

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1265

Introduced by

Representatives S. Kelsh, Grande, Klein, Klemin, Kretschmar

Senator Lyson

1 A BILL for an Act to amend and reenact section 14-05-24 of the North Dakota Century Code,
2 relating to divorce and the consideration of pension plans in the division of property and debts.

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

4 **SECTION 1. AMENDMENT.** Section 14-05-24 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-05-24. Division of property and debts.**

- 7 1. When a divorce is granted, the court shall make an equitable distribution of the
8 property and debts of the parties.
- 9 2. If one party to the divorce is covered by the civil service retirement system or other
10 government pension system in lieu of social security and is not entitled to receive full
11 social security benefits and the other party is a social security recipient, in making an
12 equitable distribution award, the court shall compute what the present value of the
13 social security benefits would have been to the party with the government pension
14 during the covered period and subtract that amount from the value of the government
15 pension in order to determine the government pension's marital portion.
- 16 3. The court may redistribute property and debts in a postjudgment proceeding if a party
17 has failed to disclose property and debts as required by rules adopted by the supreme
18 court or the party fails to comply with the terms of a court order distributing property
19 and debts.