

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2301
(Senators J. Lee, Brown)
(Representatives Boucher, Devlin, Price, Weisz)

AN ACT to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to child support enforcement; to amend and reenact subsection 3 of section 50-01.2-03.2 and sections 50-03-10 and 50-09-15.1 of the North Dakota Century Code, relating to administration of the child support enforcement program; to provide for a child support enforcement task force; to provide a statement of legislative intent; to provide a continuing appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code is amended and reenacted as follows:

3. Notwithstanding any other provisions of law, the department shall reimburse county social service boards for expenses of locally administered economic assistance programs in counties in which more than twenty percent of the caseload for these programs consists of people who reside on a federally recognized Indian reservation or property tax-exempt tribal trust lands. The reimbursement must be such that:
 - a. An affected county's expenses for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at ~~ninety~~ one hundred percent;
 - b. Each calendar year the affected counties will receive quarterly allocations based on the actual county expenses for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date; and
 - c. The reimbursement will be calculated for each county and reported to the county social service board prior to August first of the year preceding the allocation.

SECTION 2. AMENDMENT. Section 50-03-10 of the North Dakota Century Code is amended and reenacted as follows:

50-03-10. County commissions to make recommendations. Before August first of each year, the boards of county commissioners of the counties shall make a collective recommendation to the department concerning the distribution between counties, of the social service block grant funds; ~~and the general fund equivalents of social service block grant funds, and child support incentive funds~~ available to the department for distribution to county social service boards. The department shall consider the recommendation of the county commissioners in determining the distribution to the county social service boards, in the following calendar year, of the social service block grant funds; ~~and the general fund equivalents of social service block grant funds, and child support incentive funds~~ available to the department for that purpose. The department shall distribute child support incentive funds according to a formula that promotes performance and consistency in child support enforcement activities throughout the state.

SECTION 3. AMENDMENT. Section 50-09-15.1 of the North Dakota Century Code is amended and reenacted as follows:

50-09-15.1. Child support incentives improvement account - Continuing appropriation.

The child support ~~incentives improvement~~ account is established as a special account in the state treasury. ~~One~~ Five percent of the total amount of child support incentive payments paid to the state by the office of child support enforcement of the United States department of health and human services must be deposited into the child support ~~incentives improvement~~ account. ~~The state agency, within the limits of legislative appropriation, shall distribute the moneys in the child support incentives account as grants to organizations determined eligible by the state agency for the purpose of providing child support related education of and training for individuals involved in child support enforcement. The state agency, prior to distributing the moneys in the child support incentives account, shall invite comments regarding the distribution of the moneys from representatives of the North Dakota state's attorneys association and regional child support offices and other interested persons. The funds in the child support improvement account, the balance of the child support incentives account on the effective date of this Act, and any matching federal funds received by the state agency are appropriated on a continuing basis for the sole purpose of producing increases in child support collections, federal child support incentives, or other revenue or savings to the state agency, or reductions in unpaid child support, that exceed the total amount of improvement funds expended. Improvement funds may be used to sponsor training and publications that promote child support enforcement activities. The state agency shall develop and maintain a business plan that defines the goals and objectives of the child support enforcement program, identifies methods to increase child support collections or reduce unpaid child support, and outlines the process for evaluating progress toward the goals and objectives in the business plan. The state agency must maintain a record of its use of improvement funds and the anticipated result from the use of the funds. Improvement funds may only be used for activities that are included in the business plan maintained under this section.~~

SECTION 4. A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

Administration of child support enforcement activities. The state agency shall identify any activity of the child support enforcement program the state agency believes may be administered more effectively, efficiently, or consistently through an agreement between two or more child support agencies or through an agreement for centralized administration under section 50-09-33 and shall direct a child support agency to enter an agreement to perform that activity on terms prescribed by the state agency. The department may not pay any incentive funds to a county or a child support agency that does not enter an agreement under this section. Any attorney performing an activity under this section represents the state and shall obtain an appointment from the attorney general under section 54-12-08.

SECTION 5. CHILD SUPPORT ENFORCEMENT TASK FORCE. The state agency shall convene a child support enforcement task force that includes two members of the legislative assembly appointed by the chairman of the legislative council and representatives from the state agency, the counties, and the judicial system. The state agency shall extend invitations to representatives from Indian tribes. The task force shall study the organizational and programmatic structure of the child support enforcement program to determine how to enhance service delivery, improve performance, and increase efficiencies. The study must consider the impact on customers, the effect on Indian counties, and the fiscal effect on counties and the state. The findings and recommendations, together with any legislation required to implement the recommendations, must be presented by the state agency to the sixtieth legislative assembly.

SECTION 6. LEGISLATIVE INTENT - OPERATIONAL EFFICIENCIES. It is the intent of the legislative assembly that the authority granted to the department of human services in section 4 of this Act for administration of child support enforcement be exercised to increase child support collections or operational efficiencies such as maximization of federal incentive funds, optimal distribution of staff at the state office and regional offices, improvements in automation, and specialization of staff. The department of human services and North Dakota human resource management services shall review the classification and compensation of all state and county employees engaged in child support enforcement activities.

SECTION 7. EXPIRATION DATE. Section 5 of this Act is effective through June 30, 2007, and after that date is ineffective.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2301.

Senate Vote: Yeas 36 Nays 9 Absent 2

House Vote: Yeas 61 Nays 32 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,
at _____ o'clock _____ M.

Secretary of State