

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1226

That the Senate recede from its amendments as printed on pages 1317-1321 of the House Journal and pages 1126-1130 and 1149 and 1150 of the Senate Journal and that Engrossed House Bill No. 1226 be amended as follows:

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; to provide for use of program savings and an informal grievance procedure;"

Page 3, line 22, remove "and"

Page 3, line 24, replace the underscored period with "; and

c. Participate in treatment for mental illness or drug or alcohol dependency."

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

Page 4, line 10, remove "and"

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

m. Postsecondary education and any other activity treated by the federal government as work for purposes of calculating a work participation rate under 42 U.S.C. 607(b)."

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 an underscored period

Page 6, remove lines 5 through 8

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

Page 7, line 4, replace "When there is an assignment of support under chapter 50-09 or 50-24.1, and when" with "Unless"

Page 7, remove line 5

Page 7, line 6, remove "unit, the state disbursement unit, unless" and after the third underscored comma insert "the state disbursement unit"

Page 7, line 14, remove "which requires payment of a child support obligation described in"

Page 7, line 15, remove "subsection 1 of section 9 of this Act,"

Page 7, line 17, replace "a" with "any"

Page 7, line 18, remove "which requires payment of a child support obligation described in"

Page 7, line 19, remove "subsection 1 of section 9 of this Act,"

Page 7, line 21, remove "described in subsection 1 of section 9 of this Act,"

Page 8, line 31, replace "Driver's" with "Motor vehicle operator's"

Page 9, line 1, replace "The" with "Employer's" and remove "of the party's employer or"

Page 9, line 2, remove "employers"

Page 9, line 25, overstrike "the provisions of" and overstrike "apply" and insert immediately thereafter "applies"

Page 10, after line 4, insert:

"SECTION 13. AMENDMENT. Section 14-09-08.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

14-09-08.1. Support payments - Payment to court—Transfer of payment to court of recipient's residence state disbursement unit - Transfer of proceedings for enforcement of decree - Procedures upon failure to pay.

1. In any action in which a court orders that payments for child support be made, the court shall provide in its order that the payments be paid to the ~~clerk of court, as trustee,~~ state disbursement unit for remittance to the obligee. ~~The clerk shall remit the payments within ten working days of receipt unless the address of the obligee is unknown to the clerk. The clerk shall maintain records listing the amount of the payments, the date when the payments must be made, the names and addresses of the parties subject to the order, and any other information necessary for the proper administration of the order. Upon the filing with the clerk of court of notice of the assignment of support rights to a state, payments must be credited and transmitted pursuant to the assignment and in conformity with title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351; 42 U.S.C. 651, et seq., as amended].~~

2.
 - a. ~~The parties~~ Each party subject to the order shall immediately inform the clerk state disbursement unit of ~~their social security numbers and of the party's:~~
 - (1) Social security number;
 - (2) Residential and mailing addresses and any change of address or change;
 - (3) Telephone number;
 - (4) Motor vehicle operator's license number;
 - (5) Employer's name, address, and telephone number; and
 - (6) Change of any other condition which may affect the proper administration of this chapter.
 - b. The requirements of subdivision a must be incorporated into each order for payment of child support.
 - c. In any subsequent child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of a party, service may be effected by delivery of written notice to the most recent residential or employer address provided by the noticed party pursuant to this subsection.
 - d. The requirements of this subsection continue in effect until all child support obligations have been satisfied with respect to each child subject to the order.
3. Whenever there is failure to make the payments as required, the ~~clerk state~~ disbursement unit shall send notice of the arrears by first-class mail, with affidavit of service, to the person required to make the payments, or request a district judge of the judicial district, on a form provided by the judge, to issue a citation for contempt of court against the person who has failed to make the payments and the citation must be served on that person as provided by the North Dakota Rules of Civil Procedure.
4. The court of its own motion or on motion of a child support agency or the state's attorney of the county of venue, the county of the recipient's residence, or the county of the obligor's residence may cause a certified copy of any support order in the action to be transcribed and filed with the clerk of the district court of any county in this state in which the obligee or the obligor may reside from time to time. Thereafter, ~~the provisions of this section apply~~ applies as if the support order were issued by the district court of the county to which the support order is transcribed. No fee may be charged for transcribing or filing a certified copy of any support order under this section.
5. ~~The clerk of court, at the option of the clerk, may deposit payments received by the clerk under this section in a special trust account in either the Bank of North Dakota or in a banking institution of this state designated as a depository of public funds under chapter 21-04 and make payments from the trust account to the obligee or the clerk may deposit payments received by the clerk under this section with the county treasurer and direct their disbursement under chapter 11-14."~~

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, replace "except:" with "and the receipt and disbursement of child support payments."

Page 16, remove lines 18 through 21

Page 18, line 5, replace "completed" with "commenced with a notice of proposed adoption, amendment, or repeal"

Page 18, line 6, replace "1999" with "1998" and replace "completed" with "so commenced"

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 21, line 7, replace "23" with "24"

Page 23, line 31, replace "23" with "24"

Page 25, line 25, replace "23" with "24"

Page 27, line 24, after the underscored period insert "If the action is brought at the direction of the department of human services and 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 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 "24"

Page 51, line 11, replace "46" with "48"

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, 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 12, remove "and then"

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

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, remove line 18

Page 70, line 19, remove "child," 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. Except as otherwise may be permitted by federal law, 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, line 27, replace "sections" with "section" and remove "and 50-08.1-02"

Page 71, after line 28, insert:

"SECTION 79. 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 80. 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 administering training, education, employment, and management program,"

Page 72, line 12, after the second comma insert "o," and replace "75" with "76"

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 84. TRANSFER OF RESPONSIBILITIES. To provide for an orderly transfer of responsibilities under chapters 14-08.1 and 14-09 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 April 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 boards of county commissioners, 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.

SECTION 85. INFORMAL GRIEVANCE PROCEDURE TO BE DEVELOPED.

Before the completion of the transfer of responsibilities under section 84 of this Act, the department of human services, in implementing programs under Title IV-D of the Social Security Act and in consultation with the clerks of court, county offices, and regional child support enforcement offices, shall develop an informal grievance procedure concerning any matter not subject to determination in a judicial proceeding. The procedure must include the department, clerks of court, county offices, and regional child support enforcement offices that provide services under Title IV-D of the Social Security Act."

Page 72, line 15, replace "76" with "77"

Page 72, line 16, replace "24" with "25"

Page 72, line 17, after "12" insert ", 14", replace "19" with "20", replace "38" with "39", and replace "45" with "46"

Page 72, line 18, replace "47 through 50, 52 through 54, 56 through 65, 67, 68, 70, 71, 74, and 75" with "48 through 51, 53 through 55, 57 through 66, 68, 69, 71, 72, 73, 75, 76, and 80"

Page 72, line 20, replace "46" with "47"

Page 72, line 22, replace "51, 66, 69, 72, 73, and 77" with "52, 67, 70, 74, and 78"

Page 72, line 24, replace "20, 37, and 55" with "13, 21, 38, and 56"

Page 72, line 25, replace "October 1, 1998" with "July 1, 1999"

Page 72, after line 25, insert:

"SECTION 91. EFFECTIVE DATE. Section 79 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, line 26, replace "50, 65, and 68" with "51, 66, and 69"

Page 72, line 28, replace "75" with "12"

Page 73, line 1, after "12" insert ", 14", replace "19" with "20", replace "38" with "39", replace "45" with "46", and replace "47" with "48"

Page 73, line 2, replace "50, 52 through 54, 56 through 65, 67, 68, 70, 71, 74, and 75" with "51, 53 through 55, 57 through 66, 68, 69, 71, 72, 73, 75, 76, and 80"

Renumber accordingly