

**Testimony**  
**Senate Bill 2244 - Department of Human Services**  
**Senate Industry, Business, and Labor Committee**  
**Senator Jerry Klein, Chairman**

January 27, 2021

Chairman Klein and members of the Industry, Business, and Labor Committee, I am Jim Fleming, the director of the Child Support Division of the North Dakota Department of Human Services and I appear today to seek an amendment to Senate Bill 2244 that would expand Child Support's exemption from sheriff's fees.

A little more than two years ago, the Department opened a dialogue with the North Dakota Association of Counties with the hope of extending the exemption from sheriff's fees in public assistance cases to apply to all cases being enforced by Child Support. Some counties at that time did not charge fees to Child Support in any cases. However, given the difference among the counties in the current billing practices of sheriffs, we agreed it would be best to first update the law to make billing practices more consistent statewide and to reflect the current expectations of state's attorneys in child support cases. Child Support is very grateful for the support of North Dakota's county sheriffs in establishing and enforcing child support, and we did not pursue legislation this session to eliminate the fee, but the proposed 250% increase in sheriff's fees compels us to testify on this bill.

Child Support is exempt from many fees charged by the state or political subdivisions, including county recorders. North Dakota Century Code Section 50-09-30. Clerks of court do not charge filing fees for the state or political subdivisions. North Dakota Century Code Section 27-05.2-03. Child Support is exempt from sheriff's fees in public assistance cases, but still pays fees in non-public assistance cases. North Dakota Century Code Section 14-08.1-04.

For the current biennium, the total fees that Child Support pays to sheriffs in North Dakota are estimated at just under \$17,000 per biennium, which would grow to

roughly \$42,500 under Senate Bill 2244. This is not an increase that is included in the proposed budget for Child Support in House Bill 1012. Considering that the state assumed responsibility for county administration of child support in 2007 at a property tax savings of many millions of dollars per year for counties, we thought two years ago and still think it would be reasonable to ask for Child Support to be exempt from all sheriff's fees, and therefore request consideration of the attached amendment.

Thank you, Mr. Chairman, and I would be glad to respond to any questions the committee may have.

PROPOSED AMENDMENTS TO SENATE BILL 2244

Page 1, line 1, replace the second “and” with a comma

Page 1, line 1, after “11-15-08” insert “, and 14-08.1-04”

Page 2, after line 24, insert:

**“SECTION 3. AMENDMENT.** Section 14-08.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**14-08.1-04. Duty of child support agency - Sheriff's fees.**

The child support agency shall commence any appropriate action or proceeding under sections 14-08.1-02 and 14-08.1-03. ~~Except for public assistance cases as determined by the child support agency, a~~ A sheriff may not charge ~~and~~ or collect service of process fees ~~consistent with~~ under section 11-15-07 from the child support agency.”

Renumber accordingly