

2021 HOUSE HUMAN SERVICES

HB 1254

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1254
1/20/2021

Relating to spousal support

Chairman Weisz opened the hearing at 2:07 p.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Eighteen-year spousal support limit
- Termination upon remarriage
- Rehabilitative spousal support

Rep. Steve Vetter, District 18 (2:07) introduced the bill, testified in favor, and submitted testimony #1985.

Joe Sheehan, Bismarck (2:24) testified in favor and submitted testimony #1992.

Chairman Weisz adjourned at 2:33 p.m.

Tamara Krause, Committee Clerk

Hi my name is Representative Steve Vetter I represent District 18 which encompasses part of North Grand Forks, a part of South Grand Forks, the airbase and a small rural area. I stand here in support of House Bill 1258.4

HB 1258 deals with the issue of spousal support. It ends lifetime spousal support. A constituent brought this issue to my attention. I never knew that there was lifetime spousal support. This bill does two things. It caps the limit of time one can receive spousal support to 18 years and it does not allow the original judgment to be increased later on based on future events.

"Alimony dates back to English common law and traditionally was based on the assumption that husbands had a duty to support their wives until death, according to Mary Kay Kisthardt, a professor of law at the University of Missouri–Kansas City." *Id.*

If you read the current statute, you will notice the language says "Taking into consideration the circumstances of the parties, the court may require one party to pay spousal support to the other party for a limited period of time in accordance with this section." How did they interpret 'a limited period of time' to include lifetime spousal support? It appears to me the intent of this law was what it says, a limited amount of time. HB 1258 caps this 'limited amount of time' 18 years.

Once a divorce is settled, the amount of spousal support is based on their marriage and past life together. The future should have no bearing of a

judgement based on their past experience. Tell a story. Try your luck at the Spousal lottery.

When two people get divorced, lifetime spousal support bonds those two people that don't get along together for life. How can that be a good thing/ We live in a different world and spousal support laws should reflect that.

SANDSTROM, Justice, dissenting.

[¶ 33] I respectfully dissent.

[¶ 34] It is time to end the spousal support lottery.

[¶ 35] Robert and Tiffany Stock are relatively young people, 36 and 35 years old at the time of the divorce, and in good health. They were married for 14 years, and yet the court ordered they be yoked together, based on his life expectancy, for the next 42 years by a permanent award of spousal support. Unless she chooses to end it by remarriage, he will have a duty to pay spousal support for three times the length of the marriage, a payout of more than \$2.5 million.

[¶ 36] While the payout here is in the millions, it could have been zero. Or it could have been for this Court's stated preference of rehabilitative support, perhaps for three years, rather than for the lifetime ordered here.

[¶ 37] The result here could have been substantially different had the parties had a different judge, or possibly even the same judge on a different day.

[¶ 38] The Wall Street Journal has reported on efforts across the country to impose rational limits on spousal support. See Arian Campo-Flores, *New Checks on Alimony Pay: Florida, Other States Move to End Lifetime Spousal Support, Sparking Debate*, The Wall Street Journal, April 17, 2013, at A3.

The article began with a case parallel to this one:

When Hector Torres got divorced in 2001, he said he felt blindsided by the alimony a Florida judge ordered him to pay his ex-wife: \$2,000 a month for the rest of his life. He was 34 years old at the time, meaning he faced the

prospect of four or five decades of payments after a 13-year marriage. "It was so mind-boggling to me," said Mr. Torres, now 46, a Web designer in Miami.

Now he is hoping a bill moving through the Florida legislature will offer him relief. The measure, which was passed by the state Senate and awaits a vote in the House this week, generally would end permanent alimony and create formulas to determine the amount and duration of awards.

Id. The Journal reported that the Florida proposal would limit spousal support to one-half the duration of the marriage and would cap the amount at 38% of the payer's monthly gross income for marriages of 20 years or more, with less for shorter marriages. *Id.*

[¶ 39] The Journal reported a similar law took effect in Massachusetts in 2012, and similar bills were pending in New Jersey, Connecticut, Colorado, and Oregon. The Journal noted the problems with "tethering" of ex-spouses and "wildly disparate" judgments:

Supporters [of reform] say alimony laws in many states tether former spouses indefinitely and are outdated at a time when women make up 47% of the labor force. They also complain that judges have too much leeway to fashion awards, yielding wildly disparate judgments.

"Divorce is supposed to separate your lives," said Robin DesCamp, president of Oregon Alimony Reform, whose husband pays spousal support to his ex-wife. "Alimony does not allow you to do that. It keeps a woman dependent."

Id.

[¶ 41] In 1979, the United States Supreme Court said gender-based spousal support was unconstitutional. *Orr v. Orr*, 440 U.S. 268, 99 S.Ct. 1102, 59 L.Ed.2d 306 (1979). Nevertheless, opponents of reform continue to make gender-based arguments. Wall Street Journal, *supra*.

[¶ 42] Although currently successful family-law lawyers may be expected to oppose reform of the present expensive system, Massachusetts' reform was supported by its state bar association and created detailed formulas for

alimony awards. *Id.*

"It has become a model for states all over the country," said Steve Hitner, president of Massachusetts Alimony Reform. "We're getting a certain amount of consistency and predictability from courts."

Id. Reform of our spousal support law can include exceptions for medical disability while bringing rationality and consistency.

[¶ 43] I have a definite and firm conviction a mistake has been made here, and I would reverse and remand for that reason. But the spousal support lottery can best be addressed structurally by timely legislation.

This bill attempts to start the process of reforming our spousal support system. There is more that could be done but this bill is a good start to the reform that is needed in our state. I would ask that you consider giving HB 1258 a DO PASS recommendation.

I will stand for questions. Thank you.

DATE: January 18, 2021

TO: North Dakota Human Services Committee

FROM: Joe Sheehan

RE: Testimony for HB 1254

Dear Mr. Chairman Weisz and members of the Human Services Committee

I am testifying in favor of HB 1254 and the necessary changes this bill offers to protect North Dakota families in the future. In the current law, 14-05-14.1, the district courts have nearly unlimited authority to award life time spousal support, change spousal support to life time after the original judgement, and raise the support originally awarded based on new financial circumstances after the divorce. Under the current law, the district courts have the power to tether divorced spouses together in life time conflict that is unhealthy and bleeds out the family' future. It bleeds out the financial future for the family while making attorneys tens upon tens of thousands of dollars.

In 2014, I left my marriage. I was not perfect in our marriage, but my ex-wife also had an undisclosed mental illness. We were not healthy partners and we were damaging to our family. I believe there is a need for spousal support. My ex-wife already attained her Master's degree and a career. However she became a stay at home mom after our 2nd daughter was born. She was a stay at home mom for about 7 years before we separated. I believe I made every attempt to settle our divorce outside of the court. My offer included more than 90% of our assets and spousal support for a period of time that would allow her to renew any certifications or get a new education to support herself. She refused this offer. She refused to settle. She preferred to take it to the court to see if she could get a lifetime award.

The court battle drug on from the divorce filing in 2014 to a trial date of June 2016. In the end, she was awarded life time spousal support. However, the court costs were astronomical. We were ordered to sell a Florida condo, worth about \$235,000 to pay our attorney fees. This equaled nearly 30% of our family wealth. I grieve the loss of opportunity to my children. To pay this to attorney's instead of my daughters' college educations still pains me.

Most of my career I have been paid on commission. My industry, the mortgage industry, ebbs and flows on Federal Reserve actions and economic cycles. At the time of my divorce, I enjoyed one of the largest booms in my industry. However, the Federal Reserve starting changing policy in 2016 and as business in my sector contracted so did my income. By January of 2018 my income had fallen to less than half of what it was the year the divorce was filed. After my child support and spousal support were drawn, I had enough money to pay my house payment and approximately \$890 to pay all bills and buy food for myself and my daughters, whom I have 50% of the time.

I was advised by my attorney that I couldn't apply for a review until I could prove the change in my income was permanent. I finally filed for review in October 2018. The court date was set for August of 2019. I received the modification to reduce my support at the beginning of 2020. I was forced to live on \$890 for more than 26 months. I amassed more than \$50000 in additional court costs and nearly drained what was left of my retirement. Again, I offered to settle. One such settlement included additional money from my retirement and 10% of my income going forward. My intention was to keep the money in my family instead of giving it to attorneys. Again my ex-wife refused to settle, in the absence of good law that incentivizes the parties to settle, why not try your chances in court? Since 2014 the fight over spousal support has squandered my children's future and my family has been in court for more than half of the past 6 years. Our lives have been riddled with tension between myself, my ex-wife and my children. As long as we have a persistent and inevitable court fight to look forward to there is no real peace.

We try to move on from the past and get closure, but this difficult when you are permanently shackled to your past. I am really afraid of being more successful. More income will mean another review. It will mean more time in court. It will mean more resources spent on lawyers instead of my children. It will mean more tension and pain for my daughters. I would like to move forward and build a new life with my fiancé, but I never know how much money I will have. When I get reviewed, will the court award the original amount of support? Will the court increase that original amount to also make me match the old child support amount? The uncertainty makes it impossible for my family to plan a future for college educations, a new marriage, retirement etc. etc.

I ask this committee to support HB 1254 to change the law because the current law is not fair, and it tethers and entangles couples together permanently in unhealthy conflict. It incentivizes going to court to play the "spousal support lottery" (quote from Justice Sandstrom) instead of settling outside of court. My friend Monte Rogneby, the attorney that argued that case, said to me, "Joe every spousal support claim is at least a million dollar claim. In the absence of predictability it is malpractice to settle." I further implore this committee to consider amendments to the bill that keep the court from raising awards beyond the original court decision for any existing decision. I know Monte offered Representative Steve Vetter possible language the committee might use to make this minor and very meaningful change to bring specificity to the law. Specificity to the law will encourage parties to settle. This law will keep financial resources in families to be used for the children's future. The outcome of the current law is endless reviews as financial situations change and the bleeding of family resources into the pockets of attorneys while closure on the traumatic end of a marriage is denied.

Respectfully

Joe Sheehan

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1254
1/20/2021 324 PM

Relating to spousal support

Chairman Weisz opened the hearing at 3:24 p.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Payment time length
- Original monetary amount

Rep. Bill Tveit made a motion for **Do Not Pass**

Rep. Kathy Skroch seconded the motion.

Representatives	Vote
Representative Robin Weisz	N
Representative Karen M. Rohr	N
Representative Mike Beltz	Y
Representative Chuck Damschen	Y
Representative Bill Devlin	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	N
Representative Dwight Kiefert	Y
Representative Todd Porter	N
Representative Matthew Ruby	N
Representative Mary Schneider	Y
Representative Kathy Skroch	N

Representative Bill Tveit	Y
Representative Greg Westlind	Y

Motion carried 8-6-0

Bill Carrier: Rep. Bill Tveit

Chairman Weisz adjourned at 3:41 p.m.

Tamara Krause, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1254: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1254 was placed on the Eleventh order on the calendar.

2021 SENATE HUMAN SERVICES

HB 1254

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

HB 1254
3/17/2021

A BILL for an Act to amend and reenact section 14-05-24.1 of the North Dakota Century Code, relating to spousal support.

Madam Chair Lee opened the hearing on HB 1254 at 10:42 a.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

Discussion Topics:

- Judicial discretion
- Child support
- Marriage and combined income
- Joint task force
- Ruff-Fischer guidelines

[10:43] Representative Steve Vetter, District 18. Introduced HB 1254 and provided the committee with testimony #9829 in favor as well as proposed amendment 21.0706.01004.

[11:05] Joe Sheehan, Bismarck Citizen. Provided testimony #9756 in favor.

[11:24] DeAnn Pladson, Attorney, Pladson Law Office. Provided testimony #9712 in opposition.

[11:39] Tony Weiler, Executive Director, State Bar Association of ND. Provided oral neutral testimony.

Additional written testimony: (3)

Mitchell S. Sanderson, Park River Resident. Written testimony #9642 in favor.

Jason McLean, Family Law Attorney, Fargo. Written testimony #9676 and #9677 in opposition.

Madam Chair Lee closed the hearing on HB 1254 at 11:42 a.m.

Justin Velez, Committee Clerk

Introduction

HB 1256 deals with reforms in the spousal support system. It ends the practice of lifetime spousal support. The bill cap the amount of time of spousal support to 18 years and it does not allow the amount to be increased above the original amount awarded at the time of the divorce settlement.

If you read the current statue, you will notice the language says "Taking into consideration the circumstances of the parties, the court may require one party to pay spousal support to the other party for a limited period of time in accordance with this section." How did they interpret 'a limited period of time' to include lifetime spousal support? It appears to me the intent of this law was what is says, a limited amount of time. HB 1258 caps this 'limited amount of time' to 18 years.

Once a divorce is settled, the amount of spousal support is based on their marriage and past life together. The future should have no bearing of a judgement based on their past experience. But why not come back every couple years and try your luck at the Spousal lottery. HB 1256 puts a stop to the spousal lottery by not allowing the amount to be raised in the future past the original amount.

When two people get divorced, lifetime spousal support bonds those two people that don't get along together for life. How can that be a good thing? We live in a different world and spousal support laws should reflect it.

One of the discussions that came up in the House is the discretion of the

the Ruff Fisher guidelines. The guidelines just list stuff to consider but don't give recommendations. These guidelines were created in 1952 and 1966. I think we can do better. This bill is important because it would give the direction to judges dealing with spousal support cases. We are the lawmakers, let's make the law.

Ruff/Fisher Guidelines: The respective ages of the parties; Their earning ability, duration of the marriage, conduct of the parties during the marriage, their station on life, the circumstances and necessities of each; their health and physical condition, financial circumstances by the property owned, its income producing capability and what was accumulated before of after the marriage; Such matters as may be material.

This bill puts a cap 18 years and doesn't allow the amount to go up sometime in the future past the original amount.

One of the arguments against is that this is about one case. There is a large number of cases dealing with spousal support but only some of the cases appeal and make it to the Supreme Court. However there is 30 or more cases in case law. And several recent cases in the Supreme Court Dronen v Dronen ; Havel v Havel ; Krueger v Krueger; Martire v Matire; Overland v Overland; Paulson v Paulson; Schmuck v Schmuck; Thornton v Klose; Walker v Walker; Weir v Weir

Some comments from Sandstrom's dissenting opinion in a somewhat recent case: Robert and Tiffany Stock are relatively young people, 36 and 35 years old at the time of the divorce, and in good health. They were married for 14 years, and yet the court ordered they be yoked together, based on his life expectancy, for the next 42 years by a permanent award of spousal support. Unless she chooses to end it by remarriage, he will have a duty to pay spousal support for three times the length of the

could have been for this Court's stated preference of rehabilitative support, perhaps for three years, rather than for the lifetime ordered here. The result here could have been substantially different had the parties had a different judge, or possibly even the same judge on a different day.

***I would like to propose an amendment that many of the opponents of the bill on the House side wanted in the bill. I believe reform of our spousal support law can include exceptions for medical disability while still bringing rationality and consistency to the law. That is why I would propose an amendment to the bill that does two things.

The amendment adds a disability exception to the cap of 18 years and it adds a study of the spousal support system to get additional input from interested parties, family law attorneys and legislators. I would ask if you would please consider adding this amendment as it makes the bill better. The amended bill would be a significant reform in the spousal support system in our state. It will save families thousands of dollars in legal fees.

This bill attempts to start the process of reforming our spousal support system. There is more that could be done but this bill is a good start to the reform that is needed in our state. I would ask that you consider giving HB 1256 a DO PASS recommendation.

I will stand for questions. Thank you.

Marriage dates back to English common law and traditionally was based on the assumption that husbands had a duty to support their wives until

When Hector Torres got divorced in 2001, he said he felt blindsided by the alimony a Florida judge ordered him to pay his ex-wife: \$2,000 a month for the rest of his life. He was 34 years old at the time, meaning he faced the prospect of four or five decades of payments after a 13-year marriage.

"Divorce is supposed to separate your lives," said Robin DesCamp, president of Oregon Alimony Reform, whose husband pays spousal support to his ex-wife. "Alimony does not allow you to do that. It keeps a woman dependent."

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1254

Introduced by

Representative Vetter

Senator Meyer

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

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

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

6 **14-05-24.1. Spousal support.**

- 7 1. Taking into consideration the circumstances of the parties, the court may require one
8 party to pay spousal support to the other party for a limited period of time not to
9 exceed eighteen years, in accordance with this section. Except in the event of a
10 debilitating injury or severe medical illness that prevents a spouse from caring for
11 oneself, a spousal award may not exceed eighteen years. The court may modify ~~its~~
12 spousal support orders but may not increase a spousal support award to an amount
13 higher than the originally ordered amount, except to correct clerical errors.
- 14 2. Unless otherwise agreed to by the parties in writing, spousal support is terminated
15 upon the remarriage of the spouse receiving support. Immediately upon remarriage,
16 the spouse receiving support shall provide notice of the remarriage to the payor
17 spouse at the last known address of the payor spouse.
- 18 3. Unless otherwise agreed to by the parties in writing, upon an order of the court based
19 upon a preponderance of the evidence that the spouse receiving support has been
20 habitually cohabiting with another individual in a relationship analogous to a marriage
21 for one year or more, the court shall terminate spousal support.
- 22 4. Subsections 2 and 3 do not apply to rehabilitative spousal support.

23 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT.** During the
24 2021-22 interim, the legislative management shall consider studying the types of spousal

- 1 support ordered by the district courts and the desirability of providing statutory guidance for
- 2 awards of spousal support to create a more equitable system similar to the child support
- 3 guidelines. The study must include a review of the frequency and duration of spousal support
- 4 awards that are entered in the state. The legislative management shall report its findings and
- 5 recommendations, together with any legislation required to implement the recommendations, to
- 6 the sixty-eighth legislative assembly.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1254

Page 1, line 2, after "support" insert "; and to provide for a legislative management study"

Page 1, line 8, remove the overstrike over "limited"

Page 1, line 8, remove "not to"

Page 1, line 9, remove "exceed eighteen years."

Page 1, line 9, after the period insert "Except in the event of a debilitating injury or severe medical illness that prevents a spouse from caring for oneself, a spousal award may not exceed eighteen years."

Page 1, after line 20, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT.

During the 2021-22 interim, the legislative management shall consider studying the types of spousal support ordered by the district courts and the desirability of providing statutory guidance for awards of spousal support to create a more equitable system similar to the child support guidelines. The study must include a review of the frequency and duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

DATE: March 16,2021

TO: North Dakota Senate Human Services Committee

FROM: Joe Sheehan

RE: Testimony for HB 1254

Dear Chairwoman Lee and members of the Human Services Committee

I am testifying in favor of HB 1254 and the necessary changes this bill offers to protect North Dakota families in the future. In the current law, 14-05-14.1, the district courts have nearly unlimited authority to award lifetime spousal support, change spousal support to life time after the original judgement, and raise the support originally awarded based on new financial circumstances after the divorce. Under the current law, the district courts have the power to tether divorced spouses together in lifetime conflict that is unhealthy and bleeds out the family's future. It bleeds out the financial future for the family while making attorneys tens upon tens of thousands of dollars.

In 2014, I left my marriage. I was not perfect in our marriage, but my ex-wife also had an undisclosed mental illness. We were not healthy partners, and we were damaging to our family. I believe there is a need for spousal support. My ex-wife already attained her Master's degree and a career. However, she became a stay at home mom after our 2nd daughter was born. She was a stay at home mom for about 7 years before we separated. I believe I made every attempt to settle our divorce outside of the court. My offer included more than 90% of our assets and spousal support for a period of time that would allow her to renew any certifications or get a new education to support herself. She refused this offer. She refused to settle. She preferred to take it to the court and see if she could get a lifetime award.

The court battle drug on from the divorce filing in 2014 to a trial date of June 2016. In the end, she was awarded lifetime spousal support. However, the court costs were astronomical. We were ordered to sell a Florida condo, worth about \$235,000 just to pay our attorney fees. This equaled nearly 30% of our family wealth. I grieve the loss of opportunity to my children. To pay this to attorney's instead of my daughters' college educations still pains me.

Most of my career I have been paid on commission. My industry, the mortgage industry, ebbs and flows on Federal Reserve actions and economic cycles. At the time of my divorce, I enjoyed one of the largest booms in my industry. However, the Federal Reserve starting changing policy in 2016 and as business in my sector contracted so did my income. By January of 2018, my income had fallen to less than half of what it was the year the divorce was filed. After my child support and spousal support were drawn, I had enough money to pay my house payment and approximately \$890 to pay all bills and buy food for myself and my daughters, whom I have 50% of the time.

I was advised by my attorney that I couldn't apply for a review until I could prove the change in my income was permanent. I finally filed for review in October 2018. The court date was set for August of 2019. I received the modification to reduce my support at the beginning of 2020. I was forced to live on \$890 for more than 26 months. I amassed more than \$50000 in additional court costs and nearly drained what was left of my retirement. Again, I offered to settle. One such settlement included additional money from my retirement and 10% of my income going forward. My intention was to keep the money in my family instead of giving it to attorneys. Again, my ex-wife refused to settle, in the absence of good law that incentivizes the parties to settle, why not try her chances in court? Since 2014 the fight over spousal support has squandered my children's future and my family has been in court for more than half of the past 6 years. Our lives have been riddled with tension between myself, my ex-wife and my children. As long as we have a persistent and inevitable court fight to look forward to there is no real peace.

We try to move on from the past and get closure, but this difficult when you are permanently shackled to your past. I am really afraid of being more successful (perverse incentive in reverse). More income will mean another review. It will mean more time in court. It will mean more resources spent on lawyers instead of my children. It will mean more tension and pain for my daughters. I would like to move forward and build a new life with my fiancé, but I never know how much money I will have. When I get reviewed, will the court award the original amount of support? Will the court increase that original amount to also make me match the old child support amount? The uncertainty makes it impossible for my family to plan a future for college educations, a new marriage, retirement etc. etc.

Since my testimony to the house, I have heard opposition to this bill state, "this is just one case and it doesn't happen very often". First, what does that have to do with whether this is good or bad law? Second, this assertion is not true. The North Dakota Supreme Court continues to revisit this issue as I will illustrate later. Is this where we want our Supreme Court spending time? Embroiled in the mix of individual families versus giving direction on wider broader issues facing justice in the state. Justice Sandstrom's dissenting opinion in *Stock vs. Stock* literally cites legislative reform as a critical necessity.

Regarding, "whether or not this is good law", I would like to assert the spousal support law is ill defined relying too much on the individual personalities of judiciary to apply discretion. Rather than being based on sound guidance in the law to create uniformity and fairness, each case is like a snowflake unique and wildly different from case to case driven by individual use of discretion and precedence. As Justice Sandstrom states, "the result could have been substantially different had the parties had a different judge, or possibly even the same judge on a different day" (*Stock vs. Stock*). Judges are not Lords or Kings meant to rule us with discretionary authority. The court is a steward of the laws written by the people to protect the people. Justices only apply discretion in the absence of good law. I am not lecturing you on your role, I am simply encouraging you to act with the full authority of the people to protect families and futures from imperfect and fallible individuals that should not have nearly unlimited

discretionary authority over the rest of our lives. We did not commit a capital crime; we tragically failed a marriage.

Secondly, I will address the idea that this is rare and that I am just one case. The North Dakota Supreme Court just heard oral arguments for Wilprecht vs Wilprecht in November of 2020. The court remanded the case back to the district court in December. Consequently, this family is still in conflict and hemorrhaging resources. In the meantime, the North Dakota Supreme Court just heard oral arguments on February 4th, 2021 for Kaspari vs Kaspari. The case law on spousal support cited in Kaspari vs Kaspari alone includes 21 prior spousal support cases as precedence. Seventeen of these cases tried since 2002 and eleven of them tried since 2008. Again, do we want our court's precious time spent revisiting never ending conflict over spousal support? Shouldn't there be some resolution and finality when the divorce opinion is finalized?

Furthermore, I will assert after many conversations with attorneys, the appeals are stifled due to the inadequacy of the law. The current scope of the law renders so much discretion to the district court the only justifiable reason for appeal is "abuse of discretion". Any attorney will tell you this is the hardest appeal to win. Attorneys are reluctant to appeal because proving the district court violated its discretion requires an obvious erroneous misapplication of a wide open law and past precedence. Furthermore, the supreme court isn't likely to overturn the lower court but remand the case back to the court. Even in cases where the Supreme Court may disagree with the decision by the lower court, it will not overturn the decision, but send the decision back to the court so that the judge can show his or her work differently. This is the case in Wilprecht vs Wilprecht. The supporter is still likely to have his support raised, the judge just needs to justify it differently. The money train to the attorneys just keeps rolling out of this family's pocket.

Finally, the current law contributes to what is called "perverse incentives". In other words, the supported spouse has an incentive to forgo self-improvement or advancement to the highest level of his or her potential. In my case, my ex-spouse held a master's degree in Counseling. She could have chosen to become a certified therapist. Therapists are in high demand and enjoy a standard of living similar to my current income. Instead, she chose to get a Master's in Education to become a part time guidance counselor at a private school. The Ruff-Fischer guidelines for spousal support are based on two North Dakota Supreme Court Cases in 1952 and 1958. The average lifespan in 1950 was 62 years old compared to today's lifespan of 79 years old. The Ruff – Fischer rules were written in a time of segregation in the south and the best career aspirations for women were very limited. Aren't we proud to live in a time that is different? We live in an age where the fastest growing home ownership demographic is single women. We have a country that has now realized a woman vice president and a black president. Certainly, spousal support is needed and should be required when appropriate for a "limited period of time" as our statute states. In the future women will increasingly be the primary breadwinner and will be required to pay support more frequently as they rapidly advance to careers in the medical field and build successful businesses. In any case, the support paid should be temporary

and rehabilitative as North Dakota law intends, not driven willy nilly, case to case by judicial precedence.

I ask the committee to support HB 1254 in support of children and future of families effected by divorce in North Dakota. This bill isn't about reducing support to the supporting party. It's about bringing clarity to the law so the wealth and resources that belong to a family and the future of it's children are not siphoned into the pockets of attorneys. I ask this committee to support HB 1254 to change the law because the current law is not fair, and it tethers and entangles couples together permanently in unhealthy conflict. It incentivizes going to court to play the "spousal support lottery" (Justice Sandstrom Stock vs Stock) instead of settling outside of court. My friend Monte Rogneby, the attorney that argued that case, said to me, "Joe every spousal support claim is at least a million-dollar claim. In the absence of predictability, it is malpractice to settle. Why not go to court and see what you can get"? Specificity to the law will encourage parties to settle. This law will keep more financial resources in the family to be used for the children's future. The outcome of the current law is endless reviews as financial situations change and family resources bleed into the pockets of attorneys while closure on the traumatic end of a marriage is denied.

Respectfully

Joe Sheehan



#9712

March 16, 2021

Honorable Judy Lee
State Capitol Building
600 East Boulevard Avenue
Bismarck, ND 55505

RE: HB 1254

Dear Senator Lee:

My name is DeAnn Pladson and I am an attorney practicing in the area of family law since 1992. I am writing in opposition to House Bill 1254 which relates to spousal support.

There is no doubt that our laws regarding spousal support should be carefully examined and possibly reconsidered. Spousal support claims are often litigated, resulting in varying decisions as to amount and duration. The lack of clarity in this area, makes it difficult to resolve these matters outside of court. However, HB 1254 does not address many concerns family law practitioners have, and will likely create new issues for those litigants needing spousal support for longer durations.

HB 1254 seeks to limit all spousal support awards so that they may not exceed 18 years. It is not clear why 18 years is proposed as the maximum term for spousal support, and the language of the proposed law is arbitrary. With this hard and fast rule, the court would be without discretion to determine if support for a longer term is warranted. I researched the spousal support laws in Minnesota, South Dakota, Montana, Wyoming, Delaware, Rhode Island, Maryland and Nebraska and none of those states cap spousal support at a set or defined number of years.

If HB 1254 is passed, the court would be required to terminate spousal support after 18 years. The court would not have the ability to look at the individuals before the court and make a fair determination based upon the circumstances

of the parties. The court would not be able to consider the length of the marriage, the relative incomes of each party and the health of each party. If HB 1254 is adopted, it is very likely that where a former spouse is in need of support longer than 18 years, that spouse will need to look to public assistance for support to meet his/her basic needs.

Consider a scenario where husband and wife divorce after 20 years of marriage. Wife is 42 and husband is 40. Wife earns \$300,000 per year as a doctor and husband, although college educated, decided to stay home with the children for most of the marriage, and had minimal income as a para professional at school. Three years before the parties' divorce, husband suffers a stroke and requires significant care. If HB 1254 were passed, wife's obligation to her former husband would end after 18 years. End of story. Husband would be 58 years old and not eligible for Medicare or Social Security. He has no income. Who should have to assume this responsibility for the husband's care? The State? His family? His parents?

This is exactly the type of case which will be impacted by HB 1254. Should there be parameters for spousal support? Should there be guidelines? Should the court be required to consider certain factors? It is very possible that all of these issues should be addressed and changes to our law should be made. But the proposed change is too arbitrary and would like harm those who need the support the most.

The law would also restrict a judge from modifying spousal support awards to increase the amount under any circumstances. Life changes, needs change, and incomes change. So too, should spousal support change if the circumstances warrant. The court should retain the discretion to make these decisions, without limitations in the law. If the parties choose to make these limitations, they are free to do so. However, limiting judicial discretion to modify these awards will do nothing to make the original awards of spousal support more reasonable. The court must be in a position to look at the facts of each case and make a fair determination based upon those facts. HB 1254 will limit the court's ability to do so.

I am urging the legislature to study this issue in greater detail and develop laws which will address the legitimate concerns, and remedy the issues, not create additional issues for our citizens.

I sincerely thank you for your consideration of my comments, and please do not hesitate to contact me should you have any questions.

Very truly yours,

PLADSON LAW OFFICE, P.L.L.C.

A handwritten signature in black ink, appearing to read "DeAnn M. Pladson". The signature is fluid and cursive, with the first name "DeAnn" being more prominent.

DeAnn M. Pladson

Senator,

Spousal support is illegal, and it is unconstitutional due to no person is owed a living from another.

Constitutionally no one is responsible for another adult if they separate or divorce.

Additionally, this only goes one way, the female gets it, and no male gets it so it is in violation of the 14th amendment.

I strongly urge you to amend this bill to clearly state the Spousal Support in the state of ND is illegal!

Thank you,

Mr. Mitchell S. Sanderson



Parvey, Larson, and McLean

Licensed in ND and MN

#9676

Shannon E. Parvey
Kimberlie Larson
Jason W. McLean

shannon@plmfamilylaw.com
kim@plmfamilylaw.com
jason@plmfamilylaw.com

March 17, 2021

The Honorable Judy Lee
State Capital Building
600 E. Boulevard Ave.
Bismarck, ND 58505

RE: House Bill 1254

Dear Senator Lee:

My name is Jason McLean. I am a family law attorney in Fargo, North Dakota. I have practiced exclusively in the area of family law since becoming licensed in this state in 2004. Prior to that time, I clerked for a family law attorney in Grand Forks. I have also practiced family law in Minnesota since 2003. It is with that background that I provide this testimony opposing House Bill 1254.

Throughout the many years of practice in family law, nothing has proved more vexing to courts, parties, and even attorneys, than our spousal support laws. The sparseness of the statutory language, and our reliance on case law for parameters, provides little clarity for families as they try to navigate the issues. Unfortunately, HB 1254 does not address these issues. Rather, it provides arbitrary periods of time and prevents the discretion of the courts to increase an award if there may be reason to do so. It does not address the underlying problems in our spousal support system, as I will explain here.

Initially, to understand the problems with our current system, the Committee needs to know that there are no statutory provisions as to the why or how spousal support is awarded. Nothing in the current Century Code provisions explains what circumstances are required to be used by the courts, only that circumstances are to be considered. Over the years, the courts have used the *Ruff-Fisher* guidelines, first developed as it related to spousal support (alimony) in *Ruff v. Ruff*, for nearly 70 years. These factors address the intertwined issues of spousal support and property division. These factors are well known to courts and practitioners, but have never been codified. Moreover, they have not changed with the times. The factors are attached as a separate PDF for your convenience.



Parvey, Larson, and McLean

Licensed in ND and MN

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jason@plmfamilylaw.com

Over time, our district courts have been left to address each spousal support case individually, with only these factors. The factors do not speak about duration of the award or the amount. Our Supreme Court has developed case law to help with the unknowns. For example, the need of a party and the ability to pay are taken into account. However, recent decisions have muddied the waters as to what type of spousal support should be awarded and what the purpose (need) of that award may be.

Recently, the decision in *O'Keeffe v. O'Keeffe*, 2020 ND 201, 948 N.W.2d 848, highlighted the problem with termination of support. In *O'Keeffe*, the question related, in part, to co-habitation, the nature of support, and what constituted temporary support versus rehabilitative support. In that discussion, the Court was forced to look at and apply different factors depending on if the support award was to rehabilitate a party or not. These are judicial creations, not within the statute. Instead, the Court, because it was forced to do so, has now created three forms of spousal support: permanent, temporary, and rehabilitative. If a party wants to see which one he or she will get, litigation is the only avenue.

In addition to the questions of need and ability to pay, the Court developed a maxim that a spouse need not dissipate his or her marital estate award to live. That is often seen as a purpose behind spousal support. Because property divisions and spousal support are intertwined, the district courts are supposed to ensure that a spouse can live without having to liquidate the only award he or she may get. Until recently, this was generally applied to the spouse in need, and not the spouse with the alleged ability to pay. That arguably changed in *Willprecht v. Willprecht*, 2021 ND 17. In this decision, the Court expanded the dissipation of asset provisions to the payors as well. In doing so, there is a valid question of whether **any** spousal support award could be justified under the current law.

Additionally, spousal support awards can be dependent on the vocation of the payor. For example, if there are two payors, who each earn \$200,000 a year, but one is a farmer, the judicial protection for family farms could mean that person is treated differently than a wage earner. The reason for difference is the farmer has the ability to control his or her own income, has the ability to reduce that income, and our courts are extremely reluctant to do anything that could break up a family farm. The reluctance is there, even if it means providing no aide to the spouse that helped build the farm.

I bring up these issues—hardly an exhaustive list—as examples of the problems that lie within our current system. HB 1254 does not address these issues. It will not fix a broken system. If spousal support in North Dakota were a home, it would be referred to as a tear-down. That is the best course of action here.



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This Committee should vote Do Not Pass on HB 1254. In its place, a legislative study should be convened over the course of the next two years to study spousal support/maintenance/alimony throughout the 50 states so that we may bring our system into the 21st century. It may be that a use of guidelines, similar to child support, is the most equitable solution. There may be mathematical formulas in other jurisdictions that help to determine temporary and permanent awards that can be used here. What I can say with certainty is that there is a better system out there than what we have here.

Lastly, in his dissent in *Stock v. Stock*, 2016 ND 1, 873 N.W.2d 38, former Justice Dale Sandstrom issued a quote that has become a bit famous, or infamous, depending on your view: "It is time to end the spousal support lottery." While Justice Sandstrom was describing what he viewed as a party getting rich off another, in reality the idea of the spousal support lottery isn't that farfetched. Like the regular lottery, the chances of "hitting the big one" are astronomical. Like the actual lottery, you have no idea what you are going to get until someone tells you the number. Like the actual lottery, most folks don't play. But, for those that do, it is important that we have rules and guidelines that are fair to all. HB 1254 does not address those issues, and it should not become law.

I thank the Committee for its time and consideration.

Sincerely,

Jason W. McLean

Parvey, Larson, and McLean, PLLC

Ruff-Fischer factors:

- a. Respective ages of the parties;
- b. Respective earning ability of the parties;
- c. The conduct of the parties during the marriage;
- d. The length of the marriage;
- e. The parties' stations in life;
- f. The parties' respective health and physical conditions;
- g. The necessities of the parties and their circumstances, financial and otherwise;
- h. The value and income-producing capacity of the parties' respective property, and whether it was accumulated before or after the marriage;
- i. The efforts and attitude of the parties toward the accumulation of their respective marital property; and
- j. Any other factors relevant to the Court in making its determination.

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

HB 1254
3/22/2021

A BILL for an Act to amend and reenact section 14-05-24.1 of the North Dakota Century Code, relating to spousal support.

Madam Chair Lee opened the discussion on HB 1254 at 3:38 p.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

Discussion Topics:

- Ruff – Fisher Guidelines
- Broad study

Senator Lee will hold on HB 1254 pending proposed amendment language from Legislative Council

Additional written testimony: N/A

Madam Chair Lee closed the discussion on HB 1245 at 3:48 p.m.

Justin Velez, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Sakakawea Room, State Capitol

HB 1254
3/24/2021

A BILL for an Act to amend and reenact section 14-05-24.1 of the North Dakota Century Code, relating to spousal support.

Madam Chair Lee opened the discussion on HB 1254 at 10:14 a.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

Discussion Topics:

- Family law attorneys
- Interim study

[10:18] Senator Kristin Roers, District 27. Provided the committee with an overview of Legislative Management Study language proposed by Legislative Council (testimony #10647).

Additional written testimony: N/A

Madam Chair Lee closed the discussion on HB 1254 at 10:22 a.m.

Justin Velez, Committee Clerk

Senator Lee,

Below is proposed language for the committee's amendment to HB 1254:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT. During the 2021-22 interim, the legislative management shall consider studying the types of spousal support ordered by the district courts and desirability and feasibility of providing statutory guidance for awards of spousal support. The study must include a review of the frequency and duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty eighth legislative assembly.

This proposed language is based, in part, off a Legislative Management study that was [proposed in 2015](#) but which was not prioritized. It is similar to Representative Vetter's proposed amendment but does not contain some of the directed language (it does not have the "to create a more equitable system similar to the child support guidelines" language).

I can certainly add language suggesting the study include consultation with family law attorneys, district judges, etc. Although I don't believe it is necessary to include a list of interested parties as those individuals will likely already be consulted or will attend/follow the study anyway, I can certainly include something along those lines if you wish.

Please let me know what you think of the proposed language or how you would like me to proceed.

Thanks,

Jill

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Sakakawea Room, State Capitol

HB 1254
3/24/2021 PM

A BILL for an Act to amend and reenact section 14-05-24.1 of the North Dakota Century Code, relating to spousal support.

Vice Chair K. Roers opened the discussion on HB 1254 at 2:55 p.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

Discussion Topics:

- Proposed amendment
- Bill action

[2:56] Senator K. Roers, District 27. Provided the committee with proposed amendment (testimony #10678).

Senator Hogan moves to **ADOPT AMENDMENT** “Legislative Management Study”.
Senator Clemens seconded.

Voice Vote – Motion Passed.

Senator Hogan moves **DO PASS, AS AMENDED**.
Senator Anderson seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	N

The motion passed 5-1-0

Senator K. Roers will carry HB 1254.

Additional written testimony: N/A

Madam Chair Lee closed the discussion on HB 1254 at 3:00 p.m.

Justin Velez, Committee Clerk

March 24, 2021

X
3/24
12/

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1254

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the types of spousal support ordered by the district court.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT.

During the 2021-22 interim, the legislative management shall consider studying the types of spousal support ordered by the district court and the desirability and feasibility of providing statutory guidance for awards of spousal support. The study must include input from practicing attorneys in the area of family law and the division of child support. The study must include a review of the frequency and duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1254: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1254 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the types of spousal support ordered by the district court.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT. During the 2021-22 interim, the legislative management shall consider studying the types of spousal support ordered by the district court and the desirability and feasibility of providing statutory guidance for awards of spousal support. The study must include input from practicing attorneys in the area of family law and the division of child support. The study must include a review of the frequency and duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

Proposed Study Language for HB 1254

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT. During the 2021-22 interim, the legislative management shall consider studying the types of spousal support ordered by the district courts and desirability and feasibility of providing statutory guidance for awards of spousal support. The study must include input from practicing attorneys in the areas of family law and the division of child support. The study must include a review of the frequency and duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty eighth legislative assembly.

2021 CONFERENCE COMMITTEE

HB 1254

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1254
4/7/2021
Conference Committee

Relating to spousal support

Chairman Karen Rohr opened the committee meeting at 3:04 p.m.

Representatives	Attendance	Senators	Attendance
Chairman Karen Rohr	P	Chairman Kristin Roers	P
Rep. Clayton Fegley	P	Sen. Kathy Hogan	P
Rep. Mary Schneider	P	Sen. Oley Larsen	P

Discussion Topics:

- Eighteen-year alimony mark
- Legal community study
- Child support division

Chairman Karen Rohr adjourned at 3:20 p.m.

Tamara Krause, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1254
4/9/2021
Conference Committee

Relating to spousal support

Chairman Karen Rohr opened the conference committee at 11:01 A.M.

Representatives	Attendance	Senators	Attendance
Chairman Karen Rohr	P	Chairman Kristin Roers	P
Rep. Clayton Fegley	P	Sen. Oley Larsen	P
Rep. Mary Schneider	P	Sen. Kathy Hogan	P

Discussion Topics:

- Domestic violence
- Family law
- Disability or illness factors
- Social Service program

Rep. Karen Rohr (11:02) presented **Amendment 21.0706.01004**. This amendment was not acted on - #11435

Sen. Kristin Roers (11:20) moved amendment stating on Line 5 strike consider and replace with "shall study."

Sen. Kathy Hogan (11:20) – second

Voice Vote – Motion Carried

Rep. Mary Schneider (11:21) moved **Recede from Senate Amendments and Amend** with amendment proposed by Sen. Kristin Roers stating on Line 5 strike consider and replace with "shall study."

Sen. Kristin Roers (11:22) second

Roll Call Vote - Motion Carried Recede from Senate Amendments and Amend 5-1-0

House Bill Carrier: Rep. Karen Rohr

Senate Bill Carrier: Sen. Kristin Roers

Chairman Karen Rohr adjourned at 11:25 a.m.

Tamara Krause, Committee Clerk

April 9, 2021

qf
4/9/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1254

That the Senate recede from its amendments as printed on page 1315 of the House Journal and pages 1001 and 1002 of the Senate Journal and that House Bill No. 1254 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the types of spousal support ordered by the district court.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT.

During the 2021-22 interim, the legislative management shall study the types of spousal support ordered by the district court and the desirability and feasibility of providing statutory guidance for awards of spousal support. The study must include input from practicing attorneys in the area of family law and the division of child support. The study must include a review of the frequency and duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

**2021 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1254 as (re) engrossed

House Human Services Committee

- Action Taken** ☐ **HOUSE accede to Senate Amendments**
☐ **HOUSE accede to Senate Amendments and further amend**
☐ **SENATE recede from Senate amendments**
☒ **SENATE recede from Senate amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Mary Schneider Seconded by: Sen. Kristin Roers

Representatives	4/7/21	4/9/21		Yes	No		Senators	4/7/21	4/9/21		Yes	No
Chairman Karen Rohr	P	P		Y			Chairman Kristin Roers	P	P		Y	
Rep. Clayton Fegley	P	P		Y			Sen. Oley Larsen	P	P			N
Rep. Mary Schneider	P	P		Y			Sen. Kathy Hogan	P	P		Y	
Total Rep. Vote				3			Total Senate Vote				2	1

Vote Count Yes: 5 No: 1 Absent: 0

House Carrier Rep. Karen Rohr Senate Carrier Sen. Kristin Roers

LC Number 21.0706 . 01007 of amendment

LC Number 21.0706 . 03000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 21.0706.01007
House Carrier: Rohr
Senate Carrier: K. Roers

REPORT OF CONFERENCE COMMITTEE

HB 1254, as engrossed: Your conference committee (Sens. K. Roers, O. Larsen, Hogan and Reps. Rohr, Fegley, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1315, adopt amendments as follows, and place HB 1254 on the Seventh order:

That the Senate recede from its amendments as printed on page 1315 of the House Journal and pages 1001 and 1002 of the Senate Journal and that House Bill No. 1254 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the types of spousal support ordered by the district court.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL

SUPPORT. During the 2021-22 interim, the legislative management shall study the types of spousal support ordered by the district court and the desirability and feasibility of providing statutory guidance for awards of spousal support. The study must include input from practicing attorneys in the area of family law and the division of child support. The study must include a review of the frequency and duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

Engrossed HB 1254 was placed on the Seventh order of business on the calendar.

21.0706.01004
Title.

Prepared by the Legislative Council staff for
Representative Vetter
March 15, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1254

Page 1, line 2, after "support" insert "; and to provide for a legislative management study"

Page 1, line 8, remove the overstrike over "limited"

Page 1, line 8, remove "not to"

Page 1, line 9, remove "exceed eighteen years."

Page 1, line 9, after the period insert "Except in the event of a debilitating injury or severe medical illness that prevents a spouse from caring for oneself, a spousal award may not exceed eighteen years."

Page 1, after line 20, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL SUPPORT.

During the 2021-22 interim, the legislative management shall consider studying the types of spousal support ordered by the district courts and the desirability of providing statutory guidance for awards of spousal support to create a more equitable system similar to the child support guidelines. The study must include a review of the frequency and duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly