

**FIRST ENGROSSMENT  
with House Amendments**Fifty-sixth  
Legislative Assembly  
of North Dakota**ENGROSSED SENATE BILL NO. 2170**

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new section to chapter 14-08.1, a new section to  
2 chapter 14-19, and a new section to chapter 20.1-03 of the North Dakota Century Code,  
3 relating to certification of child support records, the duties of voluntary paternity establishment  
4 service entities, and the recording of social security numbers on game and fish license and  
5 permit applications; to amend and reenact subsection 1 of section 14-09-08.4, sections  
6 14-09-08.6, 14-09-08.10, 14-09-08.11, 14-09-09.6, 14-09-09.15, 14-09-09.16, 14-09-09.28,  
7 14-09-25, subsection 3 of section 14-17-11, subsection 4 of section 14-17-14, sections  
8 14-17-17, 14-19-01, 14-19-05, 14-19-07, 14-19-08, 39-06-07, section 50-09-02.4, subdivision h  
9 of subsection 1 of section 50-09-08.2, sections 50-09-08.3, and 50-09-08.5 of the North Dakota  
10 Century Code, relating to technical and conforming amendments to child support laws and the  
11 state disbursement unit; to repeal sections 14-09-14 and 14-09-27 of the North Dakota Century  
12 Code, relating to exceptions to parental liability for child support and to the state disbursement  
13 fund; to provide a continuing appropriation; to provide an effective date; and to declare an  
14 emergency.

**15 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

16 **SECTION 1.** A new section to chapter 14-08.1 of the North Dakota Century Code is  
17 created and enacted as follows:

18 **Certification of records.** The clerk of court and any authorized agent of the public  
19 authority or a child support agency, in any circumstance or proceeding requiring proof of the  
20 contents of the official records of the state regarding any information maintained in the state  
21 case registry of the automated data processing system established under section 50-09-02.1,  
22 may certify the content of those records. A certification provided under this section is prima  
23 facie evidence of the contents of those records.

1           **SECTION 2. AMENDMENT.** Subsection 1 of section 14-09-08.4 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           1. Each child support order must be reviewed by the child support agency no less  
4 frequently than thirty-six months after the establishment of the order or the most  
5 recent amendment or review of the order by the court or child support agency  
6 unless:

7           a. In the case of an order with respect to which there is in effect an assignment  
8 under chapter 50-09 ~~or 50-24.1~~, the child support agency has determined that  
9 a review is not in the best interests of the child and neither the obligor nor the  
10 obligee has requested review; or

11           b. In the case of any other order neither the obligor nor the obligee has  
12 requested review.

13           **SECTION 3. AMENDMENT.** Section 14-09-08.6 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15           **14-09-08.6. Obligor's duties upon review - Failure to provide information.**

16           1. The obligor shall provide information to the child support agency concerning the  
17 obligor's income, which is sufficient to accomplish the review, no later than five  
18 working days before the date of review. The information must be furnished by:

19           a. ~~Providing~~ providing an income report, in the form and manner required by the  
20 ~~child support agency~~ public authority, accurately completed and attested to by  
21 the obligor; earnings statements secured from the obligor's current income  
22 payor if the obligor changed employment after the end of the latest income  
23 tax year for which the obligor filed a return, and providing:

24           b. ~~a.~~ A verified copy of the latest income tax return, filed with the  
25 internal revenue service or any state official administering a state income tax,  
26 which accurately reports the obligor's income for a fiscal year ending no more  
27 than seventeen months prior to the date of the review; or

28           e. ~~b.~~ A written authorization by which the child support agency may  
29 secure a verified copy of the latest income tax return, filed with the tax  
30 commissioner, which accurately reports the obligor's income for a fiscal year  
31 ending no more than seventeen months prior to the date of review.

1           2. ~~If information concerning the obligor's income sufficient to accomplish the review~~  
2           ~~has not been timely furnished by the obligor, the child support agency may apply to~~  
3           ~~the court for an order compelling the obligor to furnish information sufficient to~~  
4           ~~accomplish the review.~~

5           ~~3.~~ If an application to the court made pursuant to subsection 2 has not resulted in the  
6           production of the obligor has not produced information under subsection 1  
7           concerning the obligor's income, sufficient to accomplish the review, the child  
8           support agency may base its review determination on the assumption that the  
9           obligor's income has increased at the rate of ten percent per year since the child  
10          support order under review was entered or last modified.

11          **SECTION 4. AMENDMENT.** Section 14-09-08.10 of the North Dakota Century Code is  
12          amended and reenacted as follows:

13          **14-09-08.10. Order.** Each order entered under this code for the support of a minor  
14          child or the support of a child after majority under section 14-09-08.2 must include a provision  
15          for health insurance coverage for that child.

- 16           1. Except as provided in subsection 2, the order must require the obligor to provide  
17           satisfactory health insurance coverage whenever that coverage is available at  
18           reasonable cost or becomes available at reasonable cost.
- 19           2. If the obligee is an individual with physical custody of the child, the obligee must be  
20           required to provide satisfactory health insurance whenever that coverage is  
21           available at no or nominal cost.

22          **SECTION 5. AMENDMENT.** Section 14-09-08.11 of the North Dakota Century Code is  
23          amended and reenacted as follows:

24          **14-09-08.11. Eligible child - Employer to permit enrollment.**

- 25           1. When an obligor is required to cover a minor child as a beneficiary under section  
26           14-09-08.10, the child is eligible for health insurance coverage as a dependent of  
27           the obligor until the child's eighteenth birthday or until further order of the court. If  
28           health insurance coverage required under section 14-09-08.10 is available through  
29           an income ~~payer~~ payor, the income ~~payer~~ payor must:
- 30           a. Permit the obligor to enroll under family coverage any child who is otherwise  
31           eligible for coverage without regard to any open enrollment restrictions;

- 1           b. If the obligor is enrolled but fails to make application to obtain coverage for  
2           the child, enroll the child under family coverage upon application by the  
3           obligee;
- 4           c. If the obligor is enrolled but fails to make application to obtain coverage for  
5           the child, enroll the child under family coverage upon application ~~to~~ by the  
6           public authority, subject to subsection 2, whenever the child receives:
- 7           (1) Benefits through ~~a demonstration project established under section~~  
8           ~~50-06-01.8~~, temporary assistance for needy families or foster care  
9           under chapter 50-09, or medical assistance under chapter 50-24.1; or
- 10          (2) Services provided upon application of an obligee to the child support  
11          agency;
- 12          d. Not disenroll or eliminate coverage for any child unless the income ~~payer~~  
13          payor is provided satisfactory written evidence that:
- 14          (1) The order issued under section 14-09-08.10 is no longer in effect;
- 15          (2) The child is or will be enrolled in comparable coverage that will take  
16          effect no later than the effective date of disenrollment; or
- 17          (3) The income ~~payer~~ payor has eliminated family health coverage for all of  
18          its employees;
- 19          e. Withhold from the obligor's compensation the obligor's share, if any, of  
20          premiums for health insurance coverage and pay this amount to the health  
21          insurance provider; and
- 22          f. If the amount required to be withheld under subdivision e, either alone or  
23          when added to the total of any withholding required by an order issued under  
24          section 14-09-09.15, exceeds fifty percent of the obligor's disposable income,  
25          withhold fifty percent of the obligor's disposable income.
- 26          2. Before making application under subdivision c of subsection 1, the public authority  
27          shall provide notice to the obligor that the obligor may contest the proposed  
28          application by filing a written request for a hearing within ten days of the date the  
29          notice is issued. If the obligor contests the application for coverage, a hearing  
30          must be held, and the court shall require the public authority to make application if  
31          it determines coverage for the child is available to the obligor at reasonable cost.

1           3.    Withholding required by an order issued under section 14-09-09.15 must be  
2                    satisfied before any payment is made to the health insurance provider. If the  
3                    amount remaining is insufficient to pay the obligor's share of premiums for health  
4                    insurance coverage, the obligor may authorize additional withholding to pay the  
5                    obligor's share. If the obligor does not authorize additional withholding, and the  
6                    health insurance coverage will lapse as a result, the income ~~payer~~ payor must  
7                    promptly inform the clerk of court or public authority that issued the order under  
8                    section 14-09-09.15 of the insufficiency.

9           **SECTION 6. AMENDMENT.** Section 14-09-09.6 of the North Dakota Century Code is  
10           amended and reenacted as follows:

11           **14-09-09.6. Voluntary income withholding for support - Limitations.** An obligor  
12           may execute a document voluntarily authorizing income withholding from current or future  
13           income due the obligor from an income payor in an amount sufficient to meet any child support  
14           obligation imposed by a court or otherwise. An income withholding authorization made under  
15           this section is binding on the income payor one week after service upon the income payor by  
16           ~~personal service or by certified~~ first-class mail, or in any other manner agreed to by the income  
17           payor, of a true copy of the executed income withholding authorization. The income payor shall  
18           deduct the sum or sums specified and pay them as specified by the income withholding  
19           authorization and any applicable imposition of a support obligation by a court. In addition, the  
20           income payor may deduct a fee of three dollars per month from the obligor's income to cover  
21           expenses involved in transmitting payment. Compliance by an income payor with an income  
22           withholding authorization issued under this section discharges the income payor's liability to the  
23           obligor for that portion of the obligor's income. The income payor may not use the income  
24           withholding authorization as a basis for any disciplinary action against the obligor.

25           **SECTION 7. AMENDMENT.** Section 14-09-09.15 of the North Dakota Century Code is  
26           amended and reenacted as follows:

27           **14-09-09.15. Form - Effect of income withholding order.** The income withholding  
28           order must be issued in the name of the state of North Dakota, ~~be attested in the name of the~~  
29           ~~judge, subscribed by the clerk or a designee of the public authority~~ in the standard format for  
30           notice of the order prescribed by the secretary of the United States department of health and  
31           human services under authority of 42 U.S.C. 666(b)(6)(A)(ii), contain only the information

1 necessary for the income payor to comply with the income withholding order, and be directed to  
2 all current and subsequent income payors of the obligor. The income withholding order is  
3 binding on the income payor until further notice by the clerk or the public authority and applies  
4 to all current and subsequent periods in which income is owed the obligor by the income payor.  
5 The income withholding order has priority over any other legal process against the same  
6 income.

7 **SECTION 8. AMENDMENT.** Section 14-09-09.16 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **14-09-09.16. Service of income withholding order on income payor.**

- 10 1. The clerk of court or the public authority shall serve the income withholding order  
11 on the income payor ~~in the manner provided for service of a summons in a civil~~  
12 ~~action~~ by first-class mail or in any other manner agreed to by the income payor,  
13 and upon the obligor by first-class mail to the obligor's last-known address.
- 14 2. If the obligor is subject to immediate income withholding under section  
15 14-09-09.24, an income withholding order must be served on any known income  
16 payor within ~~five~~ two business days of the ~~issuance of the judgment or order which~~  
17 ~~requires the payment of child support~~ date of receipt of information necessary to  
18 carry out income withholding. Subject to the provisions of section 14-09-09.17, if  
19 service of an income withholding order has been or may have been properly made  
20 under this section, an income withholding order must be served on any  
21 subsequently identified income payor within ~~five~~ two business days ~~after the issuer~~  
22 ~~is informed of the name and address of such an income payor~~ of the date of  
23 receipt of information necessary to carry out income withholding.
- 24 3. An income withholding order may also be issued and served at the request of the  
25 obligor. ~~The income withholding order, upon certification by the public authority to~~  
26 ~~the secretary of state and the legislative council that the secretary of the United~~  
27 ~~States department of health and human services, under authority of 42 U.S.C.~~  
28 ~~666(b)(6)(A)(ii), has prescribed a standard format for notice of the order, must be~~  
29 ~~in that standard format and contain only the information necessary for the income~~  
30 ~~payor to comply with the withholding order. Before that certification, the income~~  
31 ~~withholding order must state all of the following:~~

- 1       ~~4.~~ 4. ~~That the obligor is properly subject to an income withholding order and that the~~  
2           The income payor ~~is therefore required to~~ shall withhold a stated amount,  
3           determined under section 14-09-09.30, from the obligor's income at the time the  
4           obligor is paid for transmittal to the ~~clerk of court or the~~ public authority within  
5           seven business days of the date the obligor is paid, together with a report of the  
6           date upon which the amount was withheld from the obligor's income.
- 7       ~~2.~~ 5. ~~That the~~ The income payor may also withhold and retain an additional sum of  
8           three dollars per month from the obligor's income to cover expenses involved in  
9           transmitting payment.
- 10      ~~3.~~ 6. ~~That the~~ The amount to be withheld, including amounts to cover expenses  
11           involved in transmitting payment, may not exceed fifty percent of the obligor's  
12           disposable income from this income payor, but a payment of an amount less than  
13           the ordered amount must be accompanied by a written calculation disclosing any  
14           of the obligor's income and disposable income which is payable by the income  
15           payor.
- 16      ~~4.~~ 7. ~~That the~~ The income payor shall begin withholding no later than the first payday  
17           that occurs after service of the income withholding order.
- 18      ~~5.~~ 8. ~~That if~~ If the income payor is served with more than one income withholding order  
19           issued under this chapter on a single obligor and the combined total amount to be  
20           paid under the income withholding orders exceeds fifty percent of the obligor's  
21           disposable income the income payor shall withhold the maximum amount  
22           permitted, and transmit to the ~~clerk of court or the~~ public authority that portion  
23           thereof which the obligee's claim bears to the combined total of all claims.
- 24      ~~6.~~ 9. ~~That the~~ The income payor shall notify the ~~clerk of court or the~~ public authority in  
25           writing of the termination of a duty to pay income to the obligor within seven  
26           business days of the termination. The notification must include the name and  
27           address of the obligor's subsequent income payor, if known.
- 28      ~~7.~~ 10. ~~That if~~ If the income payor is subject to income withholding orders for more than  
29           one obligor:  
30           a. ~~Prior to the system implementation date, the income payor may combine in a~~  
31           single payment the amounts for all obligors who have been ordered to pay the

1                   ~~same clerk of court with identification of the amount attributable to each~~  
2                   ~~obligor; and~~

3                   b. ~~Thereafter,~~ the income payor may combine in a single payment the amounts  
4                   for all obligors who have been ordered to pay the public authority with  
5                   identification of the amount attributed to each obligor.

6                   8. ~~That failure to comply with the income withholding order will subject the income~~  
7                   ~~payor to penalties provided under section 14-09-09.3.~~

8                   9. ~~That the withholding order has priority over any other legal process under state law~~  
9                   ~~against the same wages.~~

10                  10. ~~If appropriate, that the obligor is required to provide health insurance coverage for~~  
11                  ~~a child who is the subject of a child support order.~~

12                  **SECTION 9. AMENDMENT.** Section 14-09-09.28 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14                  **14-09-09.28. Application to existing cases.** Sections 14-09-09.26, 14-09-09.27,  
15 ~~14-12.1-12, subsection 3 of section 14-12.1-18, and section 14-12.1-38~~ 14-12.2-19, and  
16 14-12.2-20 apply to actions filed prior to July 7, 1991.

17                  **SECTION 10. AMENDMENT.** Section 14-09-25 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19                  **14-09-25. ~~(Effective July 1, 1999)~~ State disbursement unit - Duties - Continuing**  
20 **appropriation.**

21                  1. The public authority shall establish a state disbursement unit for the collection and  
22                  disbursement of payments of child support. The state disbursement unit is  
23                  responsible for the collection and disbursement of all payments under child support  
24                  orders.

25                  2. The public authority may contract with any public or private entity for any service  
26                  provided by the state disbursement unit. The state disbursement unit may employ  
27                  technology and agents to allow receipt of child support payments at locations and  
28                  times when state disbursement unit staff are not available.

29                  3. The state disbursement unit shall use automated procedures, electronic  
30                  processes, and computer-driven technology, including the statewide automated  
31                  data processing system established under section 50-09-02.1, to the maximum



1 extent feasible, efficient, and economical, for the collection and distribution of child  
2 support payments.

3 4. The state disbursement unit shall account for and disburse all support payments  
4 received by it, maintain necessary records, and develop procedures for providing  
5 information to the parties, including the obligor and obligee, regarding actions  
6 taken and, at least annually, regarding child support payments collected and  
7 distributed. The state disbursement unit shall adopt procedures for the  
8 maintenance and retention of records of child support payments, and for the  
9 storage and destruction of records when the support obligation is satisfied or is  
10 terminated.

11 5. The state disbursement unit shall ~~establish a fund, known as the state~~  
12 ~~disbursement unit fund. All deposit all~~ child support payments received, ~~except~~  
13 ~~those payments assigned to the state, shall be deposited into the state~~  
14 ~~disbursement unit fund, and all disbursements of child support, except those~~  
15 ~~payments assigned to the state, must be made from the state disbursement unit~~  
16 ~~fund~~ in the state treasury. All payments so deposited, except those payments  
17 assigned to the state, are appropriated to the public authority as a standing and  
18 continuing appropriation for the purpose of making disbursements to obligees  
19 entitled to the child support payments collected.

20 6. The state disbursement unit shall disburse collected child support payments in  
21 conformity with title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351;  
22 42 U.S.C. 651 et seq.]. Any disbursement made in error is not a gift and must be  
23 repaid. The public authority may take any action not inconsistent with law to  
24 secure repayment of any disbursement made in error.

25 7. Unless notice has otherwise been provided, the state disbursement unit shall  
26 provide notice to the obligor, the obligee, and any income payor that payment must  
27 be made to the state disbursement unit.

28 **SECTION 11. AMENDMENT.** Subsection 3 of section 14-17-11 of the North Dakota  
29 Century Code is amended and reenacted as follows:

30 3. Genetic test results, weighted in accordance with evidence, if available, of the  
31 statistical probability of the alleged father's paternity. ~~Verified documentation~~

1            Documentation of the chain of custody of the genetic specimens, provided by an  
2            examiner appointed under section 14-17-10, is competent evidence to establish  
3            the chain of custody. A ~~verified~~ report obtained from an examiner appointed  
4            ~~pursuant to~~ under section 14-17-10 must be admitted at trial unless a written  
5            objection to the testing procedures or the results of genetic analysis has been  
6            made at least ten days before trial or at an earlier time determined by the court.

7            **SECTION 12. AMENDMENT.** Subsection 4 of section 14-17-14 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9            4. Support judgments or orders ~~ordinarily~~ for future support must be for ~~periodic~~  
10            monthly payments which may vary in amount must be in amounts consistent with  
11            guidelines established under section 14-09-09.7. ~~In the best interest of the child, a~~  
12            ~~lump sum payment or the purchase of an annuity may be ordered in lieu of~~  
13            ~~periodic payments of support. The court may limit the father's liability for past~~  
14            ~~support of the child to the proportion of the expenses already incurred that the~~  
15            ~~court deems just.~~

16            **SECTION 13. AMENDMENT.** Section 14-17-17 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18            **14-17-17. Modification of judgment or order.** The court has continuing jurisdiction to  
19 modify a judgment or order for future support and, subject to section 14-09-06.6, custody and  
20 rights of visitation for the child.

21            **SECTION 14. AMENDMENT.** Section 14-19-01 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23            **14-19-01. Definitions.** In this chapter, unless the context otherwise requires:

- 24            1. "Birthing hospital" means a hospital licensed under chapter 23-16 which provides  
25            obstetrical services.
- 26            2. "Department" means the department of human services.
- 27            3. "Donor" means a woman whose body produced an egg for the purposes of  
28            assisted conception but does not include a woman whose body produces an egg  
29            used for the purpose of conceiving a child for that woman.

- 1           4. "Gestational carrier" means a woman who enters into an agreement to have an  
2           embryo implanted in her and bear the resulting child for intended parents, where  
3           the embryo is conceived by using the egg and sperm of the intended parents.
- 4           5. "Married woman" includes a woman who attempted to marry by a marriage  
5           solemnized in apparent compliance with law, although the attempted marriage is or  
6           could be declared invalid.
- 7           6. "Mother" means a woman who gives birth to a child or, if pregnancy resulted from  
8           assisted conception, the woman who is the donor but not the woman who is the  
9           gestational carrier.
- 10          7. "Party" means the man with whom the relationship of father and child is sought or  
11          established, the child's mother, and, for purposes of proceedings to relieve a party  
12          of the relationship of father and child, the child.
- 13          8. "Relationship of father and child" means the legal relationship existing between a  
14          father and the father's natural or adoptive child incident to which the law confers or  
15          imposes rights, privileges, duties, and obligations.
- 16          9. "Voluntary paternity establishment service entity" means the state department of  
17          health and any child support agency, as that term is defined in section  
18          14-09-09.10.

19           **SECTION 15. AMENDMENT.** Section 14-19-05 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21           **14-19-05. Filing of acknowledgment –~~Services provided.~~** An acknowledgment of  
22 paternity made under this chapter must be filed with the state department of health. Upon  
23 request of the department, the state department of health shall furnish a certified copy of an  
24 acknowledgment of paternity to the department. ~~The state department of health shall offer~~  
25 ~~voluntary paternity establishment services.~~

26           **SECTION 16.** A new section to chapter 14-19 of the North Dakota Century Code is  
27 created and enacted as follows:

28           **Voluntary paternity establishment service entities - Duties.**

- 29           1. At any time after an unmarried woman is determined to be pregnant, a voluntary  
30           paternity establishment entity may:
- 31           a. Provide to the mother and the alleged father, if the alleged father is present:

- 1                   (1) Written materials about paternity establishment;
- 2                   (2) The forms necessary to voluntarily acknowledge paternity;
- 3                   (3) A written and oral description of the rights, responsibilities, and legal
- 4                   consequences of establishing paternity; and
- 5                   (4) The opportunity to speak, either by telephone or in person, with staff
- 6                   who are trained to clarify information and answer questions about
- 7                   paternity establishment; and
- 8                   b. Provide the mother and the alleged father, if the alleged father is present, the
- 9                   opportunity to voluntarily acknowledge paternity;
- 10                  2. Before accepting a voluntary acknowledgment of paternity, a voluntary paternity
- 11                  establishment service entity shall afford due process safeguards by informing, in
- 12                  writing, the mother and the alleged father, if the alleged father is present, of the
- 13                  manner in which a relationship of father and child established under this chapter
- 14                  may be vacated or rescinded.
- 15                  3. A voluntary paternity establishment service entity shall forward completed
- 16                  acknowledgments to the state department of health.

17                  **SECTION 17. AMENDMENT.** Section 14-19-07 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19                  **14-19-07. Immunity from liability.** A hospital, ~~is~~ a voluntary paternity establishment  
20 service entity, and the agents; or ~~is~~ employees of either, acting in accordance with this chapter  
21 or attempting in good faith to do so, are immune from civil liability for that activity.

22                  **SECTION 18. AMENDMENT.** Section 14-19-08 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24                  **14-19-08. Powers and duties of the department.** The department shall:

- 25                  1. Provide each birthing hospital and voluntary paternity establishment service entity
- 26                  in the state:
  - 27                   a. Written materials about paternity establishment.
  - 28                   b. Forms necessary to voluntarily acknowledge paternity.
  - 29                   c. A written description of the rights and responsibilities of acknowledging
  - 30                   paternity.

- 1           2.    Provide training, guidance, and written instructions regarding voluntary  
2                    acknowledgment of paternity reasonably necessary to assist a birthing hospital or  
3                    voluntary paternity establishment service entity in its duties under this chapter.
- 4           3.    In cooperation with the state department of health, secure information on each  
5                    voluntary paternity establishment service entity's and each birthing hospital's  
6                    paternity acknowledgment program at least annually.
- 7           4.    In cases involving applications for child support services made to a child support  
8                    agency which require paternity establishment, determine if a voluntary paternity  
9                    acknowledgment has been filed with the state department of health.
- 10          5.    Assure that the same procedures governing birthing hospitals apply to voluntary  
11                    paternity establishment service entities, including use of the same notice  
12                    provisions, the same materials, the same evaluation methods, and the same  
13                    training for personnel.

14           **SECTION 19.** A new section to chapter 20.1-03 of the North Dakota Century Code is  
15 created and enacted as follows:

16           **Social security number to be furnished.** The social security number of an applicant  
17 for any license or permit issued under this chapter must be recorded on the application unless  
18 the applicant is a foreign national to whom no social security number has been issued. A social  
19 security number recorded under this section is exempt from section 44-04-18 and section 6 of  
20 article XI of the Constitution of North Dakota.

21           **SECTION 20. AMENDMENT.** Section 39-06-07 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23           **39-06-07. Application for license or instruction permit.**

- 24           1.    Every application for an instruction permit or for an operator's license must be  
25                    made upon a form furnished by the director.
- 26           2.    Every application must state the full name, date of birth, sex, social security  
27                    number, residence and mailing address, and briefly describe the applicant. In  
28                    signing the application the applicant is deemed to have certified that all information  
29                    contained on the application is true and correct. The application must be  
30                    accompanied by the proper fee. The application must also provide for the  
31                    voluntary identification of the applicant as a donor under the provisions of chapter

1           23-06.2. The application must contain such other information as the director may  
2           require.

3           3. Whenever an application is received from a person previously licensed in another  
4           jurisdiction, the director may request a copy of the driver's record from such other  
5           jurisdiction. When received, the driving record becomes a part of the driving  
6           record in this state with the same force and effect as though entered on the driving  
7           record in this state in the original instance.

8           4. Whenever the director receives a request for a driving record from another  
9           licensing jurisdiction, the record must be forwarded without charge.

10          **SECTION 21. AMENDMENT.** Section 50-09-02.4 of the 1997 Supplement to the North  
11          Dakota Century Code is amended and reenacted as follows:

12          **50-09-02.4. (Effective July 1, 1999) State case registry.**

13          1. The statewide automated data processing system established under  
14          section 50-09-02.1 must include a registry that contains records with respect to:

15               a. Each child support case in which services are being provided by the state  
16               agency or a child support agency under title IV-D; and

17               b. Each child support order established or modified in this state on or after  
18               October 1, 1998.

19          2. The case records must use standardized data elements for both parents and  
20          contain other information the secretary requires.

21          3. Each case record concerning a case with respect to which services are being  
22          provided by the state agency or a child support agency under title IV-D must:

23               a. Include payment records consistent with the requirements of title IV-D, which  
24               include:

25                       (1) The amount of current monthly or other periodic support owed under  
26                       the order and other amounts, including arrearages, interest, late  
27                       payment penalties, fees, and amounts determined under  
28                       section 14-09-09.30, due or past due under the order;

29                       (2) Any amount described in paragraph 1 that has been collected;

30                       (3) The distribution of collected amounts;

- 1 (4) The birthdate and the social security number of any child for whom an
- 2 order requires the provision of support; and
- 3 (5) The amount necessary to satisfy any lien imposed under chapter 35-34
- 4 or established as a judgment lien under section 14-08.1-05.
- 5 b. Be established, maintained, updated, and monitored on the basis of:
- 6 (1) Information on administrative actions and administrative and judicial
- 7 proceedings and orders relating to paternity and child support;
- 8 (2) Information obtained from comparison with federal, state, and local
- 9 sources of information;
- 10 (3) Information on child support collections and distributions; and
- 11 (4) Any other relevant information.

12 **SECTION 22. AMENDMENT.** Subdivision h of subsection 1 of section 50-09-08.2 of  
13 the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 14 h. Enter into agreements with financial institutions doing business in the state,  
15 and with the assistance, or through the agency, of the secretary, with financial  
16 institutions doing business in two or more states:
  - 17 (1) To develop and operate, in coordination with those financial institutions,  
18 a data match system, using automated data exchanges to the  
19 maximum extent feasible, in which each such financial institution is  
20 required to provide in each calendar quarter the name, record address,  
21 social security number or other taxpayer identification number, and  
22 other identifying information for each noncustodial parent who  
23 maintains an account at such financial institution and who owes past  
24 due support, as identified by the state agency by name and social  
25 security number or other taxpayer number; and
  - 26 (2) Under which such financial institution, in response to a notice of lien or  
27 an execution, will encumber or surrender, as the case may be, assets  
28 held by such institution on behalf of any noncustodial parent who is  
29 subject to a lien for unpaid child support.

30 **SECTION 23. AMENDMENT.** Section 50-09-08.3 of the 1997 Supplement to the North  
31 Dakota Century Code is amended and reenacted as follows:

1           **50-09-08.3. Administrative enforcement in interstate cases.** In acting as the official  
2 agency of the state in administering the child support program under title IV-D, the state  
3 agency, directly or through agents and county agencies:

- 4           1. ~~Shall respond within five business days of receipt of a request made by another~~  
5 ~~state to enforce a child support order~~ use high-volume automated administrative  
6 enforcement, to the same extent as used in intrastate cases, in response to a  
7 request made by another state to enforce a child support order, and shall promptly  
8 report the results of such enforcement procedure to the requesting state;
- 9           2. May transmit requests, by electronic or other means, to other states ~~requests~~ for  
10 assistance in cases involving enforcement of child support orders which include  
11 information provided and intended to enable the receiving state to compare  
12 information about the case to information in the data bases of the receiving state,  
13 and which constitute a certification:
- 14           a. Of the amount of arrearages, if any, under the child support order; and  
15           b. That procedural due process requirements applicable to the case have been  
16           complied with;
- 17           3. In cases in which the state agency receives requests made by another state to  
18 enforce a child support order, shall not consider that matter a child support case  
19 transferred to this state; and
- 20           4. Shall maintain records of:
- 21           a. The number of requests for assistance made by other states;  
22           b. The number of cases in which this state collected support in response to  
23           requests made by other states; and  
24           c. The amount of support collected.

25 For purposes of this section, the term "high-volume automated administrative enforcement"  
26 means, in interstate cases, on request of another state, the identification, by this state, through  
27 automated data matches with financial institutions and other entities where assets may be  
28 found, of assets owned by persons who owe child support in another state, and the seizure of  
29 such assets, by this state, through levy or other appropriate processes.

30           **SECTION 24. AMENDMENT.** Section 50-09-08.5 of the 1997 Supplement to the North  
31 Dakota Century Code is amended and reenacted as follows:



1           **50-09-08.5. Securing assets to satisfy ~~past due~~ child support.** In acting as the  
2 official agency of the state in administering the child support program under title IV-D, in cases  
3 in which there is past due child support, the state agency may secure assets to satisfy any  
4 current support obligation and the past due amount by issuing writs of execution under chapter  
5 28-21. Those writs of execution may be used to secure or seize property including:

- 6           1. Periodic or lump sum payments from:
  - 7           a. An agency administering unemployment compensation benefits, workers'  
8           compensation benefits, or other benefits; and
  - 9           b. Judgments, settlements, and gaming proceeds otherwise belonging to the  
10           obligor, or payable upon the obligor's demand;
- 11          2. Assets of the obligor held in financial institutions; and
- 12          3. Public and private retirement funds.

13           **SECTION 25. REPEAL.** Section 14-09-14 of the North Dakota Century Code is  
14 repealed.

15           **SECTION 26. REPEAL.** Section 14-09-27 of the North Dakota Century Code is  
16 repealed.

17           **SECTION 27. EFFECTIVE DATE.** Sections 10 and 26 of this Act are effective July 1,  
18 1999.

19           **SECTION 28. EMERGENCY.** Sections 10 and 26 of this Act are declared to be an  
20 emergency measure.