

**BEFORE THE
ADMINISTRATIVE RULES COMMITTEE
OF THE
NORTH DAKOTA LEGISLATIVE COUNCIL**

N.D. Admin. Code Chapter)	<u>REPORT OF THE</u>
75-02-04.1, Child Support)	<u>DEPT. OF HUMAN SERVICES</u>
Guidelines)	March 9, 2010
(Pages 189-195))	

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For its report, the North Dakota Department of Human Services states:

1. The proposed amendment to N.D. Admin. Code chapter 75-02-04.1 is in response to section 2 of 2009 HB 1329 which amended North Dakota Century Code section 14-09-09.7 to provide that the guidelines must exclude consideration of atypical overtime wages or nonrecurring bonuses over which an obligor does not have significant influence or control.
2. These rules are not related to changes in a federal statute or regulation.
3. The Department of Human Services uses direct and electronic mail as the preferred ways of notifying interested persons of proposed rulemaking. The Department uses a basic mailing list for each rulemaking project that includes the county social service boards, the regional human service centers, Legal Services offices in North Dakota, all persons who have asked to be on the basic list, and internal circulation within the Department. Additionally, the Department constructs relevant mailing lists for specific rulemaking. The Department also places public announcements in all county newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state where the proposed

rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing.

The Department conducts public hearings on all substantive rule-making. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a re-drafted rule incorporating any changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on October 29, 2009. The record was held open until 5:00 p.m. on November 9, 2009, to allow written comments to be submitted. None were received. A summary of comments is attached to this report.
5. The cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$1,895.08.
6. The proposed rules amend chapter 75-02-04.1. The following specific changes were made:
 - Section 75-02-04.1-01. Section 75-02-04.1-01 is amended to exclude atypical overtime wages or nonrecurring bonuses over which an employee does not have significant influence or control from the definition of "gross income".
 - Section 75-02-04.1-09. Section 75-02-04.1-09 is amended to remove atypical overtime wages or nonrecurring bonuses over which the obligor does not have significant influence or control from the list of criteria for rebuttal of the guideline amount.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The rule amendments may have an impact on the regulated community in excess of \$50,000. A regulatory analysis was prepared and is attached to this report.
8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.
9. A constitutional takings assessment was prepared and is attached to this report.
10. These rules were not adopted as emergency (interim final) rules.

Prepared by:

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