

Introduced by

1 A BILL for an Act to amend and reenact subsection 1 of section 14-09-08.5, subsection 3 of
2 section 14-09-08.7, subsection 1 of section 14-09-08.8, and sections 14-09-08.9, 15.1-16-05,
3 and 40-57.3-03 of the North Dakota Century Code, relating to technical corrections and
4 improper, inaccurate, redundant, missing, or obsolete references.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 14-09-08.5 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. The child support agency shall provide written notice that a child support order
9 being enforced by the child support agency may be subject to review under
10 section ~~16 of chapter 148 of the 1989 Session Laws~~ or section 14-09-08.4. The
11 notice may be sent by first-class mail to the obligor and the obligee, at the
12 addresses they have most recently provided to the child support agency, at least
13 thirty-five days before the commencement of the review.

NOTE: Section 16 of Chapter 148 of the 1989 Session Laws expired October 1, 1993.

14 **SECTION 2. AMENDMENT.** Subsection 3 of section 14-09-08.7 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 3. If the child support agency has made a determination to seek an amendment in the
17 amount of child support, the notice must be mailed at least thirty-five days before
18 the date of a hearing on a motion for amendment made by the child support
19 agency under section ~~16 of chapter 148 of the 1989 Session Laws~~ or section
20 14-09-08.4, and must inform the obligor and the obligee of the right of each to
21 challenge that determination by opposing that amendment before the court. The
22 notice to the obligor must be accompanied by:

- 1 a. A proposed modification of the child support order to provide for payment of
- 2 child support in the amount required under the child support guidelines;
- 3 b. A document by which the obligor may consent to the proposed modification;
- 4 and
- 5 c. An address and telephone number ~~which~~ that the obligor may ~~contact~~ use to
- 6 receive information from or schedule a meeting with representatives of the
- 7 child support agency.

8 **SECTION 3. AMENDMENT.** Subsection 1 of section 14-09-08.8 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 1. Upon a determination by a child support agency, made under section ~~14-09-08.8~~
- 11 ~~chapter 148 of the 1989 Session Laws or section~~ 14-09-08.4, that it may or must
- 12 seek amendment of a child support order, the child support agency may file and
- 13 serve a motion and supporting documents.

14 **SECTION 4. AMENDMENT.** Section 14-09-08.9 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **14-09-08.9. Request for review - Notice of right to request review.** An obligor or an
17 obligee may request review under section ~~14-09-08.9~~ ~~chapter 148 of the 1989 Session Laws or~~
18 ~~section~~ 14-09-08.4, by applying to the child support agency for child support services, and
19 indicating, in the manner there provided, a desire to have a child support order reviewed. Each
20 judgment or order issued by a court in this state which includes an order for child support must
21 include a statement advising of the right to request a review under this section. If a party to a
22 child support matter is receiving services from the child support agency and an order for current
23 child support has issued out of that matter, the child support agency shall provide notice of the
24 right to request a review or further review of that child support order, to the obligor and obligee,
25 not more than three years after the most recent child support order, review of that child support
26 order, or notice of right to request a review of that child support order.

27 **SECTION 5. AMENDMENT.** Section 15.1-16-05 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **15.1-16-05. Education factfinding commission - Rules - Powers.** The education
30 factfinding commission may adopt rules. The commission and any factfinder appointed by the

1 commission have, in the performance of their duties, the powers provided in sections ~~28-32-09~~,
2 ~~28-32-11~~, and ~~28-32-12~~ 28-32-33, 28-32-34, and 28-32-36.

NOTE: Sections 28-32-09, 28-32-11, and 28-32-12 were renumbered as Sections 28-32-33, 28-32-34, and 28-32-36 by enactment of 2001 S.L., ch. 293.

3 **SECTION 6. AMENDMENT.** Section 40-57.3-03 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **40-57.3-03. Budget - Contracts - Bonds - Capital construction.** The governing body
6 of the city shall annually set the budget, if any, under which the committee shall operate. The
7 governing body of the city may contract with any person, firm, association, corporation, or
8 limited liability company to carry out the purposes of the city visitors' promotion fund or the city
9 visitors' promotion capital construction fund created under section 40-57.3-02. The governing
10 body of the city may irrevocably dedicate any portion of revenues from the tax authorized under
11 section 40-57.3-01.1 and may authorize and issue bonds or other evidences of indebtedness in
12 the manner prescribed by section 40-35-08 to be paid by those revenues for any purpose that
13 moneys in the city visitors' promotion capital construction fund may be used; and such tax upon
14 being pledged to payment of bonds or evidences of indebtedness issued pursuant to this
15 section may not be reduced or repealed by the governing body or by the electors of the
16 municipality by any initiated amendment to or referendum of the ordinance referred to in section
17 40-57.3-01.1, so long as any of such bonds or evidences of indebtedness remain outstanding.
18 The proceeds from the tax imposed under section 40-57.3-01 may not be used for any type of
19 capital construction or purchase of real property. The proceeds from the tax imposed under
20 section 40-57.3-01.1 may be used only for payment of bonds issued, and the costs of issuance
21 related thereto, under this section or for tourism or capital construction, maintenance, and
22 repair or acquisition of property consistent with the purposes of this chapter.

NOTE: Attorney General letter opinion 2004-L-23 points out an irreconcilable conflict between Sections 40-57.3-02 and 40-57.3-03 and concludes that Section 40-57.3-03 should be interpreted to allow expenditures for tourism to be consistent with a 1997 amendment to Section 40-57.3-02.