

March 26, 1997

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1226

Page 1, line 17, after the fifth comma insert "50-09-20, 50-09-20.1, 50-09-21,"

Page 1, line 21, after the second semicolon insert "to provide for the transfer of responsibilities;"

Page 3, line 25, after "activities" insert "may"

Page 4, line 3, replace "Vocational" with "Postsecondary and vocational"

Page 4, line 10, remove "and"

Page 4, line 12, replace the underscored period with "; and

m. Court-ordered treatment for mental illness or drug or alcohol dependency if the court determines that illness or dependency negatively impacts the individual's ability to work."

Page 4, line 17, overstrike "one thousand dollars or more"

Page 4, line 18, after "support" insert "in an amount greater than three times the monthly child support obligation and the obligor is not current in a court-established plan to repay the unpaid child support arrears,"

Page 5, line 15, overstrike "one thousand dollars"

Page 5, line 16, overstrike "or more" and after "support" insert "in an amount greater than three times the monthly child support obligation and the obligor is not current in a court-established plan to repay the unpaid child support arrears"

Page 6, line 4, replace the underscored colon with "except as provided for through contract pursuant to subsection 2."

Page 6, remove lines 5 through 8

Page 6, line 12, after the underscored period insert "If the clerk of court of any county elects to enter into a contract and the clerk can demonstrate that the provision of services under the contract will not be more costly nor take more time to establish or operate on a statewide basis than if the services are provided through the state disbursement unit, the public authority shall contract with the clerk to provide collection and disbursement services under this section."

Page 6, line 20, after "parties" insert ", including the obligor and obligee," and after "and" insert ", at least annually, regarding"

Page 13, line 11, remove "for child support"

Page 13, line 12, remove "services"

Page 16, line 16, replace "clerks of court" with "public authority"

Page 16, line 17, after "withholding" insert "and the receipt and disbursement of child support payments" and replace the underscored colon with "as provided for through contract pursuant to subsection 2 of section 9 of this Act."

Page 16, remove lines 18 through 21

Page 18, line 7, after the underscored period insert "Before commencing any rulemaking proceeding under this section, the department shall convene a drafting advisory committee that includes two members of the legislative assembly appointed by the chairman of the legislative council."

Page 26, line 14, overstrike "implementing" and insert immediately thereafter "exempting"

Page 26, line 15, overstrike "be in" and insert immediately thereafter "have an adverse effect on"

Page 26, line 16, overstrike "previously ordered" and insert immediately thereafter "previous"

Page 26, line 29, overstrike "assured" and insert immediately thereafter "to be provided"

Page 27, line 24, after the underscored period insert "If the final determination of paternity results in the nonexistence of a father and child relationship between the child and a party who was ordered to pay child support under this subsection, that party may seek reimbursement from the department of human services for that amount and the department is subrogated to that party's claim."

Page 33, line 20, replace "and the unpaid child support obligation is at" with "in an amount greater than six times the monthly child support obligation and the judgment debtor is not current in a court-established plan to repay the unpaid child support judgment"

Page 33, line 21, remove "least six months past due"

Page 36, line 23, after the underscored period insert:

"1."

Page 36, line 26, replace "1" with "a"

Page 36, line 27, replace "2" with "b"

Page 36, line 29, replace "3" with "c"

Page 36, line 30, replace "4" with "d" and after the second underscored period insert:

- "2. Information acquired under subsection 1 remains confidential subject to the confidentiality requirements of the plans and programs identified in subsection 1."

Page 37, line 13, after "a" insert "past due"

Page 37, line 14, replace "months past due" with "times the monthly child support obligation and the obligor is not current in a court-established plan to repay the past due support"

Page 40, line 1, after "found" insert "or with the secretary of state"

Page 40, line 6, after the underscored period insert:

"The information filed with a register of deeds or with the secretary of state under this section must be included in the computerized central notice system maintained by the secretary of state under section 41-09-46 and must be accessible to the public on the same terms and conditions that apply to access other statutory lien information maintained in the computerized central notice system.

3."

Page 43, line 25, replace "The" with "Subject to the approval of the legislative council, the"

Page 45, line 11, replace "The" with "Subject to the approval of the legislative council, the"

Page 48, line 2, overstrike "make such" and insert immediately thereafter "adopt" and overstrike "and regulations"

Page 48, line 7, overstrike "promulgate such" and insert immediately thereafter "adopt" and overstrike "and regulations"

Page 48, line 26, overstrike "Comply with", remove "the", overstrike "provisions, rules, and regulations", and overstrike "the federal government"

Page 48, line 27, overstrike "may find", overstrike "necessary", and overstrike "to assure the correctness and"

Page 48, line 28, overstrike "verification of the reports to be made" and insert immediately thereafter "Make any determinations respecting title IV-A not expressly reserved to the federal government under federal law"

Page 51, line 5, replace "22" with "23"

Page 51, line 11, replace "46" with "47"

Page 54, line 27, after "compensation" insert "bureau" and after "records" insert "identifying the last-known address of a person who owes or who is owed support, the wage-loss benefits, permanent partial impairment benefits, death benefits, or additional benefits that person has received or is entitled to receive from the bureau, and whether and where that person is currently employed"

Page 56, after line 6, insert:

"k. Provide an informal grievance process concerning matters not subject to determination in a judicial proceeding."

Page 56, line 21, replace "A" with "As provided in title IV-D, a"

Page 60, line 26, overstrike "early childhood services"

Page 60, line 27, after the third "~~program~~" insert "child care assistance"

Page 61, line 29, after "~~50-09-24~~" insert "of"

Page 63, line 5, after "worker" insert "in the training, education, employment, and management program"

Page 67, line 27, after "2" insert ", 3, and 5" and replace "6" with "7"

Page 68, line 4, after the third "or" insert "mental or physical"

Page 68, line 5, after "parent" insert ", including the incapacity of a parent attributable to domestic violence"

Page 68, line 12, remove "and then"

Page 68, line 21, replace "of any" with "with a market" and after "value" insert "not exceeding ten thousand dollars"

Page 68, line 24, after the third "or" insert "mental or physical"

Page 68, line 25, after "parent" insert ", including the incapacity of a parent attributable to domestic violence"

Page 69, line 16, replace "benefit" with "fund"

Page 69, line 29, after "fails" insert ", without good cause,"

Page 70, line 3, remove "such as hospitalization"

Page 70, line 16, after the second underscored comma insert "except in cases of pregnancy resulting from rape or incest,"

Page 70, line 19, after "chapter" insert "during the month of the child's probable conception" and remove "and"

Page 70, line 21, replace the underscored period with "; and

ff. Not reduce or terminate benefits based on a refusal of an individual to work if the individual is a single custodial parent caring for a child who has not attained six years of age and the individual proves a demonstrated inability to obtain needed child care because of the:

- (1) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site;
- (2) Unavailability or unsuitability of informal child care by a relative or under other arrangements; or
- (3) Unavailability of appropriate and affordable formal child care arrangements."

Page 70, line 30, remove "budget section of the"

Page 71, line 7, remove "budget section of the"

Page 71, line 13, remove "budget section of the"

Page 71, line 19, remove "budget section of the"

Page 71, after line 23, insert:

"8. Within federal guidelines, the department shall place emphasis in spending child care assistance moneys on the development and maintenance of quality child care positions."

Page 71, line 27, replace "sections" with "section" and remove "and 50-08.1-02"

Page 71, after line 28, insert:

"SECTION 78. REPEAL. Sections 50-09-20 and 50-09-21 of the North Dakota Century Code and section 50-09-20.1 of the 1995 Supplement to the North Dakota Century Code are repealed.

SECTION 79. REPEAL. Section 50-08.1-02 of the 1995 Supplement to the North Dakota Century Code is repealed."

Page 72, line 7, after the comma insert "the caseload ratio established in section 50-09-20.1, the training and expertise of the managers administrating training, education, employment, and management program,"

Page 72, line 12, after the second comma insert "o,"

Page 72, line 14, after "parties" insert ", and also includes two members of the legislative assembly appointed by the chairman of the legislative council"

Page 72, after line 14, insert:

"SECTION 83. TRANSFER OF RESPONSIBILITIES. To provide for an orderly transfer of responsibilities under this chapter and chapter 14-08.1 from the clerks of court to the public authority and its state disbursement unit, it is the intention of the legislative assembly that, during the periods between July 1, 1997, and July 1, 1999, with respect to the state disbursement unit activities, and between July 1, 1997, and the system implementation date, with respect to income withholding and other activities, the clerks of court and the public authority shall share responsibilities. The public authority, upon consultation with the supreme court and other representatives selected by the clerks of court, shall prepare schedules for the transfer of specific responsibilities on a county-by-county and case-by-case basis. As soon as the public authority is able to assume responsibilities with respect to a particular county, it is the intention of the legislative assembly that responsibilities with respect to newly issued and newly amended child support orders be assumed by the public authority."

Page 72, after line 25, insert:

"SECTION 89. EFFECTIVE DATE. Section 78 of this Act becomes effective January 1, 1998, if House Bill No. 1041 becomes law and that bill includes provisions repealing North Dakota Century Code sections 50-09-20, 50-09-20.1, and 50-09-21, but is otherwise ineffective."

Page 72, remove lines 28 and 29

Page 73, line 2, remove "and" and after "75" insert ", 79, and 83"

Renumber accordingly