

Sixty-second
Legislative Assembly
of North Dakota

Introduced by

1 A BILL for an Act to create and enact a new subsection to section 35-34-05 of the North
2 Dakota Century Code, relating to reimbursement for account liens; and to amend and
3 reenact section 35-34-10, subdivision h of subsection 1 of section 50-09-08.2, and
4 subsection 6 of section 50-09-35 of the North Dakota Century Code, relating to
5 reimbursement for transmitting funds for payment of child support; and to provide an
6 appropriation.

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

8 **SECTION 1.** A new subsection to section 35-34-05 is created and enacted as
9 follows:

10 Notwithstanding a freeze on an account under subsection two, the financial
11 institution may deduct and retain the sum of _____ from the obligor's account to
12 cover expenses involved in freezing the account.

13 **SECTION 2. AMENDMENT.** Section 35-34-10 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **35-34-10. Action to enforce lien.** In any case in which there has been a refusal or
16 neglect to pay child support, the child support agency, in addition to any other relief, may
17 enforce a lien arising under this chapter by demanding in writing the surrender of the
18 property, issuing an execution under chapter 28-21, or serving a deduction order under
19 section 50-09-35. The child support agency also may file an action in any court of
20 competent jurisdiction to enforce a lien under this chapter. The filing of an action does not
21 preclude the child support agency from pursuit of any other means of enforcement available
22 under state or federal law. A financial institution complying with a demand from the child

1 support agency to surrender property that is subject to an account lien under section
2 35-34-05 may first deduct and retain an additional sum of _____ from the obligor's account to
3 cover expenses involved in complying with the demand.

4 **SECTION 3. AMENDMENT.** Subdivision h of subsection 1 of section 50-09-08.2 of
5 the North Dakota Century Code is amended and reenacted as follows:

6 h. Enter into agreements with financial institutions doing business in the state,
7 and with the assistance, or through the agency, of the secretary, with
8 financial institutions doing business in two or more states:

9 (1) To develop and operate, in coordination with those financial institutions, a
10 data match system, using automated data exchanges to the maximum
11 extent feasible, in which each such financial institution is required to
12 provide in each calendar quarter the name, record address, social
13 security number or other taxpayer identification number, and other
14 identifying information for each noncustodial parent who maintains an
15 account at such financial institution and who owes past-due support, as
16 identified by the state agency by name and social security number or
17 other taxpayer number; ~~and~~

18 (2) Under which such financial institution, in response to a notice of lien or an
19 execution, will encumber or surrender, as the case may be, assets held
20 by such institution on behalf of any noncustodial parent who is subject to
21 a lien for unpaid child support; and

22 (3) Under which such financial institution, subject to the limits of available
23 appropriation, will be reimbursed by the state agency on a quarterly basis
24 for actual costs of participating in the data match or _____, whichever is
25 less, [minus] [in addition to] any amounts retained by the financial
26 institution under section 35-34-05, 35-34-10, or 50-09-35.]

27 **SECTION 4. AMENDMENT.** Subsection 6 of section 50-09-35 is amended and
28 reenacted as follows:

29 6. An income payer or financial institution may also withhold and retain an
30 additional sum of ~~three~~ _____ dollars from the obligor's account or from the
31 amount retained under section 14-09-09.34 to cover expenses involved in
32 transmitting payment.

1 **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the
2 general fund in the state treasury, not otherwise appropriated, the sum of _____, or so much
3 of the sum as may be necessary, and from special funds derived from federal funds and
4 other income the sum of _____, to the department of human services for the purpose of
5 reimbursing financial institutions for participating in a data match under subdivision h of
6 subsection 1 of section 50-09-08.2 for the biennium beginning on July 1, 2011, and ending
7 June 30, 2013.