

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 174

SENATE BILL 1313

AN ACT

AMENDING TITLE 46, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 46-445; RELATING TO THE SUPPORT PAYMENT CLEARINGHOUSE AND CHILD SUPPORT CASE REGISTRY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 46, chapter 3, article 2, Arizona Revised Statutes,
3 is amended by adding section 46-445, to read:

4 46-445. Electronic transfer of support payments; warrants;
5 definition

6 A. THE DEPARTMENT SHALL ESTABLISH A MANDATORY PROCESS TO TRANSFER
7 SUPPORT PAYMENTS ELECTRONICALLY. UNDER THIS PROCESS, THE DEPARTMENT OR ITS
8 AGENT SHALL DISBURSE SUPPORT PAYMENTS ELECTRONICALLY TO AN ACCOUNT DESIGNATED
9 BY THE OBLIGEE OR AN ALTERNATE ACCOUNT THAT CAN BE ACCESSED BY THE OBLIGEE
10 THROUGH AN ELECTRONIC ACCESS CARD.

11 B. ON ESTABLISHMENT OF THE PROCESS PRESCRIBED IN SUBSECTION A,
12 ELECTRONIC TRANSFER OF SUPPORT PAYMENTS IS MANDATORY UNLESS A HARDSHIP
13 EXEMPTION IS GRANTED. THE DEPARTMENT OR ITS AGENT SHALL PROVIDE A NOTICE TO
14 EACH OBLIGEE THAT INCLUDES THE FOLLOWING:

15 1. THAT THE OBLIGEE HAS TEN DAYS AFTER THE DATE OF THE NOTICE TO
16 COMPLETE AN AUTHORIZATION FOR AUTOMATIC DEPOSIT FORM AND RETURN IT TO THE
17 DEPARTMENT AND THAT THE DEPARTMENT OR ITS AGENT WILL ISSUE AN ELECTRONIC
18 ACCESS CARD FOR RECEIPT OF SUPPORT PAYMENTS UNLESS THE OBLIGEE CLAIMS A
19 HARDSHIP EXEMPTION PURSUANT TO SUBSECTION C, PARAGRAPH 3.

20 2. THAT A REQUEST FOR A HARDSHIP EXEMPTION MUST BE IN WRITING AND
21 INCLUDE DOCUMENTATION THAT SUPPORTS THE REQUEST.

22 3. INFORMATION ON THE USE AND RESTRICTIONS ASSOCIATED WITH THE USE OF
23 AN ELECTRONIC ACCESS CARD.

24 C. THE DEPARTMENT MAY AUTHORIZE THE GENERATION OF A PAYMENT BY WARRANT
25 IF ANY OF THE FOLLOWING CONDITIONS APPLIES:

26 1. GENERATION OF A WARRANT IS NECESSARY TO MEET FEDERAL REQUIREMENTS
27 AND ELECTRONIC TRANSFER IS NOT FEASIBLE.

28 2. THE OBLIGEE IS INVOLVED IN LEGAL PROCEEDINGS THAT REQUIRE PAYMENTS
29 TO BE SENT TO A TRUSTEE OR REPRESENTATIVE PAYEE.

30 3. THE OBLIGEE HAS NOT REQUESTED AUTOMATIC DEPOSIT TO A DESIGNATED
31 ACCOUNT OF THE OBLIGEE AND HAS ASSERTED IN WRITING THAT THE USE OF AN
32 ELECTRONIC ACCESS CARD WILL CREATE AN UNDUE HARDSHIP BECAUSE OF A DOCUMENTED
33 PHYSICAL OR MENTAL DISABILITY.

34 D. THE DIRECTOR MAY ADOPT RULES TO IMPLEMENT THIS SECTION.

35 E. FOR THE PURPOSES OF THIS SECTION, "ELECTRONIC ACCESS CARD" MEANS A
36 STORED VALUE CARD THAT IS ISSUED BY THE DEPARTMENT OR ITS AGENTS AND IN WHICH
37 SUPPORT PAYMENTS ARE DEPOSITED ELECTRONICALLY IN THE SAME MANNER AS AUTOMATIC
38 OR DIRECT DEPOSIT.

39 Sec. 2. Exemption from rule making

40 For the purposes of this act, the department of economic security is
41 exempt from the rule making requirements of title 41, chapter 6, Arizona
42 Revised Statutes, for two years after the effective date of this act. Before
43 adopting rules, the department shall hold at least one public meeting in a
44 county with a population of more than one million persons and one public

1 meeting in a county with a population of less than five hundred thousand
2 persons for the purpose of public testimony and comment.

3 Sec. 3. Emergency

4 This act is an emergency measure that is necessary to preserve the
5 public peace, health or safety and is operative immediately as provided by
6 law.

APPROVED BY THE GOVERNOR APRIL 22, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2005.

Passed the House April 13, 2005,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting
With Emergency

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 2, 2005,

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting
With Emergency

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1313

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 19, 2005,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Ken Bennett
President of the Senate
Charmine Belton
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005

at 3:41 o'clock P. M.

Jennifer Hanna
Secretary to the Governor

Approved this 22 day of

April, 2005,

at 1:55 o'clock P. M.

J. R. ...
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2005

at 3:53 o'clock P. M.

Janice K. Brewer
Secretary of State

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