

ASSEMBLY BILL NO. 69—COMMITTEE ON WAYS AND MEANS

FEBRUARY 6, 2001

Referred to Concurrent Committees on Judiciary
and Ways and Means

SUMMARY—Imposes fee each time employer withholds income for payment of support for child. (BDR 3-110)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to children; imposing a fee each time an employer withholds income for the payment of support for a child; providing for the collection and administration of that fee; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 31A of NRS is hereby amended by adding thereto
2 a new section to read as follows:

3 *1. The state treasurer shall charge an obligor a fee of \$2 for each*
4 *withholding of income for the payment of support made by an employer*
5 *pursuant to this chapter.*

6 *2. All such fees received by the state treasurer from employers*
7 *pursuant to NRS 31A.080 must be accounted for separately in the state*
8 *general fund.*

9 *3. The account created pursuant to subsection 2 must be*
10 *administered by the state welfare administrator. The money in the*
11 *account must be distributed among the welfare division and the district*
12 *attorneys of the respective counties of this state pursuant to regulations*
13 *adopted by the state welfare administrator pursuant to NRS 425.365.*

14 **Sec. 2.** NRS 31A.070 is hereby amended to read as follows:

15 31A.070 1. The enforcing authority shall mail, by first-class mail, a
16 notice to withhold income to an obligor's employer:

17 (a) If the provisions of subsection 2 of NRS 31A.025 apply,
18 immediately upon determining that the obligor is delinquent in the payment
19 of support; or

20 (b) If the provisions of subsection 2 of NRS 31A.025 do not apply,
21 immediately upon the entry of the order of support.



* A B 6 9 R 1 *

1 2. If an employer of an obligor does not begin to withhold income
2 from the obligor after receiving the notice to withhold income that was
3 mailed pursuant to subsection 1, the enforcing authority shall mail, by
4 certified mail, return receipt requested, another notice to withhold income
5 to the employer.

6 3. A notice to withhold income may be issued electronically and must:

7 (a) Contain the social security number of the obligor;
8 (b) Specify the amount to be withheld from the income of the obligor;
9 (c) Specify the ~~{amount of the fee}~~ *amounts of the fees* authorized in
10 NRS 31A.090 ~~{for the employer;}~~ *and section 1 of this act;*

11 (d) Describe the limitation for withholding income prescribed in NRS
12 31.295;

13 (e) Describe the prohibition against terminating the employment of an
14 obligor because of withholding and the penalties for wrongfully refusing to
15 withhold pursuant to the notice to withhold income;

16 (f) Specify that, pursuant to NRS 31A.160, the withholding of income
17 to enforce an order of a court for child support has priority over other
18 proceedings against the same money; and

19 (g) Explain the duties of an employer upon the receipt of the notice to
20 withhold income.

21 **Sec. 3.** NRS 31A.080 is hereby amended to read as follows:

22 31A.080 An employer who receives a notice to withhold income shall:

23 1. Withhold the amount stated in the notice from the income due the
24 obligor beginning with the first pay period that occurs within 14 days after
25 the date the notice was mailed to the employer and continuing until the
26 enforcing authority notifies him to discontinue the withholding;

27 2. Deliver the money withheld to the enforcing authority within 7 days
28 after the date of each payment of the regularly scheduled payroll of the
29 employer; ~~{and}~~

30 3. Notify the enforcing authority when the obligor subject to
31 withholding terminates his employment, and provide the last known
32 address of the obligor and the name of any new employer of the obligor, if
33 known ~~{}~~;

34 4. *Deduct from the amount paid to the obligor the fee set forth in*
35 *section 1 of this act; and*

36 5. *Deliver to the state treasurer, at least quarterly, all money*
37 *deducted as fees pursuant to subsection 4.*

38 **Sec. 4.** NRS 31A.090 is hereby amended to read as follows:

39 31A.090 1. A notice to withhold income is binding upon any
40 employer of an obligor to whom it is mailed. To reimburse the employer
41 for his costs in making the withholding, he may deduct \$3 from the amount
42 paid the obligor each time he makes a withholding.

43 2. If an employer receives notices to withhold income for more than
44 one employee, he may ~~{pay the}~~ *consolidate the amounts of money that*
45 *are payable to:*

46 (a) *The enforcing authority* ~~{the amounts withheld}~~ *and pay those*
47 *amounts* with one ~~{check, but he}~~ *check; and*

48 (b) *The state treasurer and pay those amounts with one check,*



* A B 6 9 R 1 *

1 *but the employer* shall attach to ~~the~~ *each* check a statement identifying ,
2 *by name and social security number*, each obligor for whom payment is
3 made and the amount transmitted for that obligor.

4 3. An employer shall cooperate with and provide relevant information
5 to an enforcing authority as necessary to enable it to enforce an obligation
6 of support. A disclosure made in good faith pursuant to this subsection
7 does not give rise to any action for damages resulting from the disclosure.

8 **Sec. 5.** NRS 425.365 is hereby amended to read as follows:

9 425.365 The administrator ~~may~~ :

10 1. *May* adopt such regulations and take such actions as are necessary
11 to carry out the provisions of this chapter.

12 2. *Shall adopt regulations governing the distribution of money in the*
13 *account created pursuant to section 1 of this act among the division and*
14 *the district attorneys of the respective counties of this state.*

15 **Sec. 6.** The amendatory provisions of this act apply to a withholding
16 of income for the payment of support for a child that is withheld on or after
17 July 1, 2001.

18 **Sec. 7.** This act becomes effective on July 1, 2001.

