

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.