

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1399

Introduced by

Representatives Looyesen, Beadle, Brabandt, Dockter, Kading, Klemin, Maragos, Ruby,
Steiner

Senators Casper, Larsen

1 A BILL ~~for an Act to amend and reenact section 14-05-24.1 of the North Dakota Century Code,~~
2 ~~relating to the termination of spousal support.~~for an Act to amend and reenact section
3 14-05-24.1 of the North Dakota Century Code, relating to termination of spousal support; to
4 provide for a legislative management study; and to provide for application.

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

6 ~~SECTION 1. AMENDMENT. Section 14-05-24.1 of the North Dakota Century Code is~~
7 ~~amended and reenacted as follows:~~

8 ~~14-05-24.1. Spousal support – Termination.~~

9 ~~1. Taking into consideration the circumstances of the parties, the court may require one~~
10 ~~party to pay spousal support to the other party for any period of time in accordance~~
11 ~~with this section. The court may modify its spousal support orders.~~

12 ~~2. Unless otherwise agreed to by the parties in writing, the court may order~~
13 ~~termination of spousal support upon the remarriage of the spouse receiving support.~~
14 ~~Immediately upon remarriage, the spouse receiving support shall provide notice of the~~
15 ~~remarriage to the payor spouse at the last known address of the payor spouse.~~

16 SECTION 1. AMENDMENT. Section 14-05-24.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 14-05-24.1. Spousal support.

19 1. Taking into consideration the circumstances of the parties, the court may require one
20 party to pay spousal support to the other party for any limited period of time in
21 accordance with this section. The court may modify its spousal support orders.

22 2. Unless otherwise agreed to by the parties in writing, spousal support is terminated
23 upon the remarriage of the spouse receiving support. Immediately upon remarriage.

1 the spouse receiving support shall provide notice of the remarriage to the payor
2 spouse at the last known address of the payor spouse.

3 3. Unless otherwise agreed to by the parties in writing, upon an order of the court based
4 upon a preponderance of the evidence that the spouse receiving support has been
5 habitually cohabiting with another individual in a relationship analogous to a marriage
6 for one year or more, the court shall terminate spousal support.

7 4. Subsections 2 and 3 do not apply to rehabilitative spousal support.

8 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT.** During the
9 2015-16 interim, the legislative management shall consider studying the types of spousal
10 support ordered by the district courts and the desirability of providing statutory guidance for
11 awards of spousal support. The legislative management shall report its findings and
12 recommendations, together with any proposed legislation required to implement the
13 recommendations, to the sixty-fifth legislative assembly.

14 **SECTION 3. APPLICATION.** Subsection 2 of section 1 of this Act applies to any spousal
15 support order, regardless of date of issuance, but applies only to spousal support payments
16 accruing after the effective date of this Act. Subsection 3 of section 1 of this Act applies to any
17 spousal support order, regardless of the date of issuance, but applies only to spousal support
18 payments accruing after a court order for termination of spousal support.