

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2373

2001 SENATE JUDICIARY

SB 2373

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2373

Senate Judiciary Committee

Conference Committee

Hearing Date February 12th, 2001

Tape Number	Side A	Side B	Meter #
1	x	x	39-end/0-33.8
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2373: A BILL FOR AN ACT TO AMEND AND REENACT SUBDIVISION A OF SUBSECTION 1 OF SECTION 14-09-09.7 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO GROSS INCOME UNDER CHILD SUPPORT GUIDELINES OF THE DEPARTMENT OF HUMAN SERVICES.

Senator Dever, representing district 32, asked by R-Kids and Senator Cook to support the bill. There should be limitation of a 2nd job on being calculated. Irregular overtime should not be considered.

Senator Nelson, how do you define a second job.

Senator Bercler, my income from my second job gets me more money in a weekend than my first job.

Senator Cook, district 34, intent of the bill is that a second income will not be included.

Senator Trenbeath, my concern is that we seem to be limiting it two a second job. What about those who work multiple jobs? Should we include this into the bill?

Page 2

Senate Judiciary Committee

Bill/Resolution Number *Click here to type Bill Number*

Hearing Date *Click here to type Hearing Date*

Senator Cook, that is a good suggestion.

Senator Watne, may this be redacted from taxes?

Senator Traynor, could the second job be with the same employer?

Senator Cook, I don't know if that is my intention.

Margaret Kottre, testifies in support of the bill. (testimony attached)

Dan Biesheuvel, testifies in support of the bill. (testimony attached)

Mark Hoffnar, from Beulah, testifies in support of the bill. (testimony attached)

Senator Watne, it bothers me that the children of the first marriage are neglected.

Senator Traynor, can you claim your children as dependents on your income tax?

Mark Hoffnar, yes.

Senator Bericer, you can work outside of your normal job. Is that overtime if your working for same employer?

Mark Hoffnar, yes.

Mark Feckner, testifies in support of the bill. (testimony attached)

Senator Bericer, you have your children five days a week.

Senator Watne, how can you be a noncustodial parent?

Senator Trenbeath, did you spend 35,000 dollars in legal fees?

Mark Feckner, yes.

Paulet Overs, (testimony attached)

Senator Trenbeath, I find your arguments unconvincing, have you spoken with judges on this?

Paulet Overs, no.

Senator Trenbeath, it seems to me that we're trying to give judges more latitude on an individual basis, your opposed to that?

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Senate Judiciary Committee

Bill/Resolution Number *Click here to type Bill Number*

Hearing Date *Click here to type Hearing Date*

Paulet Overs, that is not necessarily a good thing.

Senator Nelson, topics on page 2 of your testimony. We're talking about a parent with two families, what about the children of the second family?

Paulete Overs, that is explained in the current law.

Senator Nelson, this person is taking on a second job. There are other circumstances. The second family might be getting less time from this parent.

Senator Watne, is the second family a natural or adopted child?

Paulete Overs, yes a family is both.

Senator Traynor, closed the hearing on SB 2373.

SENATOR TRENBEATH MOTIONED TO AMEND THE BILL, SECONDED BY SENATOR DEVER. VOTE INDICATED 5 YEAS, 1 NAY AND 1 ABSENT AND NOT VOTING. SENATOR LYSON MOTIONED TO DO PASS AS AMENDED, SECONDED BY SENATOR TRENBEATH. VOTE INDICATED 5 YEAS, 1 NAY AND 1 ABSENT AND NOT VOTING. SENATOR DEVER VOLUNTEERED TO CARRY THE BILL.

FISCAL NOTE
 Requested by Legislative Council
 03/28/2001

Bill/Resolution No.:

Amendment to: Engrossed
 SB 2373

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would allow income from overtime and bonuses to be exempt, in certain situations, from the determination of income under the child support guidelines. The effect of this bill is that additional child support cases would result in a court hearing which would require increased time spent on those cases by the Regional Child Support Enforcement Units (RCSEUs). It is anticipated the increased time would be insignificant at each RCSEU and therefore would be absorbed by the current staff and accordingly any fiscal impact to the counties would be minimal.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	Dept. of Human Services
Phone Number:	701-328-2397	Date Prepared:	03/28/2001

FISCAL NOTE
 Requested by Legislative Council
 01/26/2001

Bill/Resolution No.: SB 2373

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would allow income from second jobs to be exempt, in certain situations, from the determination of income under the child support guidelines. The effect of this bill is that additional child support cases would result in a court hearing which would require increased time spent on those cases by the Regional Child Support Enforcement Units (RCSEUs). It is anticipated the increased time would be insignificant at each RCSEU and therefore would be absorbed by the current staff and accordingly any fiscal impact to the counties would be minimal.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	Dept. of Human Services
Phone Number:	701-328-2397	Date Prepared:	02/06/2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2373

Page 1, line 7, remove "all", after "income" insert "derived", after ~~"from"~~ insert "all sources" and
replace remove "a" with a

Page 1, line 8, remove the first "second job", after the second "second" insert "or subsequent"
replace "job" with "jobs or from irregular overtime from a primary job"

Page 1, line 12, replace ^{the second} "a" with "employment ^{beyond} ~~over and above~~ a regular forty-hour workweek"

Page 1, line 13, remove "second job"

Renumber accordingly

Date: 2/19.
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2273

Senate Judiciary Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Amud

Motion Made By Trenbeath Seconded By Dever

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.	X	
Watne, D. Vice Chairman		X	Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 5 No 1

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2/14
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2373

Senate Judiciary Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Lyson Seconded By Trenbeath

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.	X	
Watne, D. Vice Chairman		X	Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 5 No 1

Absent 1

Floor Assignment Dever

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2373: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2373 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "all", after "income" insert "derived", and replace "a" with "all sources"

Page 1, line 8, remove the first "second job", after the second "second" insert "or subsequent jobs or from irregular overtime from a primary"

Page 1, line 12, replace the second "a" with "employment beyond a regular forty-hour workweek"

Page 1, line 13, remove "second job"

Renumber accordingly

2001 HOUSE HUMAN SERVICES

SB 2373

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2373

House Human Services Committee

Conference Committee

Hearing Date March 12, 2001

Tape Number	Side A	Side B	Meter #
Tape 1		X	892 to end
Tape 2	X		0 to 2386
Tape 3	X		3875 to end
Tape 4		X	0 to 760
Committee Clerk Signature <i>Connie Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Vice Chairman Devlin: I will open the hearing on SB 2373.

Senator Dever: Introduced Bill (See written testimony.)

Rep. Weisz: How do you define, "if the deduction is not detrimental to the child"? I would think most people would assume that you're getting a smaller child support payment and that would be detrimental to the child, so how would you define that?

Senator Dever: I think that's why it is left to the judge to make that determination. There is an assumption that the child comes first in a divorce settlement. The assumption is that their lifestyle shouldn't change. Everybody knows that everybody is affected by divorce.

