands, until October 1, 1992.

(h) Termination.--Effective September 30, 1998, the amendments made by this section (other than by subsection (d)) are repealed, and the provisions of law so amended (as in effect immediately before the effective date of such amendments) shall apply as if such amendments had never been made.

SEC. 402. CHANGES IN EARNED INCOME DISREGARDS.

(a) Limit on Disregard of Child Care Costs Increased; Child Care Disregard To Be Applied Last.--Section 402(a)(8)(A)(iii) of the Social Security Act is amended--

(1) by inserting "after applying the other clauses of this subparagraph," before "shall disregard";

(2) by striking "$160" and inserting in lieu thereof "$175"; and

(3) by inserting before the semicolon ", or, in the case such child is under age 2, $200".

(b) Standard Disregard Increased.--Section 402(a)(8)(A)(ii) of such Act is amended by striking "$75" and inserting in lieu thereof "$90".

(c) Disregard of Advance Payments or Refund of Earned Income Tax Credit.--(1) Section 402(a)(8)(A) of such Act is amended--

(A) by striking "and" at the end of clause (vi); and

(B) by adding at the end the following new clause:

"(viii) shall disregard any refund of Federal income taxes made to a family receiving aid to families with dependent children by reason of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) and any payment made to such a family by an employer under section 3507 of such Code (relating to advance payment of earned income credit); and".

(2)(A) Section 402(d) of such Act is repealed.

(B) Section 402(a)(30) of such Act is amended by striking "subsection (d)" and inserting in lieu thereof "subsection (e)".

(d) Effective Date.--The amendments made by this section shall become effective on October 1, 1989.

SEC. 403. HOUSEHOLDS HEADED BY MINOR PARENTS.

(a) In General.--Section 402(a) of the Social Security Act (as amended by sections 201(a), 401(a), and 401(f) of this Act) is amended--

(1) by striking "and" at the end of paragraph (41);

(2) by striking the period at the end of paragraph (42) and inserting "; and"; and

(3) by inserting immediately after paragraph (42) the following new paragraph:

"(43) at the option of the State, provide that--

"(A) subject to subparagraph (B), in the case of any individual who is under the age of 18 and has never married, and who has a dependent child in his or her care (or is pregnant and is eligible for aid to families with dependent children under the State plan)--

"(i) such individual may receive aid to families with dependent children under the plan for the individual and such child (or for herself in the case of a pregnant woman) only if such individual and child (or such pregnant woman) reside in a place of residence maintained by a parent, legal guardian, or other adult relative of such individual as such parent's, guardian's, or adult relative's own home, or reside in a foster home, maternity home, or other adult-supervised supportive living arrangement; and

"(ii) such aid (where possible) shall be provided to the parent, legal guardian, or other adult relative on behalf of such individual and child; and

"(B) subparagraph (A) does not apply in the case where--

"(i) such individual has no parent or legal guardian of his or her own who is living and whose whereabouts are known;

"(ii) no living parent or legal guardian of such individual allows the individual to live in the home of such parent or guardian;

"(iii) the State agency determines that the physical or emotional health or safety of such individual or such dependent child would be jeopardized if such individual and such dependent child lived in the same residence with such individual's own parent or legal guardian;

"(iv) such individual lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of any such dependent child or the individual having made application for aid to families with dependent children under the plan; or

"(v) the State agency otherwise determines (in accordance with regulations issued by the Secretary) that there is good cause for waiving such subparagraph.".

(b) Effective Date.--The amendments made by this section shall become effective on the first day of the first calendar quarter to begin one year or more after the date of the enactment of this Act.

SEC. 404. PERIODIC REEVALUATION OF NEED AND PAYMENT STANDARDS.

(a) In General.--Section 402 of the Social Security Act (as amended by section 301 of this Act) is amended by adding at the end the following new subsection:

"(h)(1) Each State shall reevaluate the need standard and payment standard

under its plan at least once every 3 years, in accordance with a schedule established by the Secretary, and report the results of the reevaluation to the Secretary and the public at such time and in such form and manner as the Secretary may require.

"(2) The report required by paragraph (1) shall include a statement of--

"(A) the manner in which the need standard of the State is determined,

"(B) the relationship between the need standard and the payment standard (expressed as a percentage or in any other manner determined by the Secretary to be appropriate), and

"(C) any changes in the need standard or the payment standard in the preceding 3-year period.

"(3) The Secretary shall report promptly to the Congress the results of the reevaluations required by paragraph (1).".

(b) Effective Date.--The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.

SEC. 405. CBO STUDY ON IMPLEMENTATION OF NATIONAL MINIMUM PAYMENT STANDARD.

(a) In General.--The Congressional Budget Office shall conduct a study on the implementation of the amendments proposed by section 101 of the bill introduced in the Senate of the United States during the 100th Congress and designated S. 862 (relating to the requirement of a minimum payment standard under part A of title IV of the Social Security Act with a Federal matching rate of 90 percent).

(b) Description of Study.--The study conducted under subsection (a) shall assess the extent to which--

(1) the goal of budget neutrality may be preserved by repealing the programs included in, but not limited to, the programs described in the amendments proposed by section 301 of the bill described in subsection (a) over a more gradual period of time in conjunction with corresponding increases (up to 90 percent) in the Federal matching rates under part A of title IV, and title XIX, of the Social Security Act; and

(2) the effects on local governments of repealing Federal programs could be mitigated by providing, over a period of time that corresponds with more gradual increases in the Federal matching rates under such part A and title XIX, general revenue supplements to those localities with the lowest levels of fiscal capacity and pass-throughs to units of local government.

(c) Report to Congress.--The Congressional Budget Office shall report on the results of the study conducted under this section not later than 12 months after the date of the enactment of this Act.

(d) Authorization of Appropriations.--There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 406. STUDY OF NEW NATIONAL APPROACHES TO WELFARE BENEFITS FOR LOW-INCOME FAMILIES WITH CHILDREN.

(a) In General.--The Secretary of Health and Human Services shall enter into a contract or arrangement with the National Academy of Sciences for the study of a new national system of welfare benefits for low-income families with children, giving particular attention to what an appropriate national minimum benefit might be and how it should be calculated. The study shall give consideration to alternative minimum benefit proposals including proposals for benefits based on a family living standard, on weighted national median income, on State median income, and on the poverty level, and shall take into account the probable impact of a national minimum benefit on individuals and on State and local governments.

(b) Methodology.--(1) The study under this section shall include the development of a uniform national methodology which could be used to calculate State-specific family living standards and benefits based on other minimum benefit proposals.

(2) The methodology so developed shall be designed to identify a single uniform measure suitable for application in each State, and shall--

(A) take into account actual living costs in each State while permitting variances in such costs as between the different geographic areas of the State;

(B) take into account variations in actual living costs in each State for families of different sizes and composition; and

(C) specify an effective process for reassessing and updating both the methodology and the resulting family living standards and benefits based on other minimum benefit policies at least once every 4 years.

(3) The methodology so developed shall reflect the costs of basic necessities including housing, furnishings, food, clothing, transportation, utilities, and other maintenance items; and the study shall take into account variations in costs for different geographic areas of the State where such costs may be substantially different, and variations in costs for families of different sizes and composition.

(c) Other Considerations; Progression to Proposed Minimum Benefit Levels.--In order to assess the implications of States moving to a new system of welfare benefits, the study shall include an analysis of the relationship between a State's fiscal capacity and other circumstances and constraints and the application of a full family living standard or other minimum benefit policy. The study shall propose a formula designed to achieve a uniform progression from the level of assistance currently being provided for low-income families with children under the AFDC program, the food stamp program, and the low-income energy assistance program, by each State, to a level based on the full family living standard or other minimum benefit policy for that State. For this purpose the Secretary shall define the term "low-income families with children" in a manner which reflects all families that include dependent children as defined for purposes of the AFDC program.

(d) Report and Recommendations.--The Academy shall report its recommendations resulting from the study under this section to the Secretary no later than 24 months after the date of the enactment of this Act; and the Secretary shall promptly transmit such recommendations to the Congress.

(e) Authorization of Funds.--There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE V--DEMONSTRATION PROJECTS

SEC. 501. FAMILY SUPPORT DEMONSTRATION PROJECTS.

(a) Demonstration Projects To Test the Effect of Early Childhood Development Programs.--(1) In order to test the effect of in-home early childhood development programs and pre-school center-based development programs (emphasizing the use of volunteers and including academic credit for student volunteers) on families receiving aid under State plans approved under section 402 of the Social Security Act and participating in the job opportunities and basic skills training program under part F of title IV of such Act, up to 10 States may undertake and carry out demonstration projects utilizing such development programs to enhance the cognitive skills and linguistic ability of children under the age of 5, to improve the communications skills of such children, and to develop their ability to read, write, and speak the English language effectively. Such projects may include parents along with their eligible children in family-centered education programs that assist children directly in achieving the goals stated in the preceding sentence and also help parents contribute to the proper development and education of their young children. Demonstration projects under this subsection shall meet such conditions and requirements as the Secretary of Health and Human Services (in

this section referred to as the "Secretary") shall prescribe, and no such project shall be conducted for a period of more than 3 years.

(2) The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this subsection, shall approve up to 10 applications involving projects which appear likely to contribute significantly to the achievement of the purpose of this subsection, and shall make grants to the States whose applications are approved to assist them in carrying out such projects.

(3) The Secretary shall submit to the Congress with respect to each project undertaken by a State under this subsection, after such project has been carried out for one year and again when such project is completed, a detailed evaluation of the project and of its contribution to the achievement of the purpose of this subsection.

(b) State Demonstration Projects To Encourage Innovative Education and Training Programs for Children.--In order to encourage States to develop innovative education and training programs for children receiving aid under State plans approved under section 402 of the Social Security Act, any State may establish and conduct one or more demonstration projects, targeted to such children, designed to test financial incentives and interdisciplinary approaches to reducing school dropouts, encouraging skill development, and avoiding welfare dependence; and the Secretary may make grants to States to assist in financing such projects. Demonstration projects under this subsection shall meet such conditions and requirements as the Secretary shall prescribe, and no such project shall be conducted for a period of less than one year or more than 5 years.

(c) Demonstrations To Ensure Long Term Family Self-Sufficiency Through Community-Based Services.--Any State, using funds made available to it from appropriations made pursuant to subsection (d) in conjunction with its other resources, may conduct demonstrations to test more effective methods of providing coordination and services to ensure long term family self-sufficiency through community-based comprehensive family support services involving a partnership between the State agency administering or supervising the administrating of the State's plan under section 402 of the Social Security Act and community-based organizations having experience and demonstrated effectiveness in providing services.

(d) Authorization of Appropriations.--For the purpose of making grants to States to conduct demonstration projects under this section, there is authorized to be appropriated not to exceed $6,000,000 for each of the fiscal years 1990, 1991, and 1992.

SEC. 502. DEMONSTRATION PROJECTS TO ENCOURAGE STATES TO EMPLOY PARENTS RECEIVING AFDC AS PAID CHILD CARE PROVIDERS.

(a) In General.--In order to encourage States to employ or arrange for the employment of parents of dependent children receiving aid under State plans approved under section 402(a) of the Social Security Act as providers of child care for other children receiving such aid, up to 5 States may undertake and carry out demonstration projects designed to test whether such employment will effectively facilitate the conduct of the job opportunities and basic skills training program under part F of title IV of such Act by making additional child care services available to meet the requirements of section 402(g)(1)(A) of such Act while affording significant numbers of families receiving such aid a realistic opportunity to avoid welfare dependence through employment as a child care provider.

(b) Consideration of Applications.--The Secretary of Health and Human Services shall consider all applications received from States desiring to conduct demonstration projects under this section, shall approve up to 5 applications involving projects which appear likely to contribute

significantly to the achievement of the purpose of this section, and shall make grants to those States the applications of which are approved to assist them in carrying out such projects. Each project conducted under this section shall meet such conditions and requirements as the Secretary shall prescribe.

(c) Limitation on Authorization of Appropriations.--For the purpose of making grants to States to carry out demonstration projects under this section, there is authorized to be appropriated not to exceed $1,000,000 for each of the fiscal years 1990, 1991, and 1992.

(d) Effective Date.--This section shall become effective on October 1, 1989.

SEC. 503. DEMONSTRATION PROJECTS TO TEST ALTERNATIVE DEFINITIONS OF UNEMPLOYMENT.

Section 1115 of the Social Security Act is amended by adding at the end the following new subsection:

"(d)(1)(A) The Secretary shall enter into agreements with up to 8 States submitting applications under this subsection for the purpose of conducting demonstration projects in such States to test and evaluate the use, with respect to individuals who received aid under part A of title IV in the preceding month (on the basis of the unemployment of the parent who is the principal earner), of a number greater than 100 for the number of hours per month that such individuals may work and still be considered to be unemployed for purposes of section 407. If any State submits an application under this subsection for the purpose of conducting a demonstration project to test and evaluate the total elimination of the 100-hour rule, the Secretary shall approve at least one such application.

"(B) If any State with an agreement under this subsection so requests, the demonstration project conducted pursuant to such agreement may test and evaluate the complete elimination of the 100-hour rule and of any other durational standard that might be applied in defining unemployment for purposes of determining eligibility under section 407.

"(2) Notwithstanding section 402(a)(1), a demonstratic project conducted under this subsection may be conducted in one or more political subdivisions of the State.

"(3) An agreement under this subsection shall be entered into between the Secretary and the State agency designated under section 402(a)(3). Such agreement shall provide for the payment of aid under the applicable State plan under part A of title IV as though section 407 had been modified to reflect the definition of unemployment used in the demonstration project but shall also provide that such project shall otherwise be carried out in accordance with all of the requirements and conditions of section 407 (and, except as provided in paragraph (2), any related requirements and conditions under part A of title IV).

"(4) A demonstration project under this subsection may be commenced any time after September 30, 1990, and shall be conducted for such period of time as the agreement with the Secretary may provide; except that, in no event may a demonstration project under this section be conducted after September 30, 1995.

"(5)(A) Any State with an agreement under this subsection shall evaluate the comparative cost and employment effects of the use of the definition of unemployment in its demonstration project under this section by use of experimental and control groups comprised of a random sample of individuals receiving aid under section 407 and shall furnish the Secretary with such information as the Secretary determines to be necessary to evaluate the results of the project conducted by the State.

"(B) The Secretary shall report the results of the demonstration projects conducted under this subsection to the Congress not later than 6 months after all such projects are completed.".

SEC. 504. DEMONSTRATION PROJECTS TO ADDRESS CHILD ACCESS PROBLEMS.

(a) In General.--Any State may establish and conduct one or more demonstration projects (in accordance with such terms, conditions, and requirements as the Secretary of Health and Human Services shall prescribe, except that no such project may include the withholding of aid to families with dependent children pending visitation) to develop, improve, or expand activities designed to increase compliance with child access provisions of court orders.

(b) Activities Under Project.--Activities that may be funded by a grant under this section include (whether conducted through the executive, legislative, or judicial branches of the State) the development of systematic procedures for enforcing access provisions of court orders, the establishment of special staffs to deal with and mediate disputes involving access (both before and after a court order has been issued), and the dissemination of information to parents.

(c) Other Requirements.--In the case of any experimental, pilot, or demonstration project undertaken under this section, the project--

(1) must be designed to improve the financial well-being of families with children or otherwise improve the operation of the program or programs involved; and

(2) may not permit modifications in any program which would have the effect of disadvantaging children in need.

(d) Authorization of Appropriations.--For the purpose of making grants to States to assist in financing the projects established under this section, there is authorized to be appropriated not to exceed $4,000,000 for each of the fiscal years 1990 and 1991.

(e) Report.--Not later than July 1, 1992, the Secretary of Health and Human Services shall submit to the Congress a report on the effectiveness of the demonstration projects established under this section in--

(1) decreasing the time required for the resolution of disputes related to child access,

(2) reducing litigation relating to access disputes, and

(3) improving compliance with court-ordered child support payments.

SEC. 505. DEMONSTRATION PROJECTS TO EXPAND THE NUMBER OF JOB OPPORTUNITIES AVAILABLE TO CERTAIN LOW-INCOME INDIVIDUALS.

(a) In General.--The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into agreements with not less than 5 nor more than 10 nonprofit organizations (including community development corporations) submitting applications under this section for the purpose of conducting demonstration projects in accordance with subsection (b) to create employment opportunities for certain low-income individuals.

(b) Nature of Project.--(1) Each nonprofit organization conducting a demonstration project under this section shall provide technical and financial assistance to private employers in the community to assist them in creating employment and business opportunities for those individuals eligible to participate in the projects as described in this subsection.

(2) For purposes of this section, a nonprofit organization is any organization (including a community development corporation) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 by reason of paragraph (3) or (4) of section 501(c) of such Code.

(3) A low-income individual eligible to participate in a project conducted under this section is any individual eligible to receive aid to families with dependent children under part A of title IV of the Social Security Act and any other individual whose income level does not exceed 100 percent of the official poverty line as defined by the Office of Management and Budget and revised in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(c) Content of Applications; Selection Priority.--(1) Each nonprofit organization submitting an application under this section shall, as part of such application, describe--

(A) the technical and financial assistance that will be made available under the project conducted under this section;

(B) the geographic area to be served by the project;

(C) the percentage of low-income individuals (as described in subsection (b)) and individuals receiving aid to families with dependent children under title IV of the Social Security Act in the area to be served by the project; and

(D) unemployment rates in the geographic areas to be served and (to the extent practicable) the jobs available and skills necessary to fill those vacancies in such areas.

(2) In approving applications under this section, the Secretary shall give priority to applications proposing to serve those areas containing the highest percentage of individuals receiving aid to families with dependent children under title IV of such Act.

(d) Administration.--Each nonprofit organization participating in a demonstration project conducted under this section shall provide assurances in its agreement with the Secretary that it has or will have a cooperative relationship with the agency responsible for administering the job opportunities and basic skills training program (as provided for under title IV of the Social Security Act) in the area served by the project.

(e) Duration.--Each demonstration project conducted under this section shall be commenced not later than September 30, 1989, and shall be conducted for a 3-year period; except that the Secretary may terminate a project before the end of such period if he determines that the nonprofit organization conducting the project is not in substantial compliance with the terms of the agreement entered into with the Secretary under this section.

(f) Evaluation and Report.--(1) The Secretary shall conduct an evaluation of the success of each demonstration project conducted under this section in creating job opportunities and may require each nonprofit organization conducting such a project to provide the Secretary with such information as the Secretary determines is necessary to prepare the report described in paragraph (2).

(2) Not later than January 1, 1993, the Secretary shall submit to the Congress a report containing a summary of the evaluations conducted under paragraph (1), together with such recommendations as the Secretary determines are appropriate.

(g) Authorization of Appropriations.--For the purpose of making grants to conduct demonstration projects under this section, there is authorized to be appropriated not to exceed $6,500,000 for each of the fiscal years 1990, 1991, and 1992.

SEC. 506. DEMONSTRATION PROJECTS TO PROVIDE COUNSELING AND SERVICES TO HIGH-RISK TEENAGERS.

(a) Findings and Purpose.--(1) The Congress finds that--

(A) the incidences of teenage pregnancy, suicide, substance abuse, and school dropout are increasing;

(B) research to date has established a link between low self-esteem, perceived limited life options and the risk of teenage pregnancy, suicide, substance abuse, and school dropout;

(C) little data currently exists on how to improve the self-image of and expand the life options available to high-risk teenagers; and

(D) there currently is no Federal program in place to address the unique and significant problems faced by today's teenagers.

(2) It is the purpose of the demonstration projects conducted under this

section to provide programs in which a range of non-academic services (sports, recreation, the arts) and self-image counseling are provided to high-risk teenagers in order to reduce the rates of pregnancy, suicide, substance abuse, and school dropout among such teenagers.

(b) In General.--The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into an agreement with each of 4 States submitting applications under this section for the purpose of conducting demonstration projects in accordance with this section to provide counseling and services to certain high-risk teenagers.

(c) Nature of Project.--Under each demonstration project conducted under this section--

(1) The State shall establish a "Teen Care Plan" that shall consist of the following:

(A) A clearing house where high-risk teenagers will be referred to and encouraged to participate in non-academic activities (arts, recreation, sports) which are already in place in the community.

(B) A survey of the area to be targeted by the project to determine the need to fund and create new non-academic activities in the area.

(C) Counseling services utilizing qualified, locally licensed psychologists, social psychologists, or other mental health professionals or related experts to provide individual and group counseling to participating high-risk teenagers.

(D) A program to provide participants in the project (to the extent practicable) with such transportation, child care, and equipment as is necessary to carry out the purposes of the project.

(2) The State shall designate two geographical areas within the State to be targeted by the project. One area will serve as the "home base" for the project, where services will be concentrated and in which a local school system will be selected to receive services and provide facilities for resource referral and counseling. The second geographical area will serve as a "peripheral" participant, receiving assistance and services from the home base.

(3) A high-risk teenager is any male or female who has reached the age of 10 years and whose age does not exceed 20 years, and who--

(A) has a history of academic problems;

(B) has a history of behavioral problems both in and out of school;

(C) comes from a one-parent household; or

(D) is pregnant or is a mother of a child.

(d) Applications; Selection Criteria.--(1) In selecting States to conduct demonstration projects under this section, the Secretary--

(A) shall consult with the Consortium on Adolescent Pregnancy;

(B) shall consider--

(i) the rate of teenage pregnancy in each State,

(ii) the teenage school dropout rate in each State,

(iii) the incidence of teenage substance abuse in each State, and

(iv) the incidence of teenage suicide in each State; and

(C) shall give priority to States whose applications--

(i) demonstrate a current strong State commitment aimed at reducing teenage pregnancy, suicide, drug abuse, and school dropout;

(ii) contain a "State support agreement" signed by the Governor, the State School Commissioner, the State Department of Human Services, and the State Department of Education, pledging their commitment to the project;

(iii) describe facilities and services to be made available by the State to assist in carrying out the project; and

(iv) indicate a demonstrably high rate of alcoholism among its

residents.

(2) Of the States selected to participate in the demonstration projects conducted under this section--

(A) one shall be a geographically small State with a population of less than 1,250,000;

(B) one shall be a State with a population of over 20,000,000; and

(C) two shall be States with populations of more than 1,000,000 but less than 20,000,000.

(e) Evaluation and Report.--(1) Each State conducting a demonstration project under this section shall submit to the Secretary for his approval an evaluation plan that provides for examining the effectiveness of the project in both the home base and peripheral area of the State.

(2) Not later than October 1, 1992, the Secretary shall submit to the Congress a report containing a summary of the evaluations conducted by States pursuant to the plans described in paragraph (1).

(f) Funding.--(1) Three-fifths of the total amount appropriated pursuant to this section for any fiscal year for each State conducting a demonstration project shall be expended by such State for the provision of services and facilities within the State's designated project home base, and 5 percent of such three-fifths shall be set aside for the conduct of the State's evaluation as provided for in subsection (e).

(2) Two-fifths of the total amounts appropriated pursuant to this section for any fiscal year for each State conducting a demonstration project shall be expended by such State for the provision of services and facilities within the State's designated peripheral area, and 5 percent of such two-fifths shall be set aside for the conduct of the State's evaluation as provided for in subsection (e).

(g) Duration.--A demonstration project conducted under this section shall be commenced not later than September 30, 1989, and shall be conducted for a 3-year period; except that the Secretary may terminate a project before the end of such period if he determines that the State conducting the project is not in substantial compliance with the terms of the agreement entered into with the Secretary under this section.

(h) Authorization of Appropriations.--For the purpose of funding in equal amounts each State demonstration project conducted under this section, there is authorized to be appropriated not to exceed $1,500,000 for each of the fiscal years 1990, 1991, and 1992.

SEC. 507. EXTENSION OF MINNESOTA PREPAID MEDICAID DEMONSTRATION PROJECT.

Upon application by the State of Minnesota, the Secretary of Health and Human Services shall extend until June 30, 1990, the waiver granted to such State under section 1115(a) of the Social Security Act to conduct a prepaid medicaid demonstration project.

TITLE VI--MISCELLANEOUS PROVISIONS

SEC. 601. INCLUSION OF AMERICAN SAMOA AS A STATE UNDER TITLE IV.

(a) In General.--The last sentence of section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended to read as follows: "Such term when used in title IV also includes American Samoa.".

(b) Limitation on Payments to American Samoa.--Section 1108 of such Act (42 U.S.C. 1308) is amended--

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) The total amount certified by the Secretary under parts A and E of title IV with respect to a fiscal year for payment to American Samoa (exclusive of any amounts on account of services and items to which, in the case of part A of such title, section 403(k) applies) shall not exceed

$1,000,000.".

(c) Conforming Amendments.--(1) Section 403 of such Act (42 U.S.C. 603) is amended--

(A) in paragraphs (1) and (2) of subsection (a), by striking "and Guam," each place it appears and inserting in lieu thereof "Guam, and American Samoa,"; and

(B) in subsections (i)(4) and (j), by striking "or the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, or American Samoa".

(2) The heading of section 1108 of such Act (42 U.S.C. 1308) is amended to read as follows:

"Limitation on Payments to Puerto Rico, the Virgin Islands, Guam, and American Samoa".

(3) The last sentence of section 1118 of such Act (42 U.S.C. 1318) is amended by inserting before the period the following: ", and shall, in the case of American Samoa, mean 75 per centum with respect to part A of title IV".

(d) Effective Date.--The amendments made by this section shall become effective on October 1, 1988.

SEC. 602. INCREASE IN AMOUNT AVAILABLE FOR PAYMENT TO PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM.

(a) In General.--Section 1108(a) of the Social Security Act (42 U.S.C. 1308(a)) is amended--

(1) in paragraph (1)--

(A) by striking "or" at the end of subparagraph (E); and

(B) by striking subparagraph (F) and inserting in lieu thereof the following:

"(F) $72,000,000 with respect to each of the fiscal years 1979 through 1988, or

"(G) $82,000,000 with respect to the fiscal year 1989 and each fiscal year thereafter;";

(2) in paragraph (2)--

(A) by striking "or" at the end of subparagaph (E); and

(B) by striking subparagraph (F) and inserting in lieu thereof the following:

"(F) $2,400,000 with respect to each of the fiscal years 1979 through 1988, or

"(G) $2,800,000 with respect to the fiscal year 1989 and each fiscal year thereafter;"; and

(3) in paragraph (3)--

(A) by striking "or" at the end of subparagraph (E); and

(B) by striking subparagraph (F) and inserting in lieu thereof the following:

"(F) $3,300,000 with respect to each of the fiscal years 1979 through 1988, or

"(G) $3,800,000 with respect to the fiscal year 1989 and each fiscal year thereafter.".

(b) Effective Date.--The amendments made by subsection (a) shall become effective on October 1, 1988.

SEC. 603. ASSISTANT SECRETARY FOR FAMILY SUPPORT.

(a) In General.--Part A of title IV of the Social Security Act (as amended by the preceding provisions of this Act) is further amended by adding at the end the following new section:

"Assistant Secretary for Family Support

"Sec. 418. The programs under this part, part D, and part F shall be administered by an Assistant Secretary for Family Support within the

Department of Health and Human Services, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be in addition to any other Assistant Secretary of Health and Human Services provided for by law.".

(b) Compensation.--Section 5315 of title 5, United States Code, is amended by striking "(4)" at the end of the item relating to Assistant Secretaries of Health and Human Services and inserting in lieu thereof "(5)".

(c) Effective Date.--The amendments made by this section shall become effective on February 1, 1989.

SEC. 604. RESPONSIBILITIES OF THE STATE.

(a) In General.--Section 402(a) of the Social Security Act (as amended by sections 201(a), 401(a), 401(f), and 403(a) of this Act) is amended--

(1) by striking "and" at the end of paragraph (42);

(2) by striking the period at the end of paragraph (43) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (43) the following new paragraph:

"(44) provide that the State agency shall--

"(A) be responsible for assuring that the benefits and services under the programs under this part, part D, and part F are furnished in an integrated manner, and

"(B) consistent with the provisions of this title, ensure that all applicants for and recipients of aid to families with dependent children are encouraged, assisted, and required to cooperate in the establishment of paternity and the enforcement of child support obligations, and are notified of the paternity establishment and child support services for which they may be eligible.".

(b) Effective Date.--The amendments made by subsection (a) shall become effective on July 1, 1989.

SEC. 605. ESTABLISHMENT OF PREELIGIBILITY FRAUD DETECTION MEASURES.

(a) In General.--Section 402(a) of the Social Security Act (as amended by sections 201(a), 401(a), 401(f), 403(a), and 604(a) of this Act) is amended--

(1) by striking "and" at the end of paragraph (43);

(2) by striking the period at the end of paragraph (44) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (44) the following new paragraph:

"(45) provide (in accordance with regulations issued by the Secretary) for appropriate measures to detect fraudulent applications for aid to families with dependent children prior to the establishment of eligibility for such aid.".

(b) Effective Date; Regulations.--(1) The amendments made by subsection (a) shall become effective on October 1, 1989.

(2) The Secretary of Health and Human Services shall issue final regulations with respect to the requirement added by the amendment made by subsection (a) not later than 6 months after the date of the enactment of this Act.

SEC. 606. UNIFORM REPORTING REQUIREMENTS.

Section 403 of the Social Security Act is amended by inserting immediately before subsection (f) the following new subsection:

"(e) In order to assist in obtaining the information needed to carry out subsection (b)(1) and otherwise to perform his duties under this part, the Secretary shall establish uniform reporting requirements under which each State will be required periodically to furnish such information and data as the Secretary may determine to be necessary to ensure that sections 402(a)(37), 402(a)(43), and 402(g)(1)(A), are being effectively implemented.

including at a minimum the average monthly number of families assisted under each such section, the types of such families, the amounts expended with respect to such families, and the length of time for which such families are assisted. The information and data so furnished with respect to families assisted under section 402(g) shall be separately stated with respect to families who have earnings and those who do not, and with respect to families who are receiving aid under the State plan and those who are not.".

SEC. 607. STATE REPORTS ON EXPENDITURE AND USE OF SOCIAL SERVICES FUNDS.

Section 2006 of the Social Security Act is amended--

(1) by striking that part of the second sentence of subsection (a) which precedes "as the State finds necessary" and inserting in lieu thereof "Reports shall be prepared annually, covering the most recently completed fiscal year, and shall be in such form and contain such information (including but not limited to the information specified in subsection (c))";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection:

"(c) Each report prepared and transmitted by a State under subsection (a) shall set forth (with respect to the fiscal year covered by the report)--

"(1) the number of individuals who received services paid for in whole or in part with funds made available under this title, showing separately the number of children and the number of adults who received such services, and broken down in each case to reflect the types of services and circumstances involved;

"(2) the amount spent in providing each such type of service, showing separately for each type of service the amount spent per child recipient and the amount spent per adult recipient;

"(3) the criteria applied in determining eligibility for services (such as income eligibility guidelines, sliding fee scales, the effect of public assistance benefits, and any requirements for enrollment in school or training programs); and

"(4) the methods by which services were provided, showing separately the services provided by public agencies and those provided by private agencies, and broken down in each case to reflect the types of services and circumstances involved.

The Secretary shall establish uniform definitions of services for use by the States in preparing the information required by this subsection, and make such other provision as may be necessary or appropriate to assure that compliance with the requirements of this subsection will not be unduly burdensome on the States.".

SEC. 608. MISCELLANEOUS TECHNICAL CORRECTIONS TO MEDICARE CATASTROPHIC COVERAGE ACT OF 1988.

(a) Modification of Provisions Relating to Employment Maintenance of Effort.--Section 421 of the Medicare Catastrophic Coverage Act of 1988 is amended--

(1) in subsection (a)(1)--

(A) by striking "(c)(1)" and inserting "(c)(1)(A)", and

(B) by striking "during the period described in subsection (c)(1)(A)" and inserting "(determined as if they were provided in that period)";

(2) in subsection (a)(2)--

(A) by striking "(c)(2)" and inserting "(c)(1)(B)", and

(B) by striking "during the period described in subsection (c)(1)(B)" and inserting "(determined as if they were provided in that period)";

(3) in subsections (a)(3)(A) and (a)(3)(B), by inserting "provided as of

the date of the enactment of this Act" after "means benefits";

(4) in subsection (b)(1)--

(A) by inserting "1989" after "50 percent of the", and

(B) by striking "of the duplicative part A benefits" and inserting "of the benefits under part A of title XVIII of the Social Security Act (as amended by this Act as of January 1, 1989) which were not covered under part A of title XVIII of the Social Security Act as such part was in effect on the day before the date of the enactment of this Act";

(5) in subsection (b)(2)--

(A) by inserting "1990" after "50 percent of the", and

(B) by striking "of the duplicative part B benefits" and inserting "of the benefits under part B of title XVIII of the Social Security Act (as amended by this Act as of January 1, 1990, but excluding any such benefits with respect to covered outpatient drugs) which were not covered under part B of title XVIII of the Social Security Act as such part was in effect on the day before the date of the enactment of this Act."; and

(6) in subsection (b)(3)--

(A) in subparagraph (A), by striking "the actuarial value of duplicative part A benefits and duplicative part B benefits" and inserting "the amount of the additional benefits or refunds to be provided under subsections (a)(1) and (a)(2)";

(B) in subparagraph (A)(i), by striking "on the basis of" and inserting "as being equal to the respective national";

(C) in subparagraph (B), by striking "Computation of actuarial value" and inserting "Publication of guidelines and national average actuarial values for minimum additional benefits and refunds"; and

(D) by striking clause (i) of subparagraph (B) and all that follows through "shall include instructions" and inserting the following:

"(i) calculate and publish--

"(I) the national average actuarial value for the following year of the benefits under part A of title XVIII of the Social Security Act (as amended by this Act as of January 1, 1989) which were not covered under such part as such part was in effect before the date of the enactment of this Act, and

"(II) the national average actuarial value for the following year of the benefits under part B of title XVIII of the Social Security Act (as amended by this Act as of January 1, 1990, but excluding any such benefits with respect to covered outpatient drugs) which were not covered under such part as such part was in effect before the date of the enactment of this Act,

to be used by employers who exercise the option under subparagraph (A)(i) in determining the minimum amount of additional benefits or refunds to be provided under subsections (a)(1) and (a)(2), respectively; and

"(ii) publish guidelines to be used by employers who exercise the option under subparagraph (A)(ii) in determining the minimum amount of additional benefits or refunds to be provided under subsections (a)(1) and (a)(2), respectively.

The Secretary shall publish, before the beginning of 1989 with respect to part A benefits and before the beginning of 1990 with respect to part B benefits, guidelines".

(b) Inclusion of Provisions Repealing Authority to Administer Proficiency Examinations.--The Medicare Catastrophic Coverage Act of 1988 is amended by

nserting after section 429 the following new section (and by inserting a corresponding item in the table of contents of such Act):

"SEC. 430. REPEAL OF AUTHORITY TO ADMINISTER PROFICIENCY EXAMINATIONS.

"(a) Repeal.--Section 1123 of the Social Security Act (42 U.S.C. 1320a-2) is repealed.

"(b) Effect of Repeal.--Nothing in the amendment made by subsection (a) shall be construed as affecting the qualification of any individual, who has been determined under the program established under section 1123 of the Social Security Act to be qualified to perform the duties and functions of a health care specialty, to perform such duties and functions.".

(c) Continuation of Cost Pass-Through for Certified Registered Nurse Anesthetists.--Section 9320 of the Omnibus Budget Reconciliation Act of 1986 is amended--

(1) in subsection (i), by striking "The amendments" and inserting "Except as provided in subsection (k), the amendments", and

(2) by adding at the end the following new subsection:

"(k) Authorization of Continuation of Pass-Through.--

"(1) Subject to paragraph (2), the amendments made by this section shall not apply during 1989, 1990, and 1991 to a hospital located in a rural area (as defined for purposes of section 1886(d) of the Social Security Act) if the hospital establishes, before April 1, 1989, to the satisfaction of the Secretary of Health and Human Services that--

"(A) as of January 1, 1988, the hospital employed or contracted with a certified registered nurse anesthetist (but not more than one full-time equivalent certified registered nurse anesthetist),

"(B) in 1987 the hospital had a volume of surgical procedures (including inpatient and outpatient procedures) requiring anesthesia services that did not exceed 250 (or such higher number as the Secretary determines to be appropriate), and

"(C) each certified registered nurse anesthetist employed by, or under contract with, the hospital has agreed not to bill under part B of title XVIII of such Act for professional services furnished by the anesthetist at the hospital.

"(2) Paragraph (1) shall not apply in 1990 or 1991 to a hospital unless the hospital establishes, before the beginning of each respective year, that the hospital has had a volume of surgical procedures (including inpatient and outpatient procedures) requiring anesthesia services in the previous year that did not exceed 250 (or such higher number as the Secretary determines to be appropriate).

"(3) The Secretary shall implement this subsection in such a manner as to maintain budget neutrality consistent with section 1833(1)(3) of the Social Security Act.".

(d) Miscellaneous Technical Corrections to Various Provisions in the Medicare Catastrophic Coverage Act of 1988 ("MCCA").--

(1) Abbreviations used.--In this subsection:

(A) The term "MCCA" refers to the Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360).

(B) The term "OBRA" refers to the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203).

(2) Section 103.--The second sentence of section 1818(d)(1) of the Social Security Act, as amended by section 103 of MCCA, is amended by striking "entire".

(3) Section 104.--Section 104 of MCCA is amended--

(A) in subsection (a)(1), by striking "paragraphs (2) and (3)" and inserting "paragraph (2) and subsection (b)";

(B) in subsection (b)(1)--

(i) by striking "(1) the amendment made to section 1813(a)(1) of such Act" and inserting "(1)(A) section 1813(a)(1) of such Act (as amended by this subtitle)", and

(ii) by adding at the end the following new subparagraph:

"(B) if that individual begins a period of hospitalization (as defined in such section) during 1989 or 1990 after the end of that spell of illness, the first period of hospitalization during 1989 or 1990 that begins after that spell of illness shall be considered to be (for purposes of such section) the first period of hospitalization that begins during that year; and";

(C) in subsections (c)(1) and (c)(2), by striking "by medicare beneficiaries" and inserting "by (or on behalf of) medicare beneficiaries";

(D) in subsection (c)(2), by striking "cost reporting periods beginning on or after October 1, 1988" and inserting "portions of cost reporting periods occurring on or after January 1, 1989";

(E) in subsection (c)(2), by inserting before the period at the end the following: ", without regard to whether such a hospital is paid on the basis described in subparagraph (A) or (B) of section 1886(b)(1) of such Act";

(F) in subsection (d)(5), by striking "each place it appears"; and

(G) by adding at the end of subsection (d) the following new paragraph:

"(7) Section 1833(b) (42 U.S.C. 13951(b)) is amended by adding at the end the following new sentence: 'The deductible under the previous sentence for blood or blood cells furnished an individual in a year shall be reduced to the extent that a deductible has been imposed under section 1813(a)(2) to blood or blood cells furnished the individual in the year.'.".

(4) Section 201.--Section 201(a)(1)(A) of MCCA is amended by striking "subsection" and inserting "subsections".

(5) Section 202.--(A) Section 1842(o)(1) of the Social Security Act, as added by section 202(c)(1)(C) of MCCA, is amended--

(i) in subparagraph (A)(i), by striking "subparagraph (D)(i)" and inserting "paragraph (4)", and

(ii) in subparagraph (F)(ii), by inserting "an" before "eligible organization".

(B) Section 1842(f)(3) of the Social Security Act, as added by section 202(e)(1) of MCCA, is amended by inserting ", including claims processing functions" after "and related functions".

(C) Section 1842(b)(3)(K) of the Social Security Act, as inserted by section 202(e)(2)(B) of MCCA, is amended by inserting ", including claims processing functions," after "and for related functions".

(D) Section 1842(c)(1)(A)(ii) of the Social Security Act, as added by section 202(e)(3)(A)(iii) of MCCA, is amended by inserting ", including claims processing functions" after "and related functions".

(E) Section 202(e)(3)(B) of MCCA is amended by inserting ", including claims processing functions" after "and related functions".

(F) Section 202(e)(3)(C) of MCCA is amended by striking "Section 1842(b)(2)" and inserting "Section 1842(b)(2)(A)".

(G) Section 1842(b)(2)(A) of the Social Security Act, as amended by section 202(e)(3)(C) of MCCA, as revised by the previous amendment, is amended by inserting ", including claims processing functions" after "and related functions".

(H) Section 202(e)(5)(A) of MCCA is amended by--

(i) by striking "paragraph (3)" and inserting "paragraph (4)", and

(ii) by adding "and" after the semicolon at the end.

(I) Section 1847(b)(3) of the Social Security Act, as added by section 202(j) of MCCA, is amended by striking "the contingency margin (established under section 1841A(d) for the following year)" and inserting "the contingency margin required for the following year".

(6) Section 203.--(A) Section 1861 of the Social Security Act is amended by adding immediately before subsection (jj), as added by section 203(b) of MCCA the following new heading:

"Home Intravenous Drug Therapy Services".

(B) Section 203(c)(3) of MCCA is amended by adding at the end the following new sentence: "Chapter 35 of title 44, United States Code, shall not apply to information required for purposes of carrying out this paragraph.".

(7) Section 205.--Section 205(e)(1)(A) of MCCA is amended by redesignating clause (iv) as clause (iii).

(8) Section 208.--The second sentence of section 208(b) of MCCA is amended by striking "shall include in the report" and inserting "shall report, not later than 2 years after the date of the enactment of this Act,".

(9) Section 211.--(A) Section 1839(g) of the Social Security Act, as added by section 211(a) of MCCA, is amended--

(i) in paragraph (1)(B)(iii)(I), by striking "and" and inserting "over",

(ii) in paragraph (1)(B)(iii)(II), by inserting "premium" after "supplemental", and

(iii) in paragraph (7)(A)(ii), by inserting "each" before "such year,".

(B) Section 1839(f) of the Social Security Act, as amended by section 211(b) of MCCA, is amended by striking "for that January below the amount of benefits payable to that individual for that December" and inserting "for that December below the amount of benefits payable to that individual for that November".

(10) Section 212.--(A) Section 1841A(a)(1) of the Social Security Act, as inserted by section 212(a) of MCCA, is amended by striking "1841(j)" and inserting "1840(i)".

(B) Section 1840(i) of the Social Security Act, as added by section 212(b)(1) of MCCA, is amended by striking "Supplemental" and inserting "Supplementary".

(11) Section 213.--Section 213 of MCCA is amended by striking "(a) In General.--".

(12) Section 221.--Section 221(g)(2) of MCCA is amended by striking "subsection (c)" and inserting "subsection (d)".

(13) Section 222.--Section 222 of MCCA is amended--

(A) in paragraph (1), by striking "sections 1833(a)(1)(A) and 1876" and inserting "section 1876", and

(B) in paragraph (2), by inserting "and organizations paid under section 1833(a)(1)(A) of such Act" after "organizations".

(14) Section 301.--Section 301 of MCCA is amended--

(A) in subsection (b)(1), by striking "clause (ii)" and inserting "subparagraph (B)" and by adding "and" at the end;

(B) by striking paragraph (2) of subsection (b) and by redesignating paragraph (3) of such subsection as paragraph (2);

(C) in subsection (b)(2), as so redesignated, by striking "by adding at the end the following new clause" and inserting "by striking

subparagraph (B) and inserting the following";

(D) in the matter inserted by subsection (b)(2), as so redesignated and amended--

(i) by redesignating subclauses (I) through (IV) of clause (ii) and subclauses (I) through (V) of clause (iii) as clauses (i) through (iv) of subparagraph (B) and clauses (i) through (v) of subparagraph (C), respectively;

(ii) in subparagraph (B), as so redesignated, by striking "in clause (iii)" and inserting "in subparagraph (C)"; and

(iii) in subparagraph (C), as so redesignated, by striking "under clause (ii)" and inserting "under subparagraph (B)";

(E) in subsection (c)--

(i) by adding "and" at the end of paragraph (1),

(ii) by striking "; and" at the end of paragraph (2), and inserting a period, and

(iii) by striking paragraph (3);

(F) in subsection (d)(2), in the subparagraph (C) amended by such paragraph, by inserting "section" before "1833(b)";

(G) in subsection (d)--

(i) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively, and

(ii) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) in paragraph (3), by inserting ', without regard to whether the costs incurred were for items and services for which medical assistance is otherwise available under the plan' after 'qualified medicare beneficiary' the first place it appears;";

(H) in subsection (e)(1)--

(i) by inserting "(A)" before "Section", and

(ii) by adding at the end the following new subparagraphs:

"(B) Subsection (h)(1) of such section is further amended by inserting '(A)' after 'include' and by inserting before the period at the end the following: ', or (B) qualified medicare beneficiaries (as defined in section 1905(p)(1))'.

"(C) The second sentence of subsection (h)(2) of such section is amended by inserting '(except in the case of qualified medicare beneficiaries, as defined in section 1905(p)(1))' after 'shall be applied' the second place it appears.";

(I) in subsection (e)(2)--

(i) in subparagraph (C), by striking "and" at the end and by redesignating such subparagraph as subparagraph (D);

(ii) in subparagraph (D), by striking the period at the end and inserting ", and" and by redesignating such subparagraph as subparagraph (E); and

(iii) by inserting after subparagraph (B) the following new subparagraph:

"(C) in subsection (a), by striking paragraph (15);";

(J) in paragraph (5)(B) of the matter added by subsection (g)(2)--

(i) by striking "paragraph (2)(A)" and inserting "paragraph (2)", and

(ii) by striking "clause (ii)" and inserting "subparagraph (B)"; and

(K) in subsection (h)(2), by inserting 'first calendar quarter beginning after the close of the' after 'additional requirements before the first day of the".

(15) Section 302.--(A) Section 302(a)(2)(B) of MCCA is amended--

(i) in clause (i), by striking "not more" the first place it appears and inserting "(not more", and

(ii) in clause (iii), by striking "clause" and inserting "clauses".

(B) Section 1902(1)(2)(A) o. the Social Security Act, as amended by section 302(a)(2)(B)(i.i) of MCCA is amended--

(i) in clause (ii)--

(I) by striking "Subject to clause (iii), the" and inserting "The",

(II) in subclause (I), by inserting "or, if greater, the percentage provided under clause (iii)," after "75 percent,"; and

(ii) in clause (iii), by striking "(ii)" each place it appears and inserting "(ii)(I)".

(C) Section 1923(a)(2) of the Social Security Act is amended by indenting the subparagraph (C) added by section 302(b)(2) of MCCA 2 ems.

(16) Section 303.--(A) Section 1924 of the Social Security Act, as inserted by section 303(a)(1)(B) of MCCA, is amended--

(i) in the last sentence of subsection (c)(1)(B), by striking "has right to a fair hearing" and all that follows through "needs allowance" and inserting "will have a right to a fair hearing under subsection (e)(2)";

(ii) in subsection (c)(2)(B), by striking "resources shall not" and all that follows through "does not exceed" and inserting "resources shall be considered to be available to an institutionalized spouse, but only to the extent that the amount of such resources exceeds";

(iii) in subsection (d)(3)(A)(i), by striking "nonfarm";

(iv) in subsection (d)(4), by striking "subparagraph (C)" and inserting "subparagraph (B)";

(v) in the first sentence of subsection (e)(2)(A), by inserting before the period at the end the following: "if an application for benefits under this title has been made on behalf of the institutionalized spouse";

(vi) in subsection (f)(1)--

(I) by striking "to the community spouse (or to another for the sole benefit of the community spouse)", and

(II) by striking "pacticable" and inserting "practicable"; and

(vii) in subsection (f)(3), by striking "spouse of a family member" and inserting "spouse or a family member".

(B) Section 1917(c) of the Social Security Act, as amended by section 303(b) of MCCA, is amended--

(i) in paragraph (1)--

(I) by inserting "for nursing facility services and for a level of care in a medical institution equivalent to that of nursing facility services and for services under section 1915(c)" after "period of ineligibility" the first place it appears,

(II) by inserting "or after" after "during", and

(III) by striking "the individual's application for medical assistance under the State plan" and inserting "the date the individual becomes an institutionalized individual (if the individual is entitled to medical assistance under the State plan on such date) or, if the individual is not so entitled, the date the individual applies for such assistance while an institutionalized individual";

(ii) in paragraph (2)(A)(ii), by inserting "(I)" after "who" and by inserting "(II)" after "or" the first place it appears;

(iii) in paragraph (2)(A)(iii), by striking "of the individual's admission to the medical institution or nursing facility" and

inserting "the individual becomes an institutionalized individual";

(iv) in paragraph (2)(A)(iv), by striking "of such individual's admission to the medical institution or nursing facility" and inserting "the individual becomes an institutionalized individual";

(v) in paragraph (2)(B)--

(I) by inserting "(i)" after "transferred", and

(II) by striking "or the individual's child who is blind or permanently and totally disabled" and inserting ", (ii) to the individual's child described in subparagraph (A)(ii)(II), or (iii) to (or to another for the sole benefit of) the individual's spouse if such spouse does not transfer such resources to another person other than the spouse for less than fair market value";

(vi) in paragraph (3), by striking "in a medical institution or nursing facility" and inserting "in a nursing facility, who is an inpatient in a medical institution and with respect to whom payment is made based on a level of care provided in a nursing facility, or who is described in section 1902(a)(10)(A)(ii)(VI)"; and

(vii) by adding at the end the following new paragraph:

"(5) In this subsection, the term 'resources' has the meaning given such term in section 1613, without regard to the exclusion described in subsection (a)(1) thereof.".

(C) Section 1902(r)(2)(A) of the Social Security Act, as added by section 303(e)(5)(C) of MCCA, is amended by striking "or under subsection (f)" and inserting "or (f) or under section 1905(p)".

(D) Section 303(g) of MCCA is amended--

(i) in paragraph (2)(B), by inserting before the period at the end the following: ", except that such section shall not apply with respect to inter-spousal transfers occurring before October 1, 1989";

(ii) in paragraph (2)(C), by inserting before the period at the end the following: ", and the laws and policies established by the State as of June 30, 1988, or provided for before July 1, 1988, shall continue to apply through September 30, 1989, (and may, at a State's option continue after such date) to inter-spousal transfers occurring before October 1, 1989"; and

(iii) in paragraph (5), by striking "other than subsection (e)" and inserting "other than paragraphs (1) and (5) of subsection (e)".

(17) Section 411(a).--Section 1842(n)(1)(A) of the Social Security Act, as clarified by section 411(a)(3)(C) of MCCA, is amended by striking "the the supplier's" and inserting "the supplier's".

(18) Section 411(b).--(A) Subclauses (III) and (IV) of section 1886(b)(3)(B)(i) of the Social Security Act, as amended by section 411(b)(1)(A) of MCCA, are amended by striking "for for hospitals" and inserting "for hospitals".

(B) Section 411(b)(1)(E) of MCCA is amended by designating subparagraph (E) as clause (ii) and by inserting immediately before such subparagraph the following:

"(E)(i) Section 1886(d)(3)(A)(i) of the Social Security Act, as amended by section 4002(c)(1)(B)(i) of OBRA, is amended by striking 'occuring' and inserting 'occurring'.".

(C) Section 411(b)(4) of MCCA is amended by adding at the end the following new subparagraph:

"(E) Section 4005(b)(3)(B) of OBRA is amended by striking 'on' after '(B)'.".

(D) Section 411(b)(6)(C) of MCCA is amended--

(i) in clause (ix)(I), by striking "payors" and inserting "payers",

(ii) in clause (ix)(III), by striking "and" before "other persons",

and

(iii) in clause (x)(II), by striking "operation" and inserting "operations".

(E) Section 411(b)(8)(A)(i. of MCCA is amended, in paragraph (1)(A)(ii) of the amendment inserted by such section, by inserting "the" immediately before "previous".

(19) Section 411(c).--Section 411(c) of MCCA is amended--

(A) in paragraph (2), by adding at the end the following new subparagraph:

"(C) Section 1866(a)(1) of the Social Security Act, as amended by section 4012(a) of OBRA, is amended--

"(i) by striking 'and' at the end of subparagraph (M), and

"(ii) by striking the period at the end of subparagraph (N) and inserting ', and'.";

(B) in paragraph (4)--

(i) by striking "and" at the end of subparagraph (A),

(ii) by redesignating subparagraph (B) as subparagraph (C), and

(iii) by inserting after subparagraph (A) the following new subparagraph:

"(B) in subparagraph (B)(i), by inserting 'of such subparagraph' after '(v)(I)', and"; and

(C) by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) Section 4015.--Section 4015(a) of OBRA is amended--

"(A) in the first sentence of paragraph (7) by striking 'the the' and inserting 'the', and

"(B) in paragraph (10), by striking 'affect' and inserting 'effect'.".

(20) Section 411(d).--(A) Section 411(d)(2)(A) of MCCA is amended by striking "by inserting" and all that follows and inserting the following: "to read as follows: 'The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A.'.".

(B) Section 411(d)(4)(A) of MCCA is amended--

(i) in clause (i)--

(I) by striking "accreditation" the first place it appears and inserting "certification", and

(II) by striking "accreditation survey conducted by a State agency or" and inserting "certification survey conducted by a State agency or accreditation survey conducted by a"; and

(ii) in clause (ii), amend subclause (II) to read as follows:

"(II) by striking 'pursuant to an agreement with the Secretary under section 1864' and inserting 'utilized by the Secretary under section 1865'.".

(C) Section 411(d)(4)(A)(ii)(I) of MCCA is amended by striking "such".

(D) The subsection inserted by section 411(d)(4)(B)(ii) of MCCA is amended by striking "agency" and inserting "agency)".

(21) Section 411(f).--(A) Section 1842(i)(3) of the Social Security Act, as redesignated by section 4042(b)(1)(C)(iii) of OBRA as amended by section 411(f)(2)(C) of MCCA, is amended by striking "paragraph (3)" and inserting "subsection (b)(3)".

(B) Section 411(f)(2)(F)(i) of MCCA is amended, in the matter inserted by such section--

(i) by striking "139u(b)(4)(A)" and inserting "1395u(b)(4)(A)", and

(ii) by striking the closing single quotation mark and the period

that follows it.

(C) Section 411(f)(8)(D) of MCCA is amended by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively, and by inserting after clause (i) the following new clause:

"(ii) in paragraph (4)(C), by striking 'Radiologist' and inserting 'For radiologist', and by striking '1842(b)(4)(E)(ii)' and inserting '1842(i)(3)';".

(D) Section 411(f)(9)(B) of MCCA is amended by inserting "and inserting '(or other applicable limit)' " before the semicolon at the end.

(E) Section 411(f)(10)(A)(iii) of MCCA is amended by striking "physician" and inserting "individual".

(F) Section 411(f)(10)(C)(i) of MCCA is amended--

(i) by striking "and" at the end of subclause (V),

(ii) by striking the period at the end of subclause (VI) and inserting ", and", and

(iii) by adding at the end the following new subclause:

"(VII) in subsection (d)(2), by striking 'continued' and inserting 'continues'.".

(G) Subclause (II) of section 411(f)(10)(C)(i) of MCCA is amended to read as follows:

"(II) by striking 'physician' and 'a physician' each place either appears (other than the third place either appears in subsection (a)(4)) and inserting 'individual' and 'an individual', respectively;".

(H) Section 411(f)(10)(C)(i)(IV) of MCCA is amended--

(i) by striking "paragraph (1)(A)" and inserting "subsection (a)(1)(A)", and

(ii) by striking the comma after "Loan Program".

(22) Section 411(g).--(A) Section 411(g)(1)(B) of MCCA is amended--

(i) by amending clause (xi) to read as follows:

"(xi) in paragraphs (8)(B) and (9)(B), by striking '(as defined in section 1886(d)(2)(D))' and inserting '(as defined by the Secretary)' and, in clause (i) of such paragraphs, by striking the comma after '1991';" and

(ii) by amending clause (xv) to read as follows:

"(xv) in paragraph (12), by striking 'for each region (as defined in section 1886(d)(2)(D))' and inserting 'for one or more entire regions defined for purposes of paragraphs (8)(B) and (9)(B)'; and".

(B) Section 1833(i)(6) of the Social Security Act, as added by section 4063(e)(1) of OBRA as amended by section 411(g)(2)(E) of MCCA, is amended by striking "other than" the first place it appears and inserting "including".

(C) Section 411(g)(3)(G)(i)(I) of MCCA is amended by striking "and 'certification' " and by striking "and 'approval', respectively".

(D) Section 411(g)(4)(C)(i) of MCCA is amended by striking the comma after "1988" the first place it appears.

(23) Section 411(h).--(A) Section 411(h)(3)(B) of MCCA is amended by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively, and by inserting before clause (ii), as so redesignated, the following new clause:

"(i) by striking '1395' and inserting '13951'.".

(B) Section 1861(s)(2)(K)(i)(I) of the Social Security Act, as designated by the amendment made by section 411(h)(6) of MCCA, is amended by striking "intermediate care facility (as defined in section 1905(c))" and inserting "nursing facility (as defined in section 1919(a))".

(24) Section 411(i).--(A) Section 411(i)(1)(E) of MCCA is amended by striking the comma after "1988".

(B) The paragraph (26) added by section 411(i)(4)(C)(vi) of MCCA is amended--

(i) by striking "and" at the end of subparagraph (A),

(ii) by adding "and" at the end of clause (i) of subparagraph (B), and

(iii) by redesignating clause (iii) of subparagraph (B) as subparagraph (C) and by moving the indentation of such subparagraph 2 ems to the left.

(C) Section 411(i)(4) of MCCA is amended--

(i) in subparagraph (D)(i)(I), by striking ", 1842(j)(2), or 1867(d)" and inserting "or 1842(j)(2)", and

(ii) in subparagraph (D)(ii)--

(I) by inserting "and" at the end of subclause (III),

(II) by striking subclause (IV), and

(III) by redesignating subclause (V) as subclause (IV).

(25) Section 411(j).--(A) Section 411(j)(3) of MCCA is amended by adding at the end the following new subparagraph:

"(C) Section 4094(e) of OBRA is amended by striking 'feasability' and inserting 'feasibility'.".

(B) Section 411(j)(4)(C) of MCCA is amended by striking "before 'paragraph (2)' ".

(26) Section 411(k).--(A) Section 411(k)(6)(A)(vi)(IV) of MCCA is amended by striking "the election made by a State under" and inserting "whether the hospital is described in subparagraph (A) or (B) of".

(B) Section 411(k)(6)(A)(vii)(II) of MCCA is amended by inserting "the first place it appears" before the comma.

(C) The paragraph added by section 411(k)(6)(A)(vii)(III) of MCCA is amended by striking "Statewide" and inserting "statewide".

(D) Section 1923(b)(3)(B)(i) of the Social Security Act, as designated by section 411(k)(6)(B)(i) of MCCA and as amended by section 411(k)(6)(A)(v) of MCCA, is amended by inserting "of subparagraph (A)" after 'clause (i)(II)".

(E) Section 1923(c) of the Social Security Act, as designated by section 411(k)(6)(B)(i) of MCCA, by striking "subsection (c)" and inserting "this subsection".

(F) Section 411(k)(6)(B)(vi) of MCCA is amended by striking "(c)" and inserting "(d)".

(G) Section 411(k)(9) of MCCA is amended by striking "(A)" immediately after ".--".

(H) Section 411(k)(10)(B)(ii)(II) of MCCA is amended by striking "1128(a)" and "1320a-7(a)" and inserting "1128A(a)" and "1320a-7a(a)", respectively.

(I) Section 1128A(1) of the Social Security Act, as added by section 4118(e)(1)(B) of OBRA and as amended by section 411(k)(10)(B)(ii)(III) of MCCA, is amended by inserting "for penalties, assessments, and an exclusion" after "liable".

(J) Section 4118(e)(10)(C) of OBRA, as inserted by section 411(k)(10)(D) of MCCA, is amended by inserting "of subsection (i)" after "at the end".

(K) Section 411(k)(10)(D) of MCCA is amended--

(i) in the paragraph (6)(B) inserted by such section, by striking "or section 1867(d)(2)", and

(ii) in subparagraphs (A) and (B) of the paragraph (11) inserted by such section and in the paragraphs (12) and (13) inserted by such section, by striking "1842(j)(2), or 1867(d)(2)" and inserting "or 1842(j)(2)".

(L) Section 411(k)(16)(B) of MCCA is amended--

(i) by striking "and" at the end of clause (ii),
(ii) by redesignating clause (iii) as clause (iv), and
(iii) by inserting after clause (ii) the following new clause:
"(iii) in clause (iii), by striking the period at the end and inserting '; or', and".

(M) Section 411(k)(17)(A)(iv) of MCCA is amended by inserting a comma immediately before "(d)" the second place it appears.

(27) Section 411(1).--(A) Section 411(1)(1)(A) of MCCA is amended by redesignating clauses (iv) through (xi) as clauses (v) through (xii), respectively, and by inserting after clause (iii) the following new clause:
"(iv) in subsection (c)(1), by adding at the end the following new subparagraph:
""(D) Use of psychopharmacologic drugs.--Psychopharmacologic drugs may be administered only on the orders of a physician and only as part of a plan (included in the written plan of care described in paragraph (2)) designed to eliminate or modify the symptoms for which the drugs are prescribed and only if, at least annually, an independent, external consultant reviews the appropriateness of the drug plan of each resident receiving such drugs.';".

(B) Section 411(1)(1) of MCCA is amended by adding at the end the following new subparagraph:
"(C) Section 4201(d) of OBRA, as amended by subparagraph (B), is further amended by adding at the end the following new paragraphs:
""(3) Section 1883(f) of such Act (42 U.S.C. 1395tt(f)) is amended by striking "section 1861(j)(15)" and inserting "section 1819".
""(4) The third sentence of section 1864(a) of such Act (42 U.S.C. 1395aa(a)) is amended by striking "1861(j)" and inserting "1819(a)".
""(5) Section 1861(n) of such Act (42 U.S.C. 1395x(n)) is amended by striking "or (j)(1) of this section" and inserting "of this section or section 1819(a)(1)".'.'.

(C) Section 411(1)(2)(A) of MCCA is amended by inserting a comma immediately after "this title" and immediately after "title XVIII".

(D) Section 411(1)(2)(D)(i) of MCCA is amended by striking "care".

(E) Section 411(1)(3)(C) of MCCA is amended by inserting "(i)" after "(C)" and by adding at the end the following new clauses:
"(ii) Section 4211 of OBRA (101 Stat. 1330-196) is amended by striking the following (and the immediately preceding quotation marks and period):
""(c) State Requirements Relating to Nursing Facility Requirements.--Section 1919 of such Act is further amended by adding at the end the following new subsection:'.
"(iii) Section 1919(c)(2)(B)(iii)(III) of the Social Security Act, as inserted by section 4211(a)(3) of OBRA, is amended by striking 'responsibile' and inserting 'responsible'.".

(F) Section 411(1)(3)(H)(i) of MCCA is amended by striking "each place it appears".

(G) Section 411(1)(3)(H)(iii) of MCCA is amended by inserting "services" immediately after "nursing facility" the first place it appears.

(H) Section 411(1)(3) of MCCA is amended by adding at the end the following new subparagraph:
"(J) Section 4211(h)(2)(B) of OBRA is amended by inserting a comma before 'nursing facility,' the second place it appears.".

(I) Section 411(1)(5) of MCCA is amended by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (E) the following new subparagraph:
"(F) in paragraph (2)(B)(ii), by striking 'practical' and inserting 'practicable';".

striking "condition specified in paragraph (1)" and inserting "condition specified in paragraph (2)".

(g) Effective Date.--(1) The amendments made by subsections (a), (b), and (d) shall be effective as if included in the enactment of the Medicare Catastrophic Coverage Act of 1988.

(2) The amendments made by subsection (c) and subsection (f) (other than paragraph (5)) shall take effect on the date of the enactment of this Act.

(h) Quality Control Transition.--There shall not be taken into account, for purposes of section 1903(u) of the Social Security Act, payments and expenditures for medical assistance which are made on or after January 1, 1989, and before July 1, 1989, and which are attributable to medicare-cost sharing for qualified medicare beneficiaries (as defined in section 1905(p) of such Act).

SEC. 609. EXTENSION OF QUALITY CONTROL PENALTY MORATORIUM.

(a) Moratorium Extended.--Section 403 of the Social Security Act (as amended by section 201(c)(2) of this Act) is further amended by adding at the end the following new subsection:

"(m)(1) During the 12-month period beginning on July 1, 1988 (in this subsection referred to as the 'moratorium period'), the Secretary shall not impose any reductions in payments to States pursuant to subsection (i) (or prior regulations), or pursuant to any comparable provision of law relating to the programs under this part in Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands.

"(2) During the moratorium period--

"(A) the Secretary and the States shall continue to operate the quality control systems in effect under this part, and to calculate the error rates under the provisions referred to in paragraph (1), including the process of requesting and reviewing waivers; and

"(B) the Departmental Grant Appeals Board shall, notwithstanding paragraph (1), review disallowances for fiscal year 1981 and thereafter and hear appeals with respect thereto (but collection of disallowances owed as a result of Departmental Grant Appeals Board decisions shall not occur).".

(b) Conforming Amendments.--(1) Subparagraph (A) of section 12301(c)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) is amended by striking "titles IV-A and" and inserting in lieu thereof "title".

(2) Paragraph (2) of section 12301(c) of such Act is amended by inserting "under title XIX" before ", and shall reduce payments".

(c) Effective Date.--The amendments made by subsections (a) and (b) shall take effect on July 1, 1988.

TITLE VII--FUNDING PROVISIONS

SEC. 701. TEMPORARY EXTENSION OF PROVISIONS RELATING TO COLLECTION OF NONTAX DEBTS OWED TO FEDERAL AGENCIES.

(a) General Rule.--Subsection (c) of section 2653 of the Deficit Reduction Act of 1984 is amended by striking "before July 1, 1988" and inserting "on or before January 10, 1994".

(b) Coordination of Disclosure Provisions.--

(1) In general.--Paragraph (10) of section 6103(l) of the Internal Revenue Code of 1986 (relating to disclosure of certain information to agencies requesting a reduction under section 6402(c) or 6402(d)) is amended to read as follows:

"(10) Disclosure of certain information to agencies requesting a reduction under section 6402(c) or 6402(d).--

'(A) Return information from internal revenue service.--The Secretary may, upon receiving a written request, disclose to officers

striking "condition specified in paragraph (1)" and inserting "condition specified in paragraph (2)".

(g) Effective Date.--(1) The amendments made by subsections (a), (b), and (d) shall be effective as if included in the enactment of the Medicare Catastrophic Coverage Act of 1988.

(2) The amendments made by subsection (c) and subsection (f) (other than paragraph (5)) shall take effect on the date of the enactment of this Act.

(h) Quality Control Transition.--There shall not be taken into account, for purposes of section 1903(u) of the Social Security Act, payments and expenditures for medical assistance which are made on or after January 1, 1989, and before July 1, 1989, and which are attributable to medicare-cost sharing for qualified medicare beneficiaries (as defined in section 1905(p) of such Act).

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"(2) During the moratorium period--

"(A) the Secretary and the States shall continue to operate the quality control systems in effect under this part, and to calculate the error rates under the provisions referred to in paragraph (1), including the process of requesting and reviewing waivers; and

"(B) the Departmental Grant Appeals Board shall, notwithstanding paragraph (1), review disallowances for fiscal year 1981 and thereafter and hear appeals with respect thereto (but collection of disallowances owed as a result of Departmental Grant Appeals Board decisions shall not occur).".

(b) Conforming Amendments.--(1) Subparagraph (A) of section 12301(c)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) is amended by striking "titles IV-A and" and inserting in lieu thereof "title".

(2) Paragraph (2) of section 12301(c) of such Act is amended by inserting "under title XIX" before ", and shall reduce payments".

(c) Effective Date.--The amendments made by subsections (a) and (b) shall take effect on July 1, 1988.

TITLE VII--FUNDING PROVISIONS

SEC. 701. TEMPORARY EXTENSION OF PROVISIONS RELATING TO COLLECTION OF NONTAX DEBTS OWED TO FEDERAL AGENCIES.

(a) General Rule.--Subsection (c) of section 2653 of the Deficit Reduction Act of 1984 is amended by striking "before July 1, 1988" and inserting "on or before January 10, 1994".

(b) Coordination of Disclosure Provisions.--

(1) In general.--Paragraph (10) of section 6103(l) of the Internal Revenue Code of 1986 (relating to disclosure of certain information to agencies requesting a reduction under section 6402(c) or 6402(d)) is amended to read as follows:

"(10) Disclosure of certain information to agencies requesting a reduction under section 6402(c) or 6402(d).--

"(A) Return information from internal revenue service.--The Secretary may, upon receiving a written request, disclose to officers

(J) Section 411(1)(6) of MCCA is amended by adding at the end the following new subparagraph:

"(F) Section 1910(b)(1) of the Social Security Act, as redesignated by section 4212(c)(3)(C) of OBRA, is amended by inserting 'or section 1919' after '1902(a)(28)'.".

(K) Section 411(1)(9)(B)(ii) of MCCA is amended by striking "(c) as subsection (d)" and inserting "(b) as subsection (c)".

(L) Section 411(1) of MCCA is further amended by adding at the end the following new paragraph:

"(11) Section 4203.--Section 1819(h)(5) of the Social Security Act, as added by section 4203(a)(2) of OBRA, is amended by striking '(iii), and (iv) of paragraph (2)(A)' and inserting 'and (iii) of paragraph (2)(B)'.".

(28) Section 411(n).--Section 411(n) of MCCA is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Section 9116.--Subsection (d) of section 9116 of OBRA is amended to read as follows:

""(d) Conforming Amendment.--Section 1923(a)(2) of the Social Security Act, as amended by section 4118(p)(9) of this Act, is amended by adding at the end the following new subparagraph:

"""(E) Section 1634(d) of this Act (relating to individuals who lose eligibility for SSI benefits due to entitlement to early widow's or widower's insurance benefits under section 202 (e) or (f) of this Act)."

'.".

(29) Section 411(p).--Section 411 of MCCA is amended by adding at the end the following new subsection:

"(p) Miscellaneous.--Section 2312(c) of the Deficit Reduction Act of 1984, as amended by section 9320(a) of the Omnibus Budget Reconciliation Act of 1986, is amended by striking 'end' and inserting 'ends'.".

(30) Section 428.--(A) Subsection (c)(1) of section 1140 of the Social Security Act, as added by section 428(a) of MCCA, is amended to read as follows:

"(c)(1) The provisions of section 1128A (other than subsections (a), (b), (f), (h), and (i)) shall apply to civil money penalties under subsection (b) in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).".

(B) Section 428(b) of MCCA is amended by striking "Medical" and inserting "Medicare".

(e) Extension of Pilot Program.--The Secretary of Health and Human Services shall extend through December 31, 1989, the pilot test program, being conducted by States under the Annual Grant Award Study established by the Joint State/Federal Cash Management Reform Task Force, on the same terms and conditions that existed as of September 30, 1988.

(f) Miscellaneous Corrections.--

(1) Section 1866 of the Social Security Act (42 U.S.C. 1395cc) is amended by striking subsection (f).

(2) Section 1915(a)(2) of the Social Security Act, as amended by section 8(h)(2) of Public Law 100-93, is amended by striking "Restricts" and inserting "restricts".

(3) Section 1905(o) of the Social Security Act is amended by moving the indentation of paragraph (3), as added by section 9435(b)(2) of Public Law 99-509, 2 ems to the left.

(4) Section 1903(m)(2)(B)(i)(II) of the Social Security Act is amended by striking "1902(a)(13)(A)(ii)" and inserting "1902(a)(10)(D)".

(5) Effective as of the date of the enactment of Public Law 95-292, section 226(a) of the Social Security Act (42 U.S.C. 426(a)) is amended by

and employees of any agency seeking a reduction under subsection (c) or (d) of section 6402--

"(i) taxpayer identity information with respect to the taxpayer against whom such a reduction was made or not made and with respect to any other person filing a joint return with such taxpayer,

"(ii) the fact that a reduction has been made or has not been made under such subsection with respect to such taxpayer,

"(iii) the amount of such reduction,

"(iv) whether such taxpayer filed a joint return, and

"(v) the fact that a payment was made (and the amount of the payment) to the spouse of the taxpayer on the basis of a joint return.

"(B) Restriction on use of disclosed information.--Any officers and employees of an agency receiving return information under subparagraph (A) shall use such information only for the purposes of, and to the extent necessary in, establishing appropriate agency records, locating any person with respect to whom a reduction under subsection (c) or (d) of section 6402 is sought for purposes of collecting the debt with respect to which the reduction is sought, or in the defense of any litigation or administrative procedure ensuing from a reduction made under subsection (c) or (d) of section 6402."

(2) Conforming amendments.--

(A) Subsection (l) of section 6103 of such Code is amended by striking paragraph (11) and by redesignating paragraph (12) as paragraph (11).

(B) Paragraphs (3)(A) and (4) of section 6103(p) of such Code are each amended by striking "(10), (11), or (12)" each place it appears and inserting "(10), or (11)".

(C) Paragraph (2) of section 7213(a) of such Code is amended by striking "(9), (10), or (11)" and inserting "(9), or (10)".

(3) Effective dates.--

(A) In general.--The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(B) Special rule.--Nothing in section 2653(c) of the Deficit Reduction Act of 1984 shall be construed to limit the application of paragraph (10) of section 6103(l) of the Internal Revenue Code of 1986 (as amended by this subsection).

SEC. 702. LIMITATION ON USE OF REIMBURSEMENT ARRANGEMENTS TO AVOID 2-PERCENT FLOOR.

(a) General Rule.--Section 62 of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by adding at the end thereof the following new subsection:

"(c) Certain Arrangements Not Treated as Reimbursement Arrangements.--For purposes of subsection (a)(2)(A), an arrangement shall in no event be treated as a reimbursement or other expense allowance arrangement if--

"(1) such arrangement does not require the employee to substantiate the expenses covered by the arrangement to the person providing the reimbursement, or

"(2) such arrangement provides the employee the right to retain any amount in excess of the substantiated expenses covered under the arrangement.

The substantiation requirements of the preceding sentence shall not apply to any expense to the extent that substantiation is not required under section 274(d) for such expense by reason of the regulations prescribed under the 2nd sentence thereof."

(b) Effective Date.--The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1988.

SEC. 703. MODIFICATIONS TO DEPENDENT CARE CREDIT AND EXCLUSION FOR DEPENDENT CARE ASSISTANCE.

(a) Reduction in Maximum Age of Nonhandicapped Qualifying Individual.--Subsections (b)(1)(A) and (e)(5)(B) of section 21 of the Internal Revenue Code of 1986 are each amended by striking "age of 15" and inserting "age of 13".

(b) Limitation on Credit Reduced by Amount of Exclusion.--Subsection (c) of section 21 of such Code is amended by adding at the end thereof the following new sentence:

"The amount determined under paragraph (1) or (2) (whichever is applicable) shall be reduced by the aggregate amount excludable from gross income under section 129 for the taxable year."

(c) Requirement of Furnishing Identifying Information With Respect to Service Provider.--

(1) Credit.--Subsection (e) of section 21 of such Code is amended by adding at the end thereof the following new paragraph:

"(9) Identifying information required with respect to service provider.--No credit shall be allowed under subsection (a) for any amount paid to any person unless--

"(A) the name, address, and taxpayer identification number of such person are included on the return claiming the credit, or

"(B) if such person is an organization described in section 501(c)(3) and exempt from tax under section 501(a), the name and address of such person are included on the return claiming the credit.

In the case of a failure to provide the information required under the preceding sentence, the preceding sentence shall not apply if it is shown that the taxpayer exercised due diligence in attempting to provide the information so required."

(2) Exclusion.--Subsection (e) of section 129 of such Code is amended by adding at the end thereof the following new paragraph:

"(9) Identifying information required with respect to service provider.--No amount paid or incurred by an employer for dependent care assistance provided to an employee shall be excluded from the gross income of such employee unless--

"(A) the name, address, and taxpayer identification number of the person performing the services are included on the return to which the exclusion relates, or

"(B) if such person is an organization described in section 501(c)(3) and exempt from tax under section 501(a), the name and address of such person are included on the return to which the exclusion relates.

In the case of a failure to provide the information required under the preceding sentence, the preceding sentence shall not apply if it is shown that the taxpayer exercised due diligence in attempting to provide the information so required."

(3) Conforming amendment.--Paragraph (2) of section 6109(a) of such Code is amended by striking "shall furnish" and inserting "or whose identifying number is required to be shown on a return of another person shall furnish".

(d) Effective Date.--The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 704. TAXPAYER IDENTIFICATION NUMBER REQUIRED FOR DEPENDENTS WHO HAVE ATTAINED AGE 2.

(a) General Rule.--Paragraph (2) of section 6109(e) of the Internal Revenue

Code of 1986 (relating to furnishing number for certain dependents) is amended by striking "age of 5" and inserting "age of 2".

(b) Effective Date.--The amendment made by subsection (a) shall apply to returns the due date for which (determined without regard to extensions) is after December 31, 1989.

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM April 26, 1989

SUBJECT: Possible violation of Rule 24
HCS CSSB 70(Judiciary)

TO: Representative Peter Goll
Attn: Hayden

FROM: Terri Lauterbach
Legislative Counsel

Enclosed is a draft HCS CSSB 70(Judiciary). There may be a Rule 24 problem with the changes you requested for the CS.

Rule 24(c) of the Uniform Rules prohibits a committee of the second house from reporting a committee substitute for a bill that requires a change in the title of the bill. And, as you know, the title of a bill must be descriptive of its contents.

The title of CSSB 70(Finance), the bill enacted by the senate, is "An Act relating to certain testing in contested paternity actions . . ." Your changes in sec. 2 of the bill affect the circumstances under which the CSEA will represent minor children by allowing putative fathers to request the CSEA to appear for the minor. And it eliminates the current authority of the CSEA to appear on behalf of the minor [illegible] or other legal custodian. In addition, the inclus[illegible] "and not otherwise legitimated" appears to place a limit on the circumstances under which the CSEA may act. In my opinion, these changes are not described by the current bill title.

I would be happy to prepare a resolution allowing suspension of the appropriate Uniform Rules to allow amendment of the bill title, if you wish. Please let me know your wishes on this matter.

TL:gc:kb
WKG9/123

Enclosure

MEMORANDUM State of Alaska

TO: The Honorable Peter Goll
House of Representatives
Alaska State Legislature

DATE: April 25, 1989

FILE NO.: 01777

THRU:

TELEPHONE NO.: 263-6270

SUBJECT: CHILD SUPPORT ENFORCEMENT DIVISION AMENDMENT TO CSSB 70

FROM: Linda Langston
Director
Child Support Enforcement Division

When I was in Juneau several weeks ago, you and I discussed SB 70 (Uehling) and I promised you I would send you the language for an amendment that CSED would like to see made to the bill. I've discussed this in detail with Janet Kowalski of Senator Uehling's staff, and I understand Senator Uehling accepts our amended language.

We are asking for this change because of a recent policy memorandum from the Federal office of Child Support Enforcement which has clarified how State child support agencies (IV-D agencies) are to interpret Federal regulations defining who is eligible to apply to a IV-D agency for paternity establishment services.

The language below, and shown on the attached copy of CSSB 70, is being requested by us to meet the new interpretation. I would be very grateful if you would offer this as an amendment on our behalf.

Sec. 2. AS 47.23.040(a) is amended to read:

(a) On application by the mother, other legal custodian, or putative father, the agency shall appear on behalf of minor children [or their mother or legal custodian] or the State and initiate efforts to have the paternity of children born out of wedlock and not otherwise legitimated determined by the court [on voluntary application by the mother or other legal custodian].

I am trying to get down to Juneau early Thursday and can come to your office for further discussions then at any time that is convenient for you. I'll be in my office here in Anchorage all day tomorrow. My direct phone number is 263-6270.

LL:tr

89-142

Offered: 2/22/89
Referred: Rules

6-0231J

Original sponsors: Uehling, Pearce, and Sturgulewski

IN THE SENATE BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 70 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to certain testing in contested paternity actions; amending Rule 35, Alaska Rules of Civil Procedure; and providing for an effective date."

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

* Section 1. AS 25.20.050 is amended by adding new subsections to read:

(e) On request of a party in a contested paternity action to which the state is a party, the court shall order the mother, the child, and the putative parent to submit to a blood test, tissue-type test, protein comparison, or other scientifically accepted procedure designed to determine the statistical probability that the putative parent is a legal parent of the child in question.

(f) If the child support enforcement agency is a party in a contested paternity action, the agency shall request the court to order the tests and procedures described in (e) of this section. The agency may recover the costs of tests as a cost of the action, except that no costs shall be recovered from a person who is a recipient of aid under AS 47.25.310 - 47.25.420 (Aid to Families with Dependent Children).

* Sec. 2. AS 47.23.040(a) is amended to read:

(a) [The agency shall appear on behalf of minor children [or their mother or legal custodian] or the state and initiate efforts to have the paternity of children born out of wedlock determined by the court [on voluntary application by the mother or other legal custodian]. When

ON APPLICATION BY THE MOTHER, OTHER LEGAL CUSTODIAN, OR PUTATIVE FATHER,

AND NOT OTHERWISE LEGITIMATED

the agency is a party in a contested paternity action, it shall request and pay for tests and procedures under AS 25.20.030(f). The agency may recover the costs of the tests as a cost of the action, except that no costs shall be recovered from a person who is a recipient of aid under AS 47.25.310 - 47.25.420 (Aid to Families with Dependent Children).

* Sec. 3. AS 25.20.050(a), enacted by sec. 1 of this Act, has the effect of amending Civil Rule 35 by requiring a court in a contested paternity action to which the state is a party to order certain genetic tests on the request of a party.

* Sec. 4. This Act takes effect November 1, 1989.

(6) Keeping Personal Property:

For keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.

(7) Mileage.

For mileage actually and necessarily traveled in going to serve, and in returning from the place of service, of any process described in paragraph (1) above, whether or not service was obtained, for the first 25 total miles of any portion thereof 3.50

And for each mile in excess of 25 actually and necessarily traveled ..... State mileage rate

(8) No fee shall be charged under this schedule for any service rendered to the state or any agency or department thereof.

(b) All service of civil process and duties ancillary thereto under the Rules of Civil Procedure and applicable statutes shall be performed by private persons appointed under Civil Rule 4(c)(1), (4)(c)(3) or 4(c)(4), or by persons authorized by Civil Rule 45(c); provided, that a member of the Alaska State Troopers or other peace officer may render assistance to a process server as provided in Civil Rule 4(c)(3) or serve any process when directed to do so by the Commissioner of Public Safety. In this paragraph, "civil process" includes any summons, subpoena, attachment, notice of levy, intent to levy or garnishment, execution, or other writ in a civil action, but does not include any process, civil or criminal, served on behalf of the state for any department or agency thereof.

(Amended by SCO 526 effective October 1, 1982; by SCO 527 effective October 1, 1982; by SCO 548 effective February 1, 1983; by SCO 549 effective February 1, 1983; by SCO 588 effective January 1, 1984; by SCO 592 effective July 1, 1984; and by SCO 815 effective August 1, 1987)

Annotations

Cases

Admin. Director Instructions 60-2 (Fee Schedule)

Rule 12. Procedure for Counsel and Guardian Ad Litem Appointments at Public Expense.

(a) **Intent.** The court shall appoint counsel or a guardian ad litem only when the court specifically determines that the appointment is clearly authorized by law or rule, and that the person for whom the appointment is made is financially eligible for an appointment at public expense.

(b) **Appointments under AS 18.85.100(a) (Public Defender Agency).**

(1) **Appointment Procedure.**

(A) When a person is entitled to counsel under AS 18.85.100(a), appointments shall be made first to the public defender agency. If the agency files a motion to withdraw on the grounds that it cannot represent the person because of a conflict of interest, if the parties stipulate on the record that the agency has a conflict of interest, or if the court on its own motion finds an obvious conflict of interest, the court accepting such motion or stipulation or making such finding shall appoint the office of public advocacy to provide counsel.

(B) The court may appoint an attorney in a case in which the office of public advocacy has been appointed only if:

(i) The office of public advocacy has shown that it is unable to provide counsel either by staff or by contract; and

(ii) The office of public advocacy has provided the court with the name or names of the attorneys who shall be appointed in that particular case.

The office of public advocacy shall be responsible for compensating any attorney appointed under this subparagraph.

(C) All claims for payment for services performed after July 1, 1984, by attorneys appointed by the court shall be submitted to the director of the office of public advocacy, under such procedures as the director may prescribe. The director shall approve, modify or disapprove the claim.

(2) **Determination of Indigency.** Determination of indigency or financial inability for appointments under paragraph (B) of this rule must be made in accordance with the provisions of Criminal Rule 39.

(3) **Assessment of Costs.** To the extent that a person for whom counsel is appointed under paragraph (B) of this rule is able to provide for an attorney, the other necessary services and facilities of representation, and court costs, the court shall order the person to pay for these items. When counsel is appointed for a child when the child's parents or custodian are financially able but refuse to employ counsel to assist the child, the court may, when appropriate, assess as costs against the parents, guardian or custodian the cost to the state for providing such counsel.

(c) **Appointments under AS 44.21.410 (Office of Public Advocacy).**

(1) **Appointment Procedure.** When a person qualifies for counsel or guardian ad litem services under AS 44.21.410, the court shall appoint the office of public advocacy. The court in its order appointing the office of public advocacy must state the authority for the appointment. In the case of a discretionary appointment, the court must give specific reasons for the appointment. In the case of a guardian ad litem appointment, the court shall limit the appointment to the pendency of the proceedings affecting the child's welfare, shall outline the guardian ad litem's responsibilities, and shall limit the guardian's authority to those matters related to the guardian's effective representation of the minor's best interests.

(2) **Indigency Determination.** For appointments to the office of public advocacy under this rule, other than an appointment required because of a conflict of interest with the public defender agency, a person is indigent if the person's income does not exceed the maximum income level for Alaska set forth in 45 CFR 1611, Appendix A, for eligibility for representation by the legal services corporation. A person whose income exceeds the maximum amount for legal services representation may be determined indigent only if a judge makes a specific finding of indigency on the record, taking into account the funds necessary for the person to maintain employment, to provide shelter, and to clothe, feed and care for the person and the person's immediate family, the person's outstanding contractual indebtedness, the person's ability to afford representation based on the particular matter and the complexity of the case, the costs of living and attorneys fees in different regions of the state, and any liquid assets which could be counted as income.

(3) **Assessment of Costs.** In an appointment under AS 25.24.310 for representation of a minor, the court shall enter an order for costs, fees and disbursements in favor of the state. If the appointment is made in a proceeding in which custody, support or visitation is an issue, the court shall, if possible, avoid assigning costs to only one party by ordering that costs of the minor's legal representative or guardian services be paid from property belonging to both parents before a division of property is made.

(d) **Other Appointments at Public Expense.**

(1) **Withdrawal from Unauthorized Appointment.** The public defender agency and the office of public advocacy shall accept appointments only in those cases for which the basis for the appointment is clearly authorized. If the agency or office determines that the basis for an appointment is not clearly authorized, the agency or office shall file with the court a motion to withdraw from the appointment.

(2) **Constitutionally Required Appointments.**

(A) If the court determines that counsel, or a guardian ad litem, or other representative should be appointed for an indigent person, and further determines that the appointment is not authorized by AS 18.85.100(a) or AS 44.21.410, but in the opinion of the court is required by law or rule, the court shall appoint an attorney who is a member of the Alaska Bar Association to provide the required services. Other persons may be appointed to provide required services to the extent permissible by law.

(B) Appointments may be made in the following types of cases without prior approval of the administrative director, but only in cases in which the required services would not otherwise be provided by a public agency:

(i) Attorneys for biological parents in adoption cases to the extent required by the Indian Child Welfare Act (25 USC 1901 et seq.).

(ii) Attorneys for minor children and indigent parents or custodians of minor children in minor guardianship cases brought pursuant to AS 13.26.060(d).

(iii) Attorneys for respondents in protective proceedings brought pursuant to AS 13.26 in which appointment of the office of public advocacy is not mandated by statute.

(iv) Attorneys for minor children or incompetents who are heirs or devisees of estates in cases in which the attorneys' fees cannot be paid as a cost of administration from the proceeds of the estate.

(v) Attorneys for indigent putative fathers in actions to establish paternity in which the state of Alaska provides representation for mothers.

(vi) Attorneys to represent indigent respondents in involuntary alcohol commitments brought pursuant to AS 47.37.

(vii) Attorneys appointed for absent service persons pursuant to the Soldiers and Sailors Civil Relief Act (50 USC §520) when the opposing party is financially unable to pay for such representation.

In all other cases, the court shall inform the administrative director of the specific reasons why an appointment is required prior to making the appointment.

(C) The presiding judge shall designate the area court administrator and a clerk of court for each court location in the district to keep and make available to the court in each location lists of attorneys or other persons eligible to receive court appointments under section (d)(2) of this rule.

The attorney lists will first be compiled from names of persons who have volunteered to accept these appointments. If there are insufficient volunteers, the court will make appointments on a rotation basis from lists of eligible attorneys obtained

Under this standard, the IV-D agency must:

(a) Use appropriate local locate sources such as officials and employees administering public assistance, general assistance, medical assistance, food stamps and social services (whether such individuals are employed by the State or a political subdivision), relatives and friends of the absent parent, current or past employers, the local telephone company, the U.S. Postal Service, financial references, unions, fraternal organizations, and police, parole, and probation records if appropriate;

(b) Establish working relationships with all appropriate local agencies in order to utilize local locate resources effectively;

(c) Use appropriate State agencies and departments, which as a minimum must include those departments which maintain records of public assistance, unemployment insurance, income taxation, driver's licenses, vehicle registration, and criminal records;

(d) Utilize all appropriate State and local locate sources within 60 days of referral of the case pursuant to § 235.70 of this title or application under § 302.33;

(e) Transmit appropriate cases to the Federal PLS to locate absent parents;

(f) Refer cases to the IV-D agency of any other State if there is reasonable belief that the absent parent may be present in such State. The IV-D agency of such other State shall follow the procedures prescribed in paragraphs (a) through (d) of this section for such cases.

[43 FR 33249, July 31, 1978, as amended at 50 FR 19650, May 9, 1985]

§ 303.4 Establishment of support obligations.

For all cases referred to the IV-D agency or applying under § 302.33 of this chapter, the IV-D Agency must:

(a) When necessary, establish paternity pursuant to the standards of § 303.5;

(b) Utilize appropriate State statutes and legal processes in establishing the support obligation pursuant to § 302.50 of this chapter.

(c) Review the support obligation periodically and whenever the IV-D agency becomes aware of changes in the factors which determine the amount of the support obligation.

[40 FR 27164, June 26, 1975, as amended at 50 FR 19650, May 9, 1985]

§ 303.5 Establishment of paternity.

(a) For all cases referred to the IV-D agency or applying under § 302.33 of this chapter in which paternity has not yet been established, the IV-D agency must:

(1) Attempt to establish paternity by court order or other legal process established under State law; or

(2) Establish paternity by acknowledgment if under the State law such acknowledgment has the same legal effect as court-ordered paternity, including the right to benefits other than child support.

(b) The IV-D agency need not attempt to establish paternity in any case involving incest or forcible rape, or in any case in which legal proceedings for adoption are pending, if, in the opinion of the IV-D agency, it would not be in the best interests of the child to establish paternity.

(c) The IV-D agency shall identify laboratories within the State which perform legally and medically acceptable tests, including blood tests, which tend to identify the father or exclude the alleged father from paternity. A list of such laboratories shall be available to appropriate courts and law enforcement officials, and to the public upon request.

[40 FR 27164, June 26, 1975, as amended at 50 FR 19650, May 9, 1985]

§ 303.6 Enforcement of support obligations.

For all cases under the State plan in which the obligation to support and the amount of the obligation have been established, the IV-D agency must maintain an effective system for identifying, within 30 days, those cases in which there is a failure to comply with the support obligation and to contact such delinquent individuals as soon as possible in order to enforce the obligation and obtain the current support obligation and any arrearages.

Such attempts to collect support must include the institution of the following procedures as applicable and necessary:

(a) Contempt proceedings to enforce an extant court order;

(b) Garnishment or similar proceedings if the State's statutes and constitution permit such a procedure and the individual can be brought under the jurisdiction of the courts of the State;

(c) Proceedings to attach real or personal property if the State's law provides for such a procedure and the individual is subject to such procedure;

(d) Any other collection or enforcement procedure described in the State plan pursuant to § 302.17 of this chapter;

(e) Applications to utilize the courts of the United States pursuant to § 303.73 of this chapter, and proceedings to enforce an order in the courts of the United States if such application is certified; and,

(f) Applications for collection of the delinquent support obligation by the Secretary of the Treasury pursuant to § 302.71 of this chapter.

[40 FR 27164, June 26, 1975, as amended at 47 FR 24719, June 8, 1982; 47 FR 57282, Dec. 23, 1982]

§ 303.7 Cooperation with other States.

(a) For all cases referred to the IV-D agency under the State plan of another State, the IV-D agency must assist the other State in locating an absent parent, establishing paternity, or securing support for a child or children and for the spouse (or former spouse) of the absent parent with whom the child or children are living in the other State. Under this standard, the IV-D agency must:

(1) When necessary, locate the putative father or absent parent utilizing the standards prescribed in § 303.3;

(2) When necessary, establish paternity or assist the other State in establishing paternity;

(3) Process and enforce all court orders referred by another State, whether pursuant to the Uniform Reciprocal Enforcement of Support Act or other legal processes. The IV-D agency shall utilize the same remedies normally applied to its own cases;

(4) Collect any support payments from the absent parent and forward them to the State to whom they are owed; and,

(5) Inform the State which initiated the action of the status of the case periodically and on request.

(b) For all cases referred for securing support by the IV-D agency under the State plan to the IV-D agency of another State, the IV-D agency must provide the IV-D agency of the other State sufficient information to act on the case, including but not limited to the following:

(1) Whether the case involves a recipient of aid under the State's title IV-A or IV-E plan;

(2) The amount of the current assistance payment, if any;

(3) Notice of any termination of eligibility for assistance; and

(4) Any other information prescribed by instructions of the Office.

(c) For all cases referred by the IV-D agency under the State plan to the IV-D agency of another State which require location activities, the IV-D agency shall provide sufficient information to assist the IV-D agency of the other State, such as the absent parent's social security account number and other identifying information to the extent it is available.

[40 FR 27164, June 26, 1975, as amended at 47 FR 57282, Dec. 23, 1982; 50 FR 19650, May 9, 1985]

§ 303.10 Procedures for case assessment and prioritization.

(a) The IV-D agency may implement a case assessment and prioritization system statewide or in a particular political subdivision of the State to manage its caseload.

(b) In implementing a case assessment and prioritization system, the IV-D agency must:

(1) Develop written procedures for the evaluation and prioritization of cases upon receipt and upon becoming aware of changes in case circumstances;

(2) Include all of its cases in the system, incuding cases referred from the title the IV-A agency under § 235.70 of this title, cases in which applications for services are received

DEPARTMENT OF HEALTH AND HUMAN SERVICES
FAMILY SUPPORT ADMINISTRATION
OFFICE OF CHILD SUPPORT ENFORCEMENT

REGIONAL REPRESENTATIVE'S MEMORANDUM NO. 88-05
June 27, 1988

TO: State IV-D Directors

SUBJECT: Paternity Determination Services for the Alleged Father when the Custodial Parent Has Not Asked for IV-D Services to Establish Paternity

This is in response to a memorandum from Region VIII regarding the provision of paternity establishment services to alleged fathers. The Region requested a policy interpretation to determine whether a State IV-D agency is obligated to accept an application for services in cases in which the custodial parent is not receiving AFDC and has not applied for IV-D services.

Section 454(6)(A) of the Social Security Act provides that the child support collection or paternity determination services established under the plan shall be made available to any individual not otherwise eligible for such services upon application filed by such individual with the State. Because the statute specifically states "any individual," we cannot exclude a category of applicants.

Therefore, alleged fathers may apply for IV-D services that seek to determine paternity, establish an order and assure payment of child support. Putative fathers applying for paternity establishment services should be apprised of the following: they may be required to submit to a blood test to provide evidence of paternity; the court will be asked to consider the income and resources of both parents and to apportion support liability between them: the IV-D agency cannot represent the father in an adversarial or traditional "attorney - client" capacity, but will perform services they deem to be appropriate and in the best interests of the child; custody and visitation issues cannot be handled by IV-D staff; and, the applicant for services may be assessed costs, if the State has elected to recover costs, pursuant to 45 C.F.R. 302.33(d).

Below are responses to two additional questions posed by Region VIII, which relate to paternity:

1. Question: Is there any provision in the regulations that protects the best interests of the child, e.g., where it is common knowledge that the man alleging paternity is a convicted felon who has served time for assault and battery?

Response: Regulations at 45 CFR 303.5(b) state that a IV-D agency need not attempt to establish paternity in any case involving incest or forcible rape, or in any case in which legal proceedings for adoption are pending, if in the opinion of the IV-D agency, it would not be in the best interests of the child to establish paternity. No other IV-D regulations governing paternity establishment address the best interests of the child in non-AFDC cases. However, we believe that the "good cause circumstances" set forth at 45 CFR 232.42, although not directly applicable, may have some bearing in these cases. If the IV-D caseworker has cause to believe that paternity establishment might present a clear risk of physical or emotional harm to the child, even if no State law was applicable, there could arguably be cause for not pursuing paternity establishment. We believe that such cases would be rare and that an administrative review should be required to make any "good cause determination". This "good cause" policy could be analogous to the "good cause circumstances" set forth at 45 CFR 232.42 and applied when a custodial parent applies for AFDC.

2. Question: Are the natural mother's wishes to be respected if she indicates that she does not want a relationship between the child and the man alleging paternity?

Response: When a paternity suit is initiated, the court hears and decides the factual and legal issues of the case. After paternity is adjudicated, custody and visitation issues would be resolved after consideration of the child's best interests, and the parents' interests and concerns may bear on those determinations.

I hope this information is helpful. If you have any questions, please contact Phyllis Benton of my staff at (206) 442-8361.

Natalie deMaar

cc: Department/Agency Heads

Christine FLORES, Petitioner,

v.

David FLORES, Respondent.

No. 3832

Supreme Court of Alaska.

July 13, 1979.

In divorce proceeding, the Superior Court, Third Judicial District, S. J. Buckalew, J., ruled that permanent counsel would not be appointed for wife due to lack of funds and that case should proceed with wife unrepresented, and wife filed petition for review. The Supreme Court, Matthews, J., held that due process clause of State Constitution guaranteed wife, an indigent party, the right to court-appointed counsel in a private child custody proceeding in which her spouse was represented by Alaska legal services corporation.

Ordered accordingly.

Connor, J., dissented in part and concurred in part and filed opinion.

1. Constitutional Law ⇐314

Due process clause of State Constitution guaranteed wife, an indigent party, the right to court-appointed counsel in private child custody proceeding in which her spouse was represented by Alaska legal services corporation, where interest at stake was wife's right to direct upbringing of her child, where legal issues were much more complex than usual because of jurisdictional problems and because divorce proceedings were taking place in two states, and where wife lacked funds to come to Alaska and would otherwise have lost custody proceeding by default. Const. art. 1, § 7.

2. Divorce ⇐301

There is a strong state interest in divorce-child custody proceedings, for, unlike commercial contracts, legally binding marriages and divorces are wholly creations of the state and any provision for child custody in a divorce order is fully enforceable by the state.

3. Attorney and Client ⇐23

Where due process clause of State Constitution gave wife, an indigent party who resided in California, the right to court-appointed counsel in a divorce-child custody proceeding in which husband was represented by Alaska legal services corporation, where Alaska legal services corporation did not have regulations relating to such matters as record keeping, access to files, supervision, and physical separation of offices which would have been sufficient to insure that two attorneys employed by corporation could represent conflicting positions in litigation, where children's rules of procedure did not furnish basis for imposing duty of representation on public defender agency, counsel had to be appointed from the private bar, with compensation permitted under administrative rule. Const. art. 1, § 7; Rules of Children's Procedure, rule 12; Rules Governing the Administration of all Courts, rule 15.1.

4. Divorce ⇐301

Children's rule requiring appointment of counsel to represent parents who are financially unable to employ counsel to represent themselves, where issues are complex or have serious consequences was not intended to apply to divorce proceedings. Rules of Children's Procedure, rule 12; Rules Governing the Administration of all Courts, rule 15.1.

Max F. Gruenberg, Jr., and G. R. Eschbacher, Anchorage, for petitioner.

Donald E. Clocksin and Lucinda McBurney, Alaska Legal Services, Anchorage, for respondent.

Dana Fabe, Asst. Public Defender and Brian Shortell, Public Defender, Anchorage, amicus curiae.

Before BOOCHEVER, C. J., and RABINOWITZ, CONNOR and MATTHEWS, JJ.

OPINION

MATTHEWS, Justice.

This petition for review presents a single issue: whether an indigent party has the

right to court-appointed counsel in a private child custody proceeding in which her spouse is represented by Alaska Legal Services Corporation (ALSC). We hold that the due process clause of the Alaska Constitution [1] guarantees such a right.

The petition for review stems from a divorce proceeding in which custody of the couple's child is the only contested issue. The petitioner, Christine Flores, and the respondent, David Flores, are both indigent. Christine is a California resident and has evidently remained in that state throughout the time period relevant here. On or about November 18, 1976, David removed the couple's child from California to Alaska without Christine's consent. He subsequently obtained the services of ALSC and filed for divorce in Anchorage on December 20, 1976, but service was not made on Christine until April of 1977. In the interim, she obtained the services of the Legal Aid Society of Sacramento and filed for dissolution of the marriage in the Sacramento court on January 21, 1977. Service was made on David, and on March 18 the California court found that it had jurisdiction and granted interim custody to Christine. David subsequently obtained service on Christine and was awarded interim custody by an Anchorage court.

At that point, Christine's California counsel contacted a private Anchorage attorney who agreed to make a limited appearance for the sole purpose of requesting appointment of permanent counsel for Christine. An initial hearing was held on August 31, 1977, on a motion to join the Public Defender Agency as the real party in interest since Christine was attempting to require that agency to represent her in the divorce proceeding. It was stipulated that ALSC was unable to take conflicting sides of a divorce and that ALSC was without funds to hire a private attorney. The trial judge subsequently signed an order permitting service on the Public Defender.

A second hearing was held on November 14, 1977, at which an attorney from the Public Defender Agency was present as well as an ALSC attorney representing David Flores and the private attorney representing Christine Flores. The trial judge ruled that permanent counsel would not be appointed due to lack of funds and that the case should proceed with Christine unrepresented.

Petition for review of this ruling was made pursuant to Alaska Appellate Rules 23 [2] and 24,[3] and an entry of default in the divorce-child custody proceeding was stayed pending the outcome of the petition.[4]

We exercised our discretion by granting immediate review because of a substantial likelihood that injustice would result if normal appellate procedure were allowed to

1. Alaska Const. art. I, § 7.

2. Alaska R.App. P. 23(e) provides:

> An aggrieved party, including the State of Alaska, may petition this court as set forth in Rule 24 to be permitted to review any order or decision of the superior court, not otherwise appealable under Rule 5, in any action or proceeding, civil or criminal, as follows:
>
> . . . . .
>
> (e) Where postponement of review until normal appeal may be taken from a final judgment will result in injustice because of impairment of a legal right, or because of unnecessary delay, expense, hardship, or other related factors.

3. Alaska R.App. P. 24(a) specifies:

> A review is not a matter of right, but will be granted only: (1) where the order or decision sought to be reviewed is of such substance and importance as to justify deviation from the normal appellate procedure by way of appeal and to require the immediate attention of this court; or (2) where the sound policy behind the general rule of requiring appeals to be taken only from final judgments is outweighed by the claim of the individual case that justice demands a present and immediate review of a particular non-appealable order or decision; or (3) where the superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by an inferior court or administrative tribunal, as to call for this court's power of supervision and review.

4. Christine Flores is prevented by her indigency from travelling to Alaska to make a court appearance.

take its course.[5] Because of the petitioner's need for immediate representation, we entered an order requiring the superior court to appoint private counsel for her, indicating that an opinion would follow and that the order "is not intended to intimate the view of the court on the ultimate issues."

[1] In holding that the due process clause of the Alaska Constitution[6] guarantees the right to counsel in this case, we recognize that the right is one usually associated with criminal proceedings. We also note, however, that this court has consistently avoided any formalistic categorization of proceedings as "criminal" and "civil" when determining if strict due process safeguards are required. "Due process is flexible, and the concept should be applied in a manner which is appropriate in the terms of the nature of the proceeding."[7] Thus we have previously held that the due process clause of the Alaska Constitution requires that counsel be provided for defendants in civil contempt proceedings, *Otton v. Zaborac*, 525 P.2d 537 (Alaska 1974), and in paternity suits, *Reynolds v. Kimmons*, 569 P.2d 799 (Alaska 1977), where the state supplies counsel to the mother.

The interest at stake in this case is one of the most basic of all civil liberties, the right to direct the upbringing of one's child.[8] This right has consistently been recognized by the United States Supreme Court as being among the "liberties" protected by the due process clause of the Federal Constitution. *Stanley v. Illinois*, 405 U.S. 645, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972); *May v. Anderson*, 345 U.S. 528, 73 S.Ct. 840, 97 L.Ed. 1221 (1953); *Prince v. Massachusetts*, 321 U.S. 158, 64 S.Ct. 438, 88 L.Ed. 645 (1944); *Pierce v. Society of the Sisters*, 268 U.S. 510, 45 S.Ct. 571, 69 L.Ed. 1070 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 43 S.Ct. 625, 67 L.Ed. 1042 (1923).

In *Reynolds*, we recognized the importance of the parent-child relationship. Although *Reynolds* was a paternity proceeding, we quoted with approval the decision of the Ninth Circuit in *Cleaver v. Wilcox*, 499 F.2d 940 (9th Cir. 1974), which was a class action brought by indigent parents seeking injunctive relief and a declaratory judgment to the effect that whenever indigent parents become involved in child dependency proceedings, they are entitled to appointment of counsel. The court refused to adopt an inflexible rule that counsel was required in all child dependency proceedings, but it did hold the following:

> Parents are entitled to a judicial decision on the right to counsel in each case. The determination should be made with the understanding that *due process requires the state to appoint counsel whenever an indigent parent, unable to present his or her case properly, faces a substantial possibility of the loss of custody or of prolonged separation from a child.*

Id. at 945 (footnote omitted) (emphasis added).

[2] It is true that both *Reynolds* and *Cleaver* involved proceedings that were prosecuted by the state, but that does not remove the present case from the scope of their rationale. Although a private individual initiated the proceeding below, he was represented by counsel provided by a public agency. Fairness alone dictates that the petitioner should be entitled to a similar advantage. Furthermore, there is a strong state interest in divorce-child custody proceedings. Unlike commercial contracts, legally binding marriages and divorces are wholly creations of the state.[9] Any provi-

5. *See* note 2, *supra*.

6. "No person shall be deprived of life, liberty, or property, without due process of law." Alaska Const. art. I, § 7.

7. *Otton v. Zaborac*, 525 P.2d 537, 539 (Alaska 1974).

8. Although the divorce proceeding will not sever all parental rights of the petitioner, an award of custody to the respondent will have the same consequences, due to the distance between California and Alaska and the petitioner's indigency.

9. For this reason, the United States Supreme Court in *Boddie v. Connecticut*, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113 (1971), held that divorce proceedings must meet due process requirements. In striking down state procedures

sion for child custody in a divorce order is fully enforceable by the state.[10] In this case, Christine Flores stands to lose a basic "liberty" just as surely as if she were being prosecuted for a criminal offense.

We have noted on previous occasions that "[c]hild custody determinations are among the most difficult in the law."[11] Although the legal issues in a given case may not be complex, the crucial determination of what will be best for the child can be an exceedingly difficult one as it requires a delicate process of balancing many complex and competing considerations that are unique to every case. A parent who is without the aid of counsel in marshalling and presenting the arguments in his favor will be at a decided and frequently decisive disadvantage which becomes even more apparent when one considers the emotional nature of child custody disputes, and the fact that all of the principals are likely to be distraught. This disadvantage is constitutionally impermissible where the other parent has an attorney supplied by a public agency.

In this case, the legal issues are much more complex than usual because of jurisdictional problems and because divorce proceedings are taking place in two states. Regardless of the complexity of the case, however, a denial of the right to counsel will necessarily be fatal to the petitioner's cause, because she lacks the funds to come to Alaska and will therefore lose the custody proceeding by default. Her right to be heard will truly be meaningless unless she is afforded the right to counsel.[12]

[3] Having determined that there is a constitutional right to counsel in proceedings of this nature, it is necessary to further consider who will act as such and who will pay. Three sources from which counsel may be furnished have been suggested. They are ALSC, the Public Defender Agency, and the private bar.

ALSC contends that it cannot furnish attorneys to represent opposing sides in litigation. That conclusion follows if ALSC is viewed as an ordinary law firm to which the rule applies which bars all members of a firm from representing a client when one member of a firm has a conflict of interest.[13]

It is not, however, an inevitable conclusion that ALSC could not under any circumstances furnish counsel to take both sides of a case. Regulations might be developed relating to such matters as record keeping,

that required indigents seeking divorce to pay court fees and service-of-process costs, the Court reasoned:

> [W]e are unaware of any jurisdiction where private citizens may covenant for or dissolve marriages without state approval. Even where all substantive requirements are concededly met, we know of no instance where two consenting adults may divorce and mutually liberate themselves from the constraints of legal obligations that go with marriage, and more fundamentally the prohibition against remarriage, without invoking the State's judicial machinery.
>
> . . . Resort to the judicial process by these plaintiffs is no more voluntary in a realistic sense than that of the defendant called upon to defend his interests in court. For both groups this process is not only the paramount dispute-settlement technique, but, in fact, the only available one. In this posture we think that this appeal is properly to be resolved in light of the principles enunciated in our due process decisions that delimit rights of defendants compelled to litigate their differences in the judicial forum.

401 U.S. at 376–77, 91 S.Ct. at 785, 28 L.Ed.2d at 118.

10. *See Public Defender Agency v. Superior Court*, 534 P.2d 947 (Alaska 1975), where we held that the Attorney General may enforce support orders.

If a parent takes a child under age 12 from the person having lawful custody of the child, without that person's consent, he has committed the criminal offense of child stealing. AS 11.15.290.

11. *Horton v. Horton*, 519 P.2d 1131, 1132 (Alaska 1974); reiterated in *Horutz v. Horutz*, 560 P.2d 397, 399 (Alaska 1977); *Lacy v. Lacy*, 553 P.2d 928, 929 (Alaska 1976).

12. We emphasize that our holding in this opinion is limited to cases involving child custody where an indigent party's opponent is represented by counsel provided by a public agency.

13. *Aleut Corporation v. McGarvey*, 573 P.2d 473 (Alaska 1978); *Borden v. Borden*, 277 A.2d 89 (D.C.1971); *see Estep v. Johnson*, 383 F.Supp. 1323 (D.Conn.1974).

access to files, supervision, and physical separation of offices which would be sufficient to ensure that two attorneys employed by ALSC could represent conflicting positions in litigation, each having undivided loyalty to his client and fully able to exercise that independent professional judgment which is required by the Code of Professional Responsibility.[14] However, there now exist no such regulations and without them ALSC cannot realistically be considered as a source of legal representation.

Both parties contend that the Public Defender Agency has the statutory obligation to furnish counsel in this case. Their argument is that AS 18.85.100(a) requires the public defender to represent "[a]n indigent person who . . . is entitled to representation under the Supreme Court Rules of Children's Procedure . . ." and that Children's Rule 15(a)(3) requires the appointment of counsel in the present circumstances. It provides:

> The court shall appoint counsel to represent the child, his parents, guardian, or custodian, when the assistance of counsel is desired, as follows:
>
> (3) For his parents . . . when they are financially unable to employ counsel to represent themselves and the issues are complex or have serious consequences.

[4] We do not believe that Children's Rule 15(a) was intended to apply to divorce proceedings. The scope of the Children's Rules is defined in Rule 1(b) which provides: "The procedure in children's matters shall be governed by these rules." The term "children's matters" is not further defined. However, reference is made throughout the rules to ch. 10, Title 47 of the Alaska Statutes, which deals exclusively with cases where the state as a party has chosen to interfere with a parent's right of custody, either in a delinquency proceeding, or where a violation of law by the child is alleged, or in a dependency proceeding where a child may need protection. None of the rules is cross-referenced to Title 9 of the Alaska Statutes which governs child custody proceedings in divorce cases, and none of the rules refer to child custody proceedings in divorce cases. Light is cast upon the intended coverage of the Children's Rules by Rule 12 which defines the appropriate subjects of inquiry involved at "the child hearing." Those subjects are, "whether the child is delinquent, dependent, delinquent and dependent, or in need of supervision." For these reasons we conclude that the Children's Rules of Procedure are inapplicable to this case and cannot furnish a basis for imposing a duty of representation on the Public Defender Agency. In reaching this conclusion, we recognize that in several of our cases involving private parties we have referred to various provisions in the Children's Rules.[15] However, in each of those cases, the citation was given to support an analogous procedure adopted in the case in question; we did not hold that the Children's Rules were directly applicable.

Having eliminated ALSC and the Public Defender Agency as present sources of representation, only the private bar remains.[16] Counsel should be appointed from the private bar.

BURKE, J., not participating.

CONNOR, Justice, dissenting in part, concurring in part.

The majority holds today that our due process clause guarantees indigent civil litigants the right to counsel at public expense

14. We encourage such an effort.

15. The decisions are *Reynolds v. Kimmons*, 569 P.2d 799, 802 n. 10 (Alaska 1977); *Veazey v. Veazey*, 560 P.2d 382, 385 (Alaska 1977); *Johnson v. Johnson*, 544 P.2d 65, 72 n. 16 (Alaska 1975); *Carle v. Carle*, 503 P.2d 1050, 1053 n. 5 (Alaska 1972); *Sheridan v. Sheridan*, 466 P.2d 821, 825 n. 16 (Alaska 1970).

16. Administrative Rule 15.1 provides for compensation of attorneys appointed by the court to represent persons "under the Rules of Children's Procedure or pursuant to statute . . ." at the rate of forty dollars per hour. That rule is broad enough to permit compensation in cases such as the present one where the appointment of counsel is constitutionally required.

whenever "[t]he interest at stake . . . is one of the most fundamental of all civil liberties, the right to direct the upbringing of one's child." While I agree that in this case the petitioner, because of the extreme disadvantage to which she is put, should have counsel appointed for her from some source, there are a number of reasons why I am unable to join my colleagues in holding that all indigent child custody litigants are constitutionally entitled to counsel at public expense.

I can find no authoritative precedent, state or federal, to firmly support such an extension of due process rights. In *Boddie v. Connecticut*, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113 (1971), the court merely struck down court fees and service of process fees that effectively denied access to the state courts to indigents seeking divorce. While the court did note the importance of the "basic position of the marriage relationship in this society's hierarchy of values,"[1] the key factor in the decision appears to have been the state monopolization of the means for legally dissolving the marriage relationship.[2] Since a legal divorce in Connecticut could *only* be obtained through the courts, filing fees which significantly impeded indigents' access to those courts and which did not serve a "countervailing state interest of overriding significance"[3] were held to violate due process. In reaching this decision, the majority in *Boddie* carefully avoided any suggestion that the right to counsel was mandated in such cases. Here it is worth noting that, unlike the circumstances presented in *Boddie*, child custody litigants are not compelled to go to court to settle their claims.

Cleaver v. Wilcox, 499 F.2d 940 (9th Cir. 1974), which the majority relies upon in the case at bar, was concerned with child dependency proceedings in which the state of California was a party. The excerpted language from that case which appears in the majority opinion here was uttered only in regard to such dependency proceedings. Moreover, the court in *Cleaver* did not establish a firm constitutional rule requiring court-appointed counsel in every dependency proceeding; rather, it established general guidelines to be applied on a case by case basis.[4]

Similarly, our previous decisions in this area do not require that counsel be provided to indigent civil litigants in private child custody proceedings. In *Otton v. Zaborac*, 525 P.2d 537 (Alaska 1974), we held that an indigent in a contempt proceeding, for nonsupport of his child, had a constitutional right to a court-appointed attorney, stating:

> We base this decision on the right to jury trial in a contempt proceeding for nonpayment of child support recognized in *Johansen v. State*, 491 P.2d 759 (Alaska 1971), and on the underlying rationale of that decision which focuses on the very real threat of incarceration. [footnote omitted].

Otton, supra at 538.

In explaining why the need for assistance of counsel was deemed greater when a jury trial was involved, we quoted the concurring opinion of Mr. Justice Powell in *Argersinger v. Hamlin*, 407 U.S. 25, 45–46, 92 S.Ct. 2006, 2016–17, 32 L.Ed.2d 530, 543 (1972):

> An unskilled layman may be able to [represent] himself in a nonjury trial before a judge experienced in piecing together unassembled facts, but before a jury the guiding hand of counsel is needed to marshal the evidence into a coherent whole consistent with the best case on behalf of the [litigant].

Otton, supra at 540.

In a later case, *Reynolds v. Kimmons*, 569 P.2d 799 (Alaska 1977), we extended the right to counsel to an indigent defendant in a paternity suit brought by the state on behalf of the mother. In reaching that result, we relied heavily on the fact that in

1. *Boddie v. Connecticut, supra*, 401 U.S. at 374, 91 S.Ct. at 784, 28 L.Ed.2d at 116.

2. *Id.*

3. *Id.* 401 U.S. at 377, 91 S.Ct. at 785, 28 L.Ed.2d at 118.

4. *Cleaver v. Wilcox, supra*, at 945.

such proceedings defendants suffer serious exposure to criminal liability.[5] We also noted that any resultant paternity and support decree would be likely to have a major impact on the defendant's life and would be *res judicata* in later contempt proceedings that could result in incarceration.[6] Furthermore, we reasoned that the need for counsel was heightened because the defendant was being prosecuted by the state with all of its resources and power.[7] The *Reynolds* decision, therefore, was not simply based on the significance of the parent-child relationship, but was founded on other important factors as well.

Notwithstanding this absence of authoritative precedent, I am particularly troubled by the failure of the majority to give full consideration to those procedural aspects of private child custody proceedings which help to insure that even unrepresented litigants will have a full, fair opportunity to be heard.

First, as in any case, the court itself may call, question, and cross-examine witnesses in an effort to determine the best interests of the child. In this regard it is noteworthy that a Divorce Reform Task Force report of the National Council on Family Relations has recommended that child custody determinations should no longer be a product of adversarial proceedings. See, 1 Family Law Reporter 2026 (1974). Although the report does not specify any alternative procedures, its conclusion suggests that it may be preferable to leave the examination of witnesses in such proceedings solely to the province of the judge, thereby diminishing some of the adversarial aspects of these hearings.

Second, the Alaska legislature has, by statute, provided for the appointment of counsel to represent children who are the subject of private custody proceedings. AS 09.65.130. These attorneys, in fulfilling their obligations to their clients, must call, examine, and cross-examine witnesses for both sides and make appropriate evidentiary objections. This, too, helps to insure that the strength and weaknesses of each opposing side will be fully and properly aired even without the assistance of counsel.

Finally, unlike other types of civil litigation, there is no right to a jury trial in private child custody proceedings. The determination of the best interest of the child is made solely by the court. AS 25.20.060. Thus, as implied in *Otton, supra*, there is no special need for "the guiding hand of counsel . . . to marshal the evidence into a coherent whole" for a jury; rather, the judge, experienced in piecing together unassembled facts, is capable of fully evaluating the evidence in favor of, and against, both sides.

In light of these considerations, I believe there is no sound basis for concluding that a private child custody litigant cannot be provided with a meaningful opportunity to be heard without the assistance of counsel. On the contrary, certain procedural aspects of child custody proceedings—the exclusive fact-finding role of the judge and independent counsel for the children—support the view that unrepresented child custody litigants may actually be afforded more due process "protection" than other private civil litigants, threatened with deprivation of other important rights, who do not have an attorney.

This brings me to a third troubling aspect of today's holding, namely, the extent to which the majority's reasoning, applied with basic notions of equal protection, logically requires counsel for other indigents in private litigation involving other rights. There, too, complex and emotional issues may be involved, along with important state interests in the outcome. These factors, the majority opinion suggests, enhance the need for assistance of counsel, and this would be especially true where the fact-finding role is delegated to a jury, as it often would be in other cases. *See, Otton, supra* at 540. Thus, I am unable to see

5. *Reynolds v. Kimmons, supra*, at 802.

6. *Id.*

7. *Id.* at 803.

how, logically, this court will be able to limit its holding today, consonant with equal protection, to deny appointed counsel to other indigent persons involved in such private civil litigation.[8] This point was made by Chief Judge Breitel in a related case, *In the Matter of Smiley*, 36 N.Y.2d 433, 369 N.Y.S.2d 87, 330 N.E.2d 53, 57 (1975), where the New York Court held that there was no constitutional right to counsel in divorce cases:

> It merits added comment that among the many kinds of private litigation which may drastically affect indigent litigants, matrimonial litigation is but one. Eviction from homes, revocation of licenses affecting one's livelihood, mortgage foreclosures, repossession of important assets purchased on credit, and any litigation which may result in the garnishment of income may be significant and ruinous for an otherwise indigent litigant. In short, the problem is not peculiar to matrimonial litigation. The horizon does not stop at matrimonial or any other species of private litigation.[9] [footnote added]

Finally, there is another aspect of the court's decision which requires comment, and that is the cost to the public. Whether we place responsibility on the private bar or the state treasury, the cost ultimately will be borne by the public. Even if the initial burden were cast upon the private bar, the expense of providing counsel for indigent civil litigants eventually would be paid for from some other source. So far as I know, we lack reliable data on the legal needs of the poor in civil cases in Alaska and the expense of meeting those needs. Without such information, it seems to me hazardous to create an inflexible constitutional right, the impact of which we can only vaguely discern. In this regard, I think it unfortunate that the state has not been heard before the court takes this major constitutional step, as the state has an obvious interest in the ramifications of this decision.

For these reasons, I would hold that the petitioner is not entitled to counsel as a matter of constitutional right, but rather is entitled to appointed counsel in the discretion of the court.[10]

PURITAN LIFE INSURANCE COMPANY, Appellant,

v.

Carolyn S. GUESS, Appellee.

No. 3807.

Supreme Court of Alaska.

July 20, 1979.

Beneficiary under life policy brought action against insurer. The Superior Court, Third Judicial District, J. Justin Ripley, J., entered judgment in favor of beneficiary, and insurer appealed. The Supreme Court,

8. The majority opinion expresses the belief that a "public agency" supplied Mr. Flores with counsel in this case. I disagree. The Alaska Legal Services Corporation is a non-profit enterprise organized pursuant to 42 U.S.C. § 2996b, which established the national Legal Services Corporation. It is clear that the national Legal Services Corporation is not an agency of the federal government, nor are its staff members federal employees. 42 U.S.C. § 2996c(c); 42 U.S.C. § 2996d(e)(1). *Spokane County Legal Services, Inc. v. Legal Services Corporation*, 433 F.Supp. 278, 280 (E.D.Wash. 1977). In my view, the Alaska Legal Services Corporation is a private corporation and not an agency of the state or federal government. Therefore, I conclude that a "public agency," in the sense of being an agency of the government, did not provide Mr. Flores with counsel in this case.

9. *See also* the opinion of Mr. Justice Black, dissenting from a denial of a petition for certiorari in *Meltzer v. C. Buck LeCraw & Co.*, 402 U.S. 954, 91 S.Ct. 1624, 29 L.Ed.2d 124 (1971).

10. It should be noted that AS 25.30.100(c) grants the superior court authority to order "another party" to pay "travel and other necessary expenses" of an out-of-state party if this would be "just and proper under the circumstances."

HOUSE COMMITTEE REPORT

(7)
Date Referred: March 31, 1989 FURTHER REFERRALS:

Date of Committee Action: _____

The JUDICIARY Committee considered: CSSB 70(FIN)

CS FOR SENATE BILL NO. 70 (Judiciary)
[GENETIC TESTING IN PATERNITY CASES]
"An Act relating to certain testing in contested paternity actions; amending Rule 35, Alaska Rules of Civil Procedure; and providing for an effective date."

RECOMMENDATIONS:
[ ] be replaced with HCS CS SB 70 (JUD) [✓] the same title
[ ] a new title
[ ] have attached amendment(s)
[ ] do pass
[ ] do not pass
[ ] no recommendation
[X] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[ ] fiscal impact _____
[ ] zero fiscal note _____
[ ] zero with analysis _____

APPROVES PREVIOUS: (Date/Dept)
[ ] fiscal note(s) _____
[X] zero fiscal note(s) 2/28/89 REVENUE
[ ] zero fn/analysis _____

SIGNING DO PASS:

SIGNING: (Check approp. column)

	Do Not Pass	No Rec	Amend
		✓	

Chairman's Signature

6-0231M
Lauterbach
5/2/89

Original sponsors: Uehling, Pearce, and Sturgulewski

IN THE SENATE BY THE JUDICIARY COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 70 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to certain testing in contested paternity actions; amending Rule 35, Alaska Rules of Civil Procedure; and providing for an effective date."

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

* Section 1. AS 25.20.050 is amended by adding new subsections to read:

(e) On request of a party in an action in which paternity is contested and to which the state is a party, the court shall order the mother, the child, and the putative father to submit to a blood test, tissue-type test, protein comparison, or other scientifically accepted procedure designed to determine the statistical probability that the putative ~~father~~ parent is a legal parent of the child in question.

(f) If the child support enforcement agency is a party in an action in which paternity is contested, the agency shall request the court to order the tests and procedures described in (e) of this section. The agency may recover the costs of tests as a cost of the action, except that costs may not be recovered from a person who is a recipient of aid under AS 47.25.310 - 47.25.420 (Aid to Families with Dependent Children).

* Sec. 2. AS 47.23.040(a) is amended to read:

(a) The agency shall appear on behalf of minor children or their mother or legal custodian or the state and initiate efforts to have the paternity of children born out of wedlock determined by the court. When the agency is a party in an action in which paternity is

contested, it shall request and pay for tests and procedures under AS 25.20.050(f). The agency may recover the costs of the tests as a cost of the action, except that costs may not be recovered from a person who is a recipient of aid under AS 47.25.310 - 47.25.420 (Aid to Families with Dependent Children) [ON VOLUNTARY APPLICATION BY THE MOTHER OR OTHER LEGAL CUSTODIAN].

* Sec. 3. AS 25.20.050(e), enacted by sec. 1 of this Act, has the effect of amending Civil Rule 35 by requiring a court in an action in which paternity is contested and to which the state is a party to order certain genetic tests on the request of a party.

* Sec. 4. This Act takes effect November 1, 1989.

6-0231D
Lauterbach
4/26/89

Original sponsors: Uehling, Pearce, and Sturgulewski

IN THE SENATE BY THE JUDICIARY COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 70 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to certain testing in contested paternity actions; amending Rule 35, Alaska Rules of Civil Procedure; and providing for an effective date."

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

* Section 1. AS 25.20.050 is amended by adding new subsections to read:

(e) On request of a party in a contested paternity action to which the state is a party, the court shall order the mother, the child, and the putative parent to submit to a blood test, tissue-type test, protein comparison, or other scientifically accepted procedure designed to determine the statistical probability that the putative parent is a legal parent of the child in question.

(f) If the child support enforcement agency is a party in a contested paternity action, the agency shall request the court to order the tests and procedures described in (e) of this section. The agency may recover the costs of tests as a cost of the action, except that no costs shall be recovered from a person who is a recipient of aid under AS 47.25.310 - 47.25.420 (Aid to Families with Dependent Children).

* Sec. 2. AS 47.23.040(a) is amended to read:

(a) <u>On application by the mother, other legal custodian, or putative father, the</u> [THE] agency shall appear on behalf of minor children [OR THEIR MOTHER OR LEGAL CUSTODIAN] or the state and initiate efforts to have the paternity of children born out of wedlock,

and not otherwise legitimated, determined by the court. When the agency is a party in a contested paternity action, it shall request and pay for tests and procedures under AS 25.20.050(f). The agency may recover the costs of the tests as a cost of the action, except that no costs shall be recovered from a person who is a recipient of aid under AS 47.25.310 - 47.25.420 (Aid to Families with Dependent Children) [ON VOLUNTARY APPLICATION BY THE MOTHER OR OTHER LEGAL CUSTODIAN].

* Sec. 3. AS 25.20.050(e), enacted by sec. 1 of this Act, has the effect of amending Civil Rule 35 by requiring a court in a contested paternity action to which the state is a party to order certain genetic tests on the request of a party.

* Sec. 4. This Act takes effect November 1, 1989.

SB

75

HOUSE COMMITTEE REPORT

(7)
Date Referred: March 31, 1989 FURTHER REFERRALS: FINANCE

Date of Committee Action: 4/23/90

The JUDICIARY Committee considered: CSSB 75(Rls)am

CS FOR SENATE BILL NO. 75 (Rules) am
[STATE PUBLICATIONS/DISCLOSURE & COSTS]
"An Act relating to the identification of and disclosures on and about state publications; and providing for an effective date."

RECOMMENDATIONS:
[ ] be replaced with HCSCSSB 75 (JUD) [ ] the same title [X] a new title
[ ] have attached amendment(s)
[X] do pass
[ ] do not pass
[ ] no recommendation
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[ ] fiscal impact _____
[ ] zero fiscal note _____
[X] zero with analysis Admin

APPROVES PREVIOUS: (Date/Dept)
[ ] fiscal note(s) _____
[X] zero fiscal note(s) 3/8/89 Senate Rules
1/12/90 Dept of Admin.
[ ] zero fn/analysis _____

SIGNING DO PASS:

Peter Gall
Mike Miller
Terry Martin
Mary Gruenberg

SIGNING: (Check approp. column)

	Do Not Pass	No Rec	Amend

Mary Gruenberg Peter Gall
Chairman's Signature

STATE OF ALASKA
1990 LEGISLATIVE SESSION

Bill Version: HCS CSSB 75 (JUD)
Publish Date: _____

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: An Act relating to State Publications
Sponsor: Pearce
Requestor: House Judiciary

Agency Affected: Department of Administration
BRU: General Services and Supply
Central Duplicating/Purchasing
Components: General Services and Supply
Central Duplicating/Purchasing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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)

We do not anticipate any significant fiscal impact in expenditures or revenues for the Division of General Services and Supply.
Central Duplicating will continue to provide quotations to state agencies so they can include these figures in their costs analysis. There would be no additional costs for printing services. Agencies would pay costs of required typesetting.

Prepared by: Robert J. Link, Director Robert J. Link
Phone: 465-2250
Division: General Services and Supply
Date: 4/23/90

Approved by Commissioner: Frank S. Baxter Mary M. Boden for
Date: 4/23/90
Agency: Department of Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

8/11K6/011102-0/2

Rev: 11/89

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCS CSSB 75 (JUD)

SUBJECT OF PROPOSED BILL: An act relating to State Publications.

SUMMARY/EXPLANATION OF INTENT: For agency publications which are bid by General Services and Supply, the additional information required would be provided for under existing procurement regulations. The disclosed information can be included in the bidding specifications at no fiscal impact to the division. We do not anticipate any critical fiscal impact when issuing competitive sealed bids for agency publications.

This fiscal note analysis only applies to the Department of Administration and does not represent fiscal impacts to other agencies.

ESTIMATED FISCAL IMPACT:

Capital: 0

Operating: 0

3/11K6/011102-0/3

Alaska State Legislature

House of Representatives

House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

April 23, 1990

Representative Sam Cotten
Speaker of the House
Alaska Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

The House Judiciary Committee has heard, adopted a committee substitute, and passed out SB 75, relating to state publications. The substitute was arrived at by consensus between Senator Pearce, the Department of Administration, and the committee.

In crafting the final bill, the Senate passed version was changed enough to require a title change. This House Concurrent Resolution suspends those Uniform Rules of the Legislature dealing with changes in the title of a bill.

The House Judiciary Committee respectfully requests that you assign the resolution only to the Rules Committee since the committee has already considered it in passing out SB 75.

Sincerely,

Peter Goll, Co-chair

Max Gruenberg, Co-chair

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

February 14, 1990

The Honorable Max Gruenberg
The Honorable Peter Goll
Co-Chairmen
House Judiciary Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representatives Gruenberg and Goll:

Subsequent to your request on February 2, I sent inquiries to each of the department's 36 offices, through the regional offices of the department. I also asked all offices to cease sending unsolicited mail of any kind to legislators until we could determine whether there was a burdensome volume of mail being sent to members of the Legislature without it being specifically requested.

I will be on hand again this Friday, February 16, to discuss individual divisional figures with you should you wish me to do so. In the interim I can provide some general information for you and the committee.

It appears the department maintains 36 mailing lists. Many of these are very specific to an area. For instance, emergency orders regarding a specific fishery in a specific region are mailed to permit holders or others who have requested they be provided copies of each such document. Other mailing lists are issue specific. An example would be the Fairbanks office of the Division of Wildlife Conservation, which maintains a mailing list for those who are interested in the Creamers Field project, a refuge project near Fairbanks.

Some area offices for the Division of Commercial Fisheries issue as many as 55 emergency orders a season. In other cases, divisions are required to mail out drafts of proposed regulatory changes or, as in the case of the Division of Sport Fish, more than 4,000 copies of a draft management plan was mailed as a part of the public review process of a trout management plan.

11-K2LH

Items currently mailed to all members of the Legislature include:

Sport Fish Currents - issued four times per year, Division of Sport Fish

Fish & Game Magazine - issued five times per year, Public Communications Section

FRED Annual Report - annually, FRED Division

Nongame Newsletter - four times per year, Division of Wildlife Conservation

Weekly Salmon Reports - weekly, Division of Commercial Fisheries

Regulatory proposal books - Division of Boards

By law or regulation, other items must be mailed to the Legislature. An example would be notices of changes to regulations, apparently these must be sent to members.

In answer to a question having to do with responses to individual requests for information from department offices, I am told some offices have never mailed anything to a legislator while others indicate as many as dozens of pieces mailed at the request of legislators from the district where the office is located.

Judging by the figures I have available, it would appear the department spends less than $2500 per year mailing items to members of the Legislature, ranging from as little as $1.25 last year for the Nome office of the Division of Commercial Fisheries to as high as $600 for the entire Division of Commercial Fisheries.

As you surmised, the department does indeed do a lot of mailing. At this point, however, it does not appear there is an abundance of mailings of any kind, including mail to legislators, that is unjustified. With the exception of those items noted above, there is no concerted effort to mail to members of the Legislature. The majority of mailings the department does relate directly to providing information to user groups and those constituent groups directly affected by proposed regulations or management regime proposals. If part of our obligation to the public is to provide information on the programs, proposals, and regulations of the agency, then it would appear we are doing a good job.

You asked about the department's policy on news releases and public notices. Enclosed is the department SOP on this subject. It appears this policy is being followed very closely by all of our regional offices.

Your initial inquiry has provided the incentive for the department to conduct a review of mailings and mailing lists and has served to renew the discussions which took place last year about consolidating, to the degree possible, our mailing lists. It has also initiated a review of the news release policy. As I mentioned earlier, we have temporarily ceased mailing anything to legislators unless specifically requested to do so. At the next department staff meeting, I intend to again bring this subject to the attention of our eight division directors and open the subject for discussion.

When I appear before the committee this Friday, I will be able to provide details from some of the responses received to questions posed by the Commissioner's Office.

Sincerely,

Warren W. Wiley
Assistant Commissioner

Enclosure

cc: All members, House Judiciary Committee

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE	No. III-420	PAGE 420-1
	ISSUED 04/01/88	EFFECTIVE 04/01/88
SUBJECT DEPARTMENTAL NEWS RELEASES		
CHAPTER ADMINISTRATIVE PROCEDURES		
SUPERSEDES No PAGE DATE ALL PREVIOUS EDITIONS	APPROVED BY Denny Logan	

PURPOSE

To set guidelines for correct news release style and format, and to establish statewide policy.

DISTRIBUTION

All manual holders.

GENERAL

News releases and other forms of communication with members of the public serve their purpose best when carefully composed in a manner that meets the needs of the intended recipient. News is a perishable commodity. News releases should be used only for information that must be disseminated in a timely fashion.

The department has a responsibility to keep the citizens of the State of Alaska informed. It is the policy of the department to issue news releases when it is determined that they will help to accomplish this task.

Department employees at the level of area management personnel or above are authorized to issue news releases without prior clearance from Headquarters. Such authority may be extended to project heads as deemed necessary by the director of the division concerned.

Notwithstanding other provisions of this SOP, news releases concerning matters that are currently controversial, that can be assumed likely to generate controversy, that are or are expected to become the subject of litigation involving the department, that make initial statement of department policy, or that imply or suggest new policy or a change in policy shall be submitted to the Public Communication Section (PCS) prior to being distributed. The PCS will take responsibility for clearing each such release with the highest level of authority necessary, and will take the responsibility for the distribution of the release to the news media, et al., as appropriate.

The above is not to be construed as an attempt to stifle initiative, but as an effort to ensure department-wide coordination on policy matters. Releases announcing actions taken as a result of previously announced policies, those concerning standard emergency opening and closing of seasons, those of a strictly informational nature, etc., ordinarily will not require prior review by Headquarters.

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE	No. III-420	PAGE 420-2
	ISSUED 04/01/88	EFFECTIVE 04/01/88
SUBJECT DEPARTMENTAL NEWS RELEASES		
CHAPTER ADMINISTRATIVE PROCEDURES		
SUPERSEDES No PAGE DATE ALL PREVIOUS EDITIONS	APPROVED BY Jerry Logan	

STATEWIDE RELEASES

Statewide releases shall be distributed from Headquarters by the Public Communications Section. Should a regional or local office desire a statewide release be issued, a draft should be supplied to PCS. If immediate release is critical, the text of the draft can be supplied to the PCS electronically or by telephone. The PCS will review the proposed release in conjunction with the director(s) concerned and with the highest authority necessary, and will be responsible for distribution of the final copy in a timely manner to the news media, et al., as appropriate.

LOCAL/REGIONAL RELEASES

News releases intended for less than statewide distribution shall be processed by persons authorized to issue releases under the provisions of this SOP and shall take responsibility for the preparation and distribution of news releases to the media, et al., as appropriate.

DISTRIBUTIONS OF RELEASES

Statewide

Coordinated by Public Communications Section

Local/Regional

Coordinated by personnel authorized under "GENERAL" section of this SOP

Copies to:
- Director(s) concerned
- Other offices in region
- Commissioner of Fish and Game
- Headquarters Public Communication Section
- Department of Public Safety, Division of Fish and Wildlife Protection
- State Board members
- Members of concerned Advisory Committee(s)
- Governor's Office
- Local Legislators (as appropriate)
- Sportsmen's groups (as appropriate)
- Desired media (newspapers, radio, tv)
- Other (bulletin boards, interested individuals, etc.)

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE	No. III-420	PAGE 420-3
	ISSUED 04/01/88	EFFECTIVE 04/01/88
SUBJECT DEPARTMENTAL NEWS RELEASES		
CHAPTER ADMINISTRATIVE PROCEDURES		
SUPERSEDES No. PAGE DATE ALL PREVIOUS EDITIONS	APPROVED BY Jerry Logan	

INTERVIEWS

On occasion, department personnel will be subject to personal appearances before representatives of the media or members of the public, interviews either in person or by other means, and other forms of questioning. Under these circumstances department personnel are expected to use their own best judgement when responding to questions, and to refrain from making statements which cannot be borne out by an examination of available information, or to contradict established department policy.

OTHER DEPARTMENT PUBLICATIONS

Department personnel preparing information for publication in a form other than hat of a news release, such as feature articles, bulletins, pamphlets, etc., other than scientific papers, shall be expected to follow the provisions of the SOP with regard to matters that are currently controversial, that can assumed likely to generate controversy, that are or are expected to become the subject of litigation involving the department, that make the initial statements of department policy, or that imply or suggest new policy or a change in policy.

NON-DEPARTMENT PUBLICATIONS

Department personnel preparing information on their own time for dissemination under a personal byline not mentioning the department are expected to use their own best judgement at all times, and to refrain from indicating or implying department approval of any statement not already the subject of published department policy.

STYLE

1. Put the essential information in the first paragraph. Think of the release in terms of an upsidedown triangle. It is likely that the reader will not even read the bottom half. The first line or two must carry the message.

2. Start the first paragraph with the fact, rather than the attribution. Whenever possible, the lead sentence should be phrased in the present tense.

3. If possible, include the name of the department in the first paragraph.

4. Write short simple sentences. Avoid the use of words not in general use by members of the public.

5. Keep paragraphs as short as possible.

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE	No. III-420	PAGE 420-4
	ISSUED 04/01/88	EFFECTIVE 04/01/88

SUBJECT	DEPARTMENTAL NEWS RELEASES
CHAPTER	ADMINISTRATIVE PROCEDURES
SUPERSEDES	No. PAGE DATE ALL PREVIOUS EDITIONS
APPROVED BY	Penny Pearce

6. Cover the classic "Five W's" of the business. These are who, what, when, where, and why.

7. Avoid using language that will date a story; use specific dates when appropriate rather than words such as today, yesterday, etc.

8. Acknowledge the proper authority for all statements which are not common knowledge or easily verifiable by the reader. A single citation at the beginning of a release is not sufficient to establish the source of all subsequent statements.

FORMAT

1. Whenever possible, news releases should be no more than one page long. If the text must run over one page, the word "more" in parentheses is to be centered and typed at the bottom of the first page.

2. The text of every news release is to be double-spaced and typewritten.

3. Margins are to be at least one inch wide.

4. A short descriptive headline shall precede the text.

5. The first line of the text should include a dateline indicating the place the story was issued from.

6. The second page of a news release should be numbered at the lefthand margin, about four spaces from the top.

7. Approximately 4 spaces below the last line of a release, center and type - ###.

8. Include a photograph with caption if possible. Photos should be prepared as 5 X 7 inch black and white glossy prints.

9. If special letterhead has been issued for news releases, it must be used. If not, news releases shall take the form found under the heading EXAMPLE on page 420-5.

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE	No. III-420	PAGE 420-5
	ISSUED 04/01/88	EFFECTIVE 04/01/88
SUBJECT: DEPARTMENTAL NEWS RELEASES		
CHAPTER: ADMINISTRATIVE PROCEDURES		
SUPERSEDES: ALL PREVIOUS EDITIONS PAGE DATE	APPROVED BY	

EXAMPLE

Page one of a news release shall begin as follows:

STATE OF ALASKA
Department of Fish and Game
(Name), Commissioner

(Name), Director
Division of (Name)

(_____) Region
Street or Box Number
City, State, Zip Code

Contact: (Name)
(Title)

IMMEDIATE RELEASE

AUGUST 15, 1988

HEADLINE

DATELINE--Fishery biologists in southeastern Alaska are keeping a close watch on the sky these days. Regional Commercial Fisheries Supervisor Dave Cantillon reports that southeastern pink salmon returns as at the highest level since 1949, but that continuing warm sunny weather is threatening the lives of thousands of fish that have not yet spawned.

Low water is crowding salmon into pools away from their shallow spawning grounds, while the increased temperature leads to reduced oxygen levels in the water. If the situation is not relieved, large numbers of fish may...

####

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

February 1, 1990

The Honorable Max Gruenberg
The Honorable Peter Goll
Co-Chairs
House Judiciary Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representatives Gruenberg and Goll:

At the Judiciary Committee hearing of January 24, you asked that I report to the Committee on February 2 regarding an internal review of mailings by the Department of Fish and Game to the Legislature and the costs involved.

All divisions and major regional offices of the department have been contacted during the past ten days. Every attempt has been made to determine whether there has been a concerted and uniform effort to mail volumes of reports or documents to legislators. In each case, with some exceptions, the answer is no. Since there appears to be no identifiable concentration of effort at mailing materials to legislators, it is also impossible to determine a total amount for postage for such mailings.

The department does send to all legislators documents and reports required by law. We also send courtesy copies of Alaska Fish & Game magazine and the monthly Bulletin. Our Public Communications Section also delivers copies of departmental news releases to legislators via the Capitol Building mail room. The Division of Sport Fish provides copies of its newsletter Currents to legislators.

The department maintains several mailing lists within the various divisions. Surely some legislators appear on those mailing lists, probably at their request. Legislators who express interest in fisheries issues for example, may have been added to mailing lists and their names still appear on those lists. To remove legislators from departmental mailing lists would require that those lists be purged, and that can be accomplished given some time.

The review initiated within the department over the past ten days has served a useful purpose in that each of our divisions and our regional offices will now be more circumspect in their mail-out of information on the department's activities.

As promised, I will appear before the Committee again on February 2.

Sincerely,

Warren W. Wiley
Assistant Commissioner

cc: Senator Pearce
Representative Mike Davis
Representative Davidson
Representative Ellis
Representative Miller
Representative Martin
Don W. Collinsworth
Norman A. Cohen

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF ADMINISTRATION

P.O. BOX C
JUNEAU, ALASKA 99811

DIVISION OF GENERAL SERVICES AND SUPPLY

February 1, 1990

RECEIVED FEB 2 1990

Hayden
Thanks + review advised
re our cs

The Honorable Peter Goll
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Goll:

I'll try to address each of your questions and concerns regarding HCSSB 75 (State Affairs) as we understand them.

1. How could the bill be revised to provide for Department of Administration (Central Duplication) review of requests for publication printing?

   Any revision should be consistent with constitutional separation of powers and statutory separation of procurement authority. We feel the following would provide for review by each procurement authority:

   STATE PUBLICATIONS: The publications of all State agencies must be produced at State operated facilities, unless it is determined in writing that the needs of the State require the publication to be produced outside of State operated facilities according to AS 36.30. Such written determination must be made for the executive branch by the Commissioner of Administration, for the University of Alaska system by the Board of Regents or the President, for the judicial branch by the Administrative Director, for the legislative branch by the Legislative Council, for the Alaska State

Housing Authority by its Board of Directors, and for the Alaska Railroad Corporation by its Board of Directors.

2. Could we establish standards for publications which would require approval to exceed?

   We could establish such standards, however, it would then require changes in statute to address technological developments in the printing area. We would prefer to use the "capability of the Department of Administration Central Duplication section" as the standard. This section's lengthy history of ordinary funding has limited its capability to one or two color printing on primarily 8 1/2" x 11" paper. We don't expect these capabilities to increase in the foreseeable future.

3. Could we provide for an approval/denial process for agencies who requested publications exceeding the "capability of Central Duplication"?

   The following language could provide that process:

   PRODUCTION OF STATE PUBLICATIONS: State publications must be produced within the capability of the Department of Administration Central Duplication section. Agencies may not produce publications which exceed the capability of the Department of Administration Central Duplication section unless it is determined in writing that it is in the public interest to do so. Such written determination must be made for the executive branch by the Commissioner of Administration, for the University of Alaska system by the Board of Regents or the President, for the judicial branch by the Administrative Director, for the legislative branch by the Legislative Council, for the Alaska State Housing Authority by its Board of Directors, and for the Alaska Railroad Corporation by its Board of Directors.

4. Could we provide for a price block on publications which exceed the "standards"?

The following language would provide for a price block:

Sec. 44.99.140. DISCLOSURES IN PUBLICATION. A publication not produced in a State-operated facility or one which exceeds the capability of the Department of Administration's Central Duplication section, shall include a statement that gives the name of the agency releasing the publication, the purpose of the publication, the cost for each copy of the publication and the city and state where the printing was done. The statement must read: "This publication was produced at a cost of $_____ per copy to (statement of purpose), and was printed in (city and state where printed)." The statement may include, if applicable, a declaration of the revenue raised by the sale of the publication or from the purchase of advertising in the publication. The agency identification and statement shall be printed in one conspicuous place in the body of the publication in a type size that is not smaller than eight points and shall be set in a box composed of at least one-point rule.

5. Please provide a list of publications which could be eliminated to save money.

After some research, we find that the Office of Management and Budget has already begun work in this area. We have attached a draft copy of their work. They have advised us that they could not offer a completed listing of which publications could be eliminated until next session.

6. What about recycled paper?

At present there is a non-discrimination statute for recycled products (AS 36.30.324). Recycled paper has been more expensive than un-recycled. We are working with the Governor's Office and other states to address recycled content. The easy way to increase use of recycled paper is to give a purchasing preference for it. This might be better addressed under other legislation.

7. What about in-state printing?

Between the Alaska Bidder Preference and the Alaska Product Preference it is possible for an Alaska printer to get a 12% preference in bidding. During the period January 1, 1988, through June 30, 1989, we know of only three printing purchases from out-of-state vendors.

Sincerely,

Robert J. Link
Director

RJL/tlc
attachment

Report Number 001 01/25/90

List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Departmen	Report To	Due	Summary
R 05 AAC 041 0270	ADF&G	ADF&G	Not later December 15	Holders of permits for shellfish farm shall file an annual report on the form distributed by the department.
R 05 AAC 092 [illegible]028	ADF&G	ADF&G	By January 31	Holders of an aviculture permit must submit an annual report to the department. Report to include, using common name, genus and species, the number and sex of each bird alive and in possession, each bird that died, source of acquired birds and other information.
R 05 AAC 096 0250	ADF&G	ADF&G/Joint Board/Feds	By Novemober 15	Local fish and game advisory boards must submit an annual reprot to the joint board, the department, and the Secretary of Interior. The report must contain an identification of current and anticipated subsistence issues, recommendations for management of fish and game and other information.

Total number of reports required by statute or regulation: 3 Out of: 252

S 16.05.092	ADF&G	Legislature	Not later 20 days of session	FRED shall develop and continually maintain a comprehensive coordinated state plan. Make a comprehensive annual report to the legislature containing detailed information regarding the accomplishments and proposals of plans and activities for the next FY.
S 16.05.130	ADF&G	Legislature	Prior to April 15	Waterfowl Tag Fee Account within the Fish and Game Fund. Report annually to the public and the legislature on the use of money derived from waterfowl conservation tags and limited edition prints.
S 16.05.825	ADF&G	Legislature	Not stated	Upland Game Bird Release Program. Report annually the results of tagging game birds released and compilation of harvest statistics.
S 16.10.470	ADF&G	ADF&G/DCED	No later December 15	Holders of salmon hatchery permits report annually to ADF&G. If levying a voluntary assessment under 16.10.400-470 submit an annual financial report to the DCED. No date stated for report to DCED.
S 16.43.980	ADF&G	Legislature	Not stated	Annual report by the Limited Entry Commission, including progress on the reduction of entry permits to the optimum levels and recommedations on legislation.

Total number of reports required by statute or regulation: 5 Out of: 252

Total Number of Reports for Department: 8 Out of: 252

Report Number 001 01/25/00

List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Department	Report To	Due	Summary
S 44.81.200	CFAB	Governor/Legislature/Public	Not stated	Board of Director's, Commercial Fishing and Agriculture Bank (CFAB) shall publish and annual report including finacial statements
S 44.81.270	CFAB	Governor/Legislature/Public	Not stated	CFAB shall be audited annually by an independent outside auditor. Bank examiners shall perform an annual qualitative examination and evaluation of the bank and prepare a summary of this report to be sent to above persons.

Total number of reports required by statute or regulation: 2 Out of: 252

Total Number of Reports for Department: 2 Out of: 252

DRAFT

Report Number 001 01/25/90

List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Department	Report To	Due	Summary
S 37.05.530	DC&RA	Legislature	Within 10 days of session	National Petroleum Reserve. Fund maneged by DOR. DC&RA shall provide a list of all municipalities receiving grants, list of municipalities determined eligible for further grants, recommendatin for additional monies, & justification of each past & potential grant.
S 44.07.290	DC&RA	Legislature	Not stated	Alaska Capital City Development Corporation. Capital City Development Oversight Committee shall report annually to the legislature including any consideration considered relevant to the planning and development of the new capital city.
S 44.07.320	DC&RA	Governor/LB&A	Within 3 months end of FY	Alaska Capital City Development Corporation. Submit a complete financial report audited by CPA.
S 44.47.150	DC&RA	Public/Villages	90 days end FY	Municipal Lands Trust. Commissioner is to keep separate accounts of lands held in trust from the villages. Annual statement of each account is to made available to each village and the public.
S 44.47.530	DC&RA	Legislature	By January 10	Submit a complete accounting of the housing assistance revolving fund. The accounting shall be done by an independent outside auditor.
S 44.47.567	DC&RA	Legislature	1st 10 days of session	The statute reads that the commission may present to the legislature proposed local government boundary changes. Also note that 29.06.040 states that the commission may present a proposed municipal boundary change within the same time frame.
S 44.99.010	DC&RA	Legislature	The start of the legislature	Alaska manpower Services Council. Annual report ont he activities of the council.

Total number of reports required by statute or regulation: 7 Out of: 252

Total Number of Reports for Department: 7 Out of: 252

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

Report Number 001 01/25/90

List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Department	Report To	Due	Summary
S 37.05.530	DC&RA	Legislature	Within 10 days of session	National Petroleum Reserve. Fund managed by DOR. DC&RA shall provide a list of all municipalities receiving grants, list of municipalities determined eligible for further grants, recommendatin for additional monies, & justification of each past & potential grant.
S 44.07.290	DC&RA	Legislature	Not stated	Alaska Capital City Development Corporation, Capital City Development Oversight Committee shall report annually to the legislature including any consideration considered relevant to the planning and development of the new capital city.
S 44.07.320	DC&RA	Governor/LB&A	Within 3 months end of FY	Alaska Capital City Development Corporation. Submit a complete financial report audited by CPA.
S 44.47.150	DC&RA	Public/Villages	90 days end FY	Municipal Lands Trust. Commissioner is to keep separate accounts of lands held in trust from the villages. Annual statement of each account is to made available to each village and the public.
S 44.47.530	DC&RA	Legislature	By January 10	Submit a complete accounting of the housing assistance revolving fund. The accounting shall be done by an independent outside auditor.
S 44.47.567	DC&RA	Legislature	1st 10 days of session	The statute reads that the commission may present to the legislature proposed local government boundary changes. Also note that 29.06.040 states that the commission may present a proposed municipal boundary change within the same time frame.
S 44.99.010	DC&RA	Legislature	The start of the legislature	Alaska manpower Services Council. Annual report ont he activities of the council.

Total number of reports required by statute or regulation: 7 Out of: 252

Total Number of Reports for Department: 7 Out of: 252

Report Number 001 01/25/90

List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Department	Report To	Due	Summary
R 03 AAC 052 0330	DCED	Public Utilities Commission	Not stated	In addition to annual report required under AS 42.05.451, a telephone utility shall file annually a listing of its projected capital improvements projects that exceed $15,000 for the current year and ensuing two years.
R 03 AAC 093 0500	DCED	DOA/Labor Relations	Not later 30 days end FY	Unions representing employees of the railroad who represent persons who have filed a claim of nonassociation shall file an annual report showing proof that a charitable contribution in sums equivalent to dues, fees and assessments has been paid as required.

Total number of reports required by statute or regulation: 2 Out of: 252

S 05.05.030	DCED	Governor	Not stated	Study semi-professional and professional athletic programs of the state and report annually to the Governor. The report shall include recommendations for the advancement and improvement of athletic programs in the state.
S 06.05.055	DCED	Governor/Legislature	Within 120 days end FY	DCED report annually to the Governor on regulations adopted or altered since last report, recommendations for legislation, and a statement of the status and assets and liabilities of all banking organizations. To Legislature at opening of each session.
S 06.05.436	DCED	DCED	Within 60 days of completion	Bank board of directors required to appoint an examining committee to cause an examination of the the condition of the bank. A copy of the report is to be submitted to the Department each year.
S 06.20.190	DCED	DCED	On/Before March 15	Alaska Small Loans Act. Each license holder shall report to the commissioner a report containing information the department may reasonably require concerning the business and operations of the proceeding year.
S 06.30.625	DCED	DCED	30 days of end of CY	Alaska Savings Association Act. Each association report annually to the department on its affairs and operations. Report must include a complete statement of of its financial condition including income and expenses since last report.
S 06.30.630	DCED	DCED	Not stated	Alaska Savings Association Act. Any reports required by the Commissioner. If required by the Commissioner, the report shall be verified in the same manner as the annual report in 06.30.625.
S 06.45.050	DCED	DCED	Not stated	Alaska Credit Union Act. A credit union must file an annual financial report and any other reports required by the Commissioner.

Report Number 001 01/25/90

List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Department	Report To	Due	Summary
S 08.45.170	DCED	Credit Union Board of Director	Not stated	Alaska Credit Union Act. Requires a supervisory committee to conduct an annual audit and report to the Board of Directors of the credit union and a summary report to members at the next annual meeting.
S 08.01.070	DCED	DCED	Before end of FY	This statute applies to all boards in addition to requirements provided in each board's respective law. Each Board will submit an annual report stating the boards accomplishments.
S 08.04.070	DCED	Governor	Not stated	Board of Accountancy. Annual report to the Governor containing boards purpose, planned programs, statistics related to operations, significant developments, proposed statutory changes and budget information.
S 08.13.050	DCED	Governor	Not stated	Board of Barbers and Hairdressers. Annual report to the Governor on its operations.
S 08.24.071	DCED	Public/Court	On/About August 1	Collection Agencies. The Department shall publish each year a directory containing a list of licensed collection agencies and the names of its licensed operator or operators. Copies will be sent to each licensed collection agency and the clerk of each Superior Court.
S 08.24.220	DCED	DCED	June 1 & December 1	Collection Agencies. Every collection agency licensee shall file a semiannual statement listing each of the names and residence address of persons employed by the licensee in the six month perio ' ending 10 days before the due date of the report.
S 08.36.070	DCED	Governor	Not stated	Board of Dental Examiners. Report annually to the Governor and the Department on the board's proceedings, findings concerning the standards and availability of dental services, and board receipts and expenditures.
S 08.48.071	DCED	Governor/Legislature	End of Fiscal Year	Architects, Engineers and Land Surveyors Board. File an annual report of the transactions of the past year, and a statement of receipts and expenditures attested to by affidavits of its President and Secretary.
S 08.48.101	DCED	Governor	End of Fiscal Year	Architects, Engineers and Land Surveyors. Any regulations, bylaws or code of ethics adopted by the board shall be published in the annual report. (08.48.071)

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List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Department	Report To	Due	Summary
S 08.64.101	DCED	Governor	Not stated	State Medical Board. Annual report of its proceedings including a statement of money received and disbursed.
S 08.80.040	DCED	Legislature	Not stated	The Board of Pharmacy shall report to the legislature on the condition of pharmacy in the state. Report shall include a resume of the proceedings of the board. The statute does not specify if report is annual, semi-annual or what time frame is involved.
S 08.80.270	DCED	DCED	Not stated.	Board of Pharmacy. Each owner or manager of a pharmisy shall report the names of all pharmacists employed in that pharmacy at the time the board directs but not more than twic a year. The pharmacy shall report within 10 days of hiring or dismissing a pharmacist.
S 08.84.010	DCED	Governor	Not stated	Physical Therapy and Occupational Therapy Board. Annual Report of its activities to the Governor and other interested parties.
S 08.86.070	DCED	DCED	Not stated	Psychologists and Psychological Associates. Report to the DCED covering board activities, e.g. number of applicants, examinations, passing and failure rates, and finances.
S 08.05.030	DCED	DCED	Not stated	Board of Clinical Social Work Examiners. Submit and annual report of its proceedings to the department.
S 08.98.050	DCED	DCED	Not stated	Board of Veterinary Examiners. Prepare and submit an annual report to the department containing information on board activities, e.g. number of examinations held, number of applicants, number who pass or fail, financial data including receipts and expenditure.
S 10.05.699	DCED	DCED	Not stated	Each Domestic and Foriegn corporation must file a biennial report as described in this statute.
S 10.05.705	DCED	DCED	January 2 of filing year	Alaska Business Corporation Act. Domestic and Foreign Corporations ANNUAL REPORT. The article says annual reports but the text states the reports are biennial. The report is due January 2 of filing year but is not delinquent until February 1.

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Statute / Regulation	Department	Report To	Due	Summary
S 10.06.433	DCED	Shareholders	See above	Alaska Corporations Code. Requires a corporation to send an annual report to the shareholders. This report shall be sent not later than 180 days after close of FY or the date on which notice of the annual meeting in the next FY is sent, whichever is first.
S 10.06.805	DCED	DCED	Not stated	Alaska Corporations Code. A domestic corporation and a foreign corporation authorized to transact business in the state must file a biennal report within the time prescribed by this chapter.
S 10.15.320	DCED	DCED	July 2 of filing year	Alaska Cooperative Corporation Act. Each cooperative shall file a biennal report signed by a principal officer or general manager.
S 10.20.620	DCED	DCED	Not stated	Nonprofit Corporations. Each domestic and foreign corporation must file a biennial report within the time prescribed by this chapter. The information shall be given as of June 30 of the reporting year.
S 10.40.105	DCED	DCED	Not stated	Religous Corporations. File a biennial report setting out the real and personal property assets of the corporation.
S 16.51.100	DCED	Governor/Legislature	Not stated	Alaska Seafood Marketing Institute is to submit an annual report describing the activities of ASMI.
S 18.55.270	DCED	DCED	Not stated	Alaska State Building Authority shall file annually a report with DCED on its activities and make recommendations for legislation or other actions.
S 18.55.430	DCED	DCED	Not stated	Alaska State Building Authority report annually to DCED on the activities related to 18.55.300 - 470 including a financial statement. This section is on Moderate Cost and Rental Housing.
S 18.55.840	DCED	DCED	Not stated	Alaska State Building Authority report annually to DCED covering activities under 18.55.480 - 980 including a financial statement. This section is the Slum Clearance and Redevelopment Act.

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List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Department	Report To	Due	Summary
S 21.06.110	DCED	Legislature/DCED	As early in CY as reasonable	The director shall prepare and deliver an annual report to the legislature and the commissioner. This report will show list of authorized insurers in Alaska, name of insurers whose business was closed, name of insurer actions have been taken against.
S 21.39.175	DCED	Public/DCED	Not stated	An insuror providing malpractice coverage for health care shall report annually on number and amounts of claims filed, reserved, paid, settled and adjudicated. This report is to be made available to the public and the State Medical Board.
S 21.84.340	DCED	DCED	Before March 2	Fraternal Benefit Societies. Every society transacting business in Alaska shall file a true statement of its financial condition, transactions and affairs for the preceding calander year and pay a fee.
S 21.88.070	DCED	Public/DCED	Not stated	Medical Indemnity Coporation of Alaska report to the director same as 21.39.175. This report also is to be made available to the public and the State Medical Board. Report made public may not include the names of health care providers or claimants.
S 29.60.420	DCED	Legislature	Not stated	Community Facilities Grants. DCED report annually to the Legislature about grants made under 29.60.400.
S 42.05.211	DCED	Legislature	By February 15	Alaska Public Utilities Commission annual report to the legislature. It is to serve as report on past year and plan for the next year.
S 42.05.451	DCED	Public Utilities Commission	Within 90 days	After the close of its authorized annual accounting period each public utility shall file with the commission a verified annual report of its operations during the period reported.
S 42.06.220	DCED	Legislature	By February 15	This section is on the regulation of pipelines and is part of the Public Utilities Commission work. Annual report must include information and data which bear a significant relationship to the development and regulation of oil and gas pipeline facilities in the state.
S 42.06.430	DCED	Public Utilities Commission	60 days after period closes	After the annual authorized accounting period closes, the pipeline carrier will submit an annual report to the APUC from a pipeline carrier. Includes verified financial statements and general corporate information.

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List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Department	Report To	Due	Summary
S 42.40.260	DCED	Governor/Legislature	Within 90 days end FY	Alaska Railroad Corporation annual report describing the operations and financial condition of the corporation. The report may contain suggestion for legislation. The report shall itemize the cost of providing each category of service offered.
S 42.40.290	DCED	Governor/Legislature	By December 1	The Alaska Railroad Corporations shall prepare and adopt a long-range capital improvement and program plan. The board shall annually review and approve revisions to the plan. The board shall provide copies of the updated plan to the governor & legislature.
S 43.76 030	DCED	DCED	To be specified by DCED	Regional aquaculture association requesting state assistance under 43.76.025 (salmon enhancement tax) submit annual financial report and an annual budget. Regulation 03 AAC 089 0120 specifies report must be filed within 120 days after end FY.
S 44.33.020	DCED	Public	Not stated	Review the programs and annual reports of other departments and agencies related to economic development and prepare an annual report on the economic growth of the state.
S 44.33.431	DCED	Governor/Legislature	During 1st 10 days of session	Alaska Minerals Commission. Report its recommendations annually.
S 44.33.720	DCED	Governor/Legislature	10th day of session	Alaska Tourism Marketing Council. Annual report on the council's activities. Also required to make available to all interested persons, a quarterly report of the council's activities. Report on 1st half FY contractual funds / plan for 2nd half FY contractual.
S 44.83.110(l)	DCED	Governor/Legislature	No later than January 2	AS 44.83.110 (c) AEA may establish special funds called "capital reserve funds". 110(l) The chairman shall deliver a certificate stating the sum required to restore any capital reserve fund to the capital reserve fund requirement.
S 44.83.110(h)	DCED	LB&A Committee	By January 30	If the authority is to issue bonds secured by a capital reserve fund notify State Bond Committee and LB&A. Annually the authority is to revise the estimate the need to withdraw money from the capital reserve fund during the term of the bond.
S 44.83.200	DCED	Governor/Legislature	Before March 1	Alaska Energy Authority (Alaska Power Authority) submit a comprehensive report describing operations, income and expenditures.

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List of All Reports and Plans Required by Alaska Statutes

Statute / Regulation	Department	Report To	Due	Summary
S 44.83.210	DCED	Legislature	Before 15th day of session	Alaska Power Authority shall submit a report detailing project status, original costs and projected costs, highlighting any costs is excess of the original cost estimates approved by the legislature.
S 44.83.224	DCED	Governor/Legislature	Not later than February 1	DCED assisted by the Alaska Power Authority will prepare and annualy revise a long-term energy plan. The plan and the annual revisions will be submitted to commissioners for review and then to the Governor. After approval from Governor, submit to Legislature.
S 44.83.340	DCED	Governor/Legislature	By March 30	Susitna River Hydroelectric Project. Report annually on the project. The statute specifically states this is in addition to other required reports.
S 44.83.361	DCED	Legislature	Within 1st 10 days of session	Alaska Power Authority. Rural Electrification Revolving Loan Fund. APA annual report of actions taken and an accounting of the fund.
S 44.88.140	DCED	Legislature	By January 10	The Authority shall submit a report describing the nature and extent of the tax exemption of the property, assets, income, receipts, project, development project and leasehold interests of the authority.
S 44.88.210	DCED	Governor/Legislature/Public	By January 10	Alaska Industrial Development and Export Authority. Annual report including financial statement audited by an independent outside auditor.

Total number of reports required by statute or regulation: 58 Out of: 252

Total Number of Reports for Department: 60 Out of: 252

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