

visitation, which we were going to move over to administrative hearings, we just moved that all back over to the court. We've done it once today. Doing it twice today doesn't seem to be that big a jump. The question of who hears the cases, which is the primary thrust of the amendment, is what...is the policy choice that I would like to have out there for people to make a determination on. We have already made that policy determination in that, for whatever reason, whether DSS is incapable of making the decision on visitation, or if it is just bad policy that DSS make the determination on visitation, or that the courts are better equipped, why the inconsistency on child support, just for some reason I have a difficult time grasping that. And I think the reason is that DSS simply doesn't want to do the visitation side because...because the easy dollars are there in the child support side. Some of the issues, I'd like to ask Senator Day a couple of questions.

PRESIDENT ROBAK: Senator Day.

SENATOR DAY: Certainly.

SENATOR LINDSAY: Senator Day, you mentioned the question of unconstitutionality, and I don't quite know if I follow it, but let's assume that there is a question of unconstitutionality, is that enough to defeat the amendment, do you think, that the question of what...that there may be a question as to constitutionality?

SENATOR DAY: I don't know whether it is or not, Senator Lindsay. I just think it is something we need to be aware of, the fact that to the best of our knowledge, no other state does this and assigns the IV-D agency as judicial.

SENATOR LINDSAY: The question of constitutionality, though, if this renders the possibility of making the bill unconstitutional, that's a concern to you?

SENATOR DAY: Well, I think, yeah.

SENATOR LINDSAY: Okay. And the reason I raise that, there are other reasons because in some of this stuff we just...we've adopted so far, I think the bill is probably unconstitutional anyway, and I will be discussing that, of course, when we get to the regular...to off the committee amendments onto the bill, itself. We do have some question about unconstitutionality.