



LAWS OF ALASKA

1991

Source

CSHB 43(FIN) am

Chapter No.

75

AN ACT

Relating to distribution of child support collected by the child support enforcement agency; requiring certain employers to provide information to the agency; requiring the Department of Health and Social Services to give notice of assignments to recipients of aid to families with dependent children; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Permitted to become law without signature

Actual Effective Date: Section 2 takes effect January 1, 1995; remainder of Act takes effect January 1, 1992

AN ACT

1 Relating to distribution of child support collected by the child support enforcement
2 agency; requiring certain employers to provide information to the agency; requiring the
3 Department of Health and Social Services to give notice of assignments to recipients of
4 aid to families with dependent children; and providing for an effective date.
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8 * Section 1. AS 25.27.075 is repealed and reenacted to read:

9 Sec. 25.27.075. EMPLOYMENT INFORMATION. (a) Upon notice by the agency and
10 except as provided in (b) and (c) of this section, an employer doing business in the state shall
11 report to the agency the

12 (1) hiring of a person who resides or works in this state to whom the employer
13 anticipates paying earnings; and

14 (2) rehiring or return to work of an employee who was laid off, furloughed,
15 separated, granted a leave without pay, or terminated from employment.

16 (b) An employer is not required to report the hiring of a person who the employer
17 anticipates

18 (1) will be employed for less than one month's duration; or

19 (2) will be employed sporadically so that the employee will be paid for less than
20 350 hours during a continuous six-month period.

21 (c) An employer is not required to report under (a) of this section if the employer

Chapter 75

1 employs fewer than 20 employees.

2 (d) An employer required to report under (a) of this section may make the report by
3 mailing the employee's copy of the W-4 form, transmitting magnetic tape in a compatible format,
4 or by other means as mutually agreed by the employer and the agency that will result in timely
5 reporting.

6 (e) An employer required to report under (a) of this section shall submit monthly reports
7 regarding each hiring, rehiring, or return to work of an employee during the preceding month.
8 The report must contain

9 (1) the employee's name, address, social security number, and date of birth; and

10 (2) the employer's name, address, and employment security reference number or
11 unified business identifier number.

12 (f) The agency shall retain the information received under (a), (d), and (e) of this section
13 for a particular employee only if the agency is responsible for establishing, enforcing, or
14 collecting a support obligation of the employee. If the employee does not owe a support
15 obligation, the agency may not create a record regarding the employee, and the information
16 contained in the notice shall be promptly destroyed.

17 (g) An employer of the obligor or a labor union of which an obligor is a member shall
18 provide to the agency information requested regarding the obligor's employment, wages or salary,
19 and location. The information required under this subsection is in addition to the information
20 required under (a) of this section, if any.

21 (h) In addition to civil liability under AS 25.27.260, if applicable, or any other law, an
22 employer of an obligor or a labor union of which an obligor is a member that knowingly violates
23 this section is liable for a civil penalty of not more than \$1,000.

24 (i) Employers required to report under this section, may charge \$1 per new employee to
25 cover the cost of reporting.

26 * Sec. 2. AS 25.27.075 is repealed and reenacted to read:

27 Sec. 25.27.075. EMPLOYMENT INFORMATION. (a) An employer of an obligor or
28 a labor union of which an obligor is a member shall provide to the agency information requested
29 regarding the obligor's employment, wages or salary, and location.

30 (b) An employer of an obligor or a labor union of which an obligor is a member that

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

2 * Sec. 3. AS 25.27.130 is amended by adding new subsections to read:

3 (d) Except as provided in (f) of this section, if the obligee is not receiving assistance
4 under AS 47.25.310 - 47.25.420 at the time the state recovers money in an action under this
5 section, the recovery of any amount for which the obligor is liable shall be distributed to the
6 obligee for support payments that have become due and unpaid since the termination of
7 assistance under AS 47.25.310 - 47.25.420 under a support order in favor of the obligee.

8 (e) After payment to the obligee under (d) of this section, the state may retain an amount
9 not to exceed the total unreimbursed assistance paid on behalf of the obligee under
10 AS 47.25.310 - 47.25.420.

11 (f) Notwithstanding (d) of this section, the state shall, if required under federal law or
12 regulations, distribute amounts recovered through offset of the obligor's federal tax refund as past
13 due support with first distribution to the state for unpaid support assigned to the state under
14 AS 47.25.345.

15 * Sec. 4. AS 47.25.340 is amended by adding a new subsection to read:

16 (b) During the application process, the department shall give to the applicant written
17 notice of the assignment of support rights that will be considered to have occurred under
18 AS 47.25.345. The notice must

19 (1) be plainly written;

20 (2) include a statement that informs the applicant that the assignment under
21 AS 47.25.345 includes an assignment of support rights that may have accrued during any time
22 that the family was not receiving assistance and that, under the assignment, the state may retain
23 support that it collects on behalf of the applicant to reimburse the state for assistance received
24 by the applicant during previous periods of assistance, if any.

25 * Sec. 5. Section 2 of this Act takes effect January 1, 1995.

26 * Sec. 6. Except as provided in sec. 5, this Act takes effect January 1, 1992.