

Byron Mallott  
Lieutenant Governor  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Carol Beecher  
Department of Revenue

**FROM:** Scott Meriwether, Office of the Lieutenant Governor 465.4081 

**DATE:** April 3, 2018

**RE:** Filed Permanent Regulations: Department of Revenue  
Regulation re: Child Support Services Division (15 AAC 125.010; 15 AAC 125.075)

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Attorney General File:	2017200867
Regulation Filed:	4/2/2018
Effective Date:	5/2/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF REVENUE

The attached page of child support regulations, dealing with changes in Title 15, Chapter 125 of the Alaska Administrative Code relating to Civil Rule 90.3, are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Revenue adopts under the authority of AS 25.27.20 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Revenue paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 3/19/18

  
Sheldon Fisher  
Commissioner  
Department of Revenue

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on April 2, 2018, at 150P.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Lieutenant Governor

Effective: May 2, 2018.

Register: 226, July 2018.

Register 226, July 2018 REVENUE

15 AAC 125.010 is amended to read:

Alaska Rule of Civil Procedure 90.3, effective August 1, 1987, as amended as of April 16, 2018 [OCTOBER 15, 2013], by Supreme Court Order 1919 [1782 and 1800], is adopted by reference as the agency's child support guidelines. History: Eff. 8/23/80, Register 75; am 10/1/85, Register 95; am 9/30/87, Register 103; am 2/24/90, Register 113; am 11/28/96, Register 140; am 10/1/98, Register 147; am 6/15/2001, Register 158; am 4/15/2005, Register 174; am 4/15/2009, Register 190; am 10/15/2013, Register 208; am 5 / 2 / 2018, Register 226)

**Authority:** AS 25.27.020 AS 25.27.140 AS 25.27.200

15 AAC 125.075(a)(3) is amended to read:

(3) the parent has an adjusted annual income that is more than \$126,000 [\$120,000]; as calculated under 15 AAC 125.065; if a parent qualifies for a variance under this paragraph, the agency will base the support award on an adjusted annual income of \$126,000 [\$120,000]; the agency will make an additional award under this paragraph if the agency determines that an additional award is just and proper, taking into account the needs of the children, the standard of living of the children, and the extent to which that standard should be reflective of the parent's ability to pay.

History: Eff. 10/1/98, Register 147; am 6/15/2001, Register 158; am 11/30/2002, Register 164; am 4/15/2005, Register 174; am 8/4/2005, Register 175; am 4/15/2009, Register 190; am 2/16/2013, Register 205; 10/15/2013, Register 208; am 5 / 2 / 2018, Register 226)

**Authority:** AS 25.27.020 AS 25.27.160 AS 25.27.200

# MEMORANDUM


## State of Alaska Department of Law

To: The Honorable Byron Mallott  
Lieutenant Governor

Date: April 2, 2018

File No.: 2017200867

Tel. No.: 465-3600

From: Susan R. Pollard   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

Re: Regulation re: 15 AAC 125.010 and  
15 AAC 125.075 Child Support  
Services Division

We have reviewed the attached Department of Revenue regulations against the statutory standards of the Administrative Procedure Act. The regulations adopt by reference the most recent version of Alaska Civil Rule 90.3 as the guidelines of the child support services agency. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The regulations were adopted by the Department of Revenue on March 19, 2018 after the close of the public comment period. The public notice and the adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Other than adding a "1" to the page, we have made no edits to the regulations.

SRP:srp

cc: Honorable Sheldon Fisher, Commissioner  
Department of Revenue

Carol Beecher, Director  
Child Support Services Division  
Department of Revenue

Byron Walther, Child Support Manager  
Child Support Services Division  
Department of Revenue

Pamela A. Hartnell, Senior Assistant Attorney General  
Department of Law



NOTICE OF PROPOSED CHANGES ON CHILD SUPPORT AWARDS  
IN THE REGULATIONS OF THE DEPARTMENT OF REVENUE

The Department of Revenue proposes to adopt regulation changes in Title 15 of the Alaska Administrative Code, dealing with child support awards, including the following:

- (1) 15 AAC 125.010 is proposed to be changed as follows: amended to reference Supreme Court Order 1919 amending Alaska Rule of Civil Procedure 90.3, effective April 16, 2018.
- (2) 15 AAC 125.075(a)(3) is proposed to be changed as follows: amended to remove the income cap amount of \$120,000 and replace it with the new income cap of \$126,000, as the amended Alaska Rule of Civil Procedure 90.3 increased the income cap amount to \$126,000.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Chrysti Brevogel at the Department of Revenue, Child Support Services Division at Post Office Box 101365, Anchorage, AK 99510-1365. Additionally, the Department of Revenue will accept comments by facsimile at 907-787-3121 and by electronic mail at [dor.cssd.regulations@alaska.gov](mailto:dor.cssd.regulations@alaska.gov). The comments must be received not later than 4:00 p.m. on February 15, 2018.

You may submit written questions relevant to the proposed action to Chrysti Brevogel at [dor.cssd.regulations@alaska.gov](mailto:dor.cssd.regulations@alaska.gov) or Post Office Box 101365, Anchorage, AK 99510-1365. The questions must be received at least 10 days before the end of the public comment period. The Department of Revenue, Child Support Services Division will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Child Support Services Division website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Chrysti Brevogel at [dor.cssd.regulations@alaska.gov](mailto:dor.cssd.regulations@alaska.gov) or (907) 269-6834, TDD (907) 269-6894 not later than February 9, 2018 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System or by contacting Chrysti Brevogel at [dor.cssd.regulations@alaska.gov](mailto:dor.cssd.regulations@alaska.gov) (907) 269-6834. The proposed regulations are also posted on the Department of Revenue, Child Support Services Division's homepage at <http://www.childsupport.alaska.gov>.

After the public comment period ends, the Department of Revenue will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

**Statutory Authority:** AS 25.27.020; AS 25.27.080; AS 25.27.140, AS 25.27.160; AS 25.27.170; AS 25.27.200

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 25.27.020; AS 25.27.200.

**Fiscal Information:** The proposed regulatory changes are not expected to require an increased appropriation.

DATE: January 10, 2018



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Carol Beecher, Director  
Child Support Services Division

ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Revenue
2. General subject of regulation: Amendments to Civil Rule 90.3
3. Citation of regulation (may be grouped): 15 AAC 125.010, 125.075 (a)(3)
4. Department of Law file number, if any: 2017200867
5. Reason for the proposed action:
  - ☐ Compliance with federal law or action (identify)
  - ☐ Compliance with new or changed state statute
  - ☒ Compliance with federal or state court decision – Supreme Court Order 1919
  - ☐ Development of program standards
  - ☐ Other: (please list)

6. Appropriation/Allocation:

7. Estimated annual cost to comply with the proposed action to:

A private person: \_\_\_\_\_

Another state agency: \_\_\_\_\_

A municipality: \_\_\_\_\_

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2018	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:

Name: Byron Walther

Title: CSS III

Address: PO Box 101365

Anchorage, AK 99510-1365

Telephone: (907) 269-6835

E-mail address [byron.walther@alaska.gov](mailto:byron.walther@alaska.gov)

10. The origin of the proposed action:

☒ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change

☐ Other (identify)

11. Date: 1/10/2018

Prepared by:

Byron Walther

Name

Byron Walther

Title

CSS III

Telephone:

(907) 269-6835



STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS**  
**AND FURNISHING OF ADDITIONAL INFORMATION**

I, Byron Walther, CSS III, of the Child Support Services Division, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 15 AAC 125, Child Support Services Division regulations has been given by being:

- (1) published in a newspaper;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Finance Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

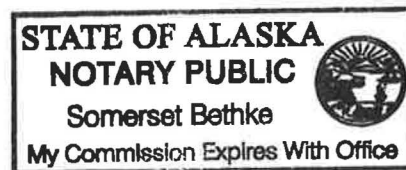
As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 3/16/2018

  
Byron Walther, CSS III

SUBSCRIBED AND SWORN TO before me this 16<sup>th</sup> day of March, 2018.

Notary Public in and for the  
State of Alaska  
My commission expires: *W/OFFICE*



STATE OF ALASKA

THIRD JUDICIAL DISTRICT

## AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

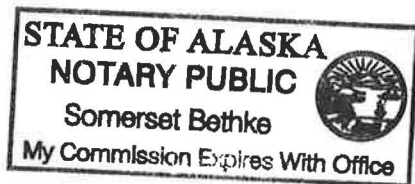
I, Byron Walther, CSS III, of the Child Support Services Division, being sworn, state the following:


The Department of Revenue, Child Support Services Division did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Revenue, Child Support Services Division's changes in Title 15, Chapter 125 of the Alaska Administrative Code relating to Civil Rule 90.3.

DATE: March 27, 2018  
Anchorage

Byron Walther, CSS III

SUBSCRIBED AND SWORN TO before me this 27 day of March, 2018.



  
\_\_\_\_\_  
Notary Public in and for the  
State of Alaska  
My commission expires: W/O office

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0001415290  
\$308.76

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

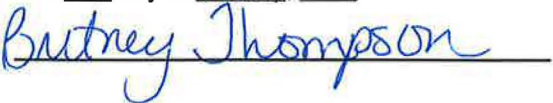
January 11, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me  
this 11th day of January, 2018



Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

## NOTICE OF PROPOSED CHANGES ON CHILD SUPPORT AWARDS IN THE REGULATIONS OF THE DEPARTMENT OF REVENUE

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Statutes Being Implemented, Interpreted, or Made Specific: AS 25.27.020; AS 25.27.200.

Fiscal Information: The proposed regulatory changes are not expected to require an increased appropriation.

DATE: January 10, 2018

Carol Beecher, Director  
Child Support Services Division

Published: January 11, 2018