

1-1 By: Van de Putte S.B. No. 899
 1-2 (In the Senate - Filed February 27, 2013; March 5, 2013,
 1-3 read first time and referred to Committee on Jurisprudence;
 1-4 April 25, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; April 25, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 899 By: Hancock

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to determination of the amount of certain child support
 1-20 obligations.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subsection (b), Section 154.062, Family Code, is
 1-23 amended to read as follows:

1-24 (b) Resources include:

1-25 (1) 100 percent of all wage and salary income and other
 1-26 compensation for personal services (including commissions,
 1-27 overtime pay, tips, and bonuses);

1-28 (2) interest, dividends, and royalty income;

1-29 (3) self-employment income;

1-30 (4) net rental income (defined as rent after deducting
 1-31 operating expenses and mortgage payments, but not including noncash
 1-32 items such as depreciation); and

1-33 (5) all other income actually being received,
 1-34 including severance pay, retirement benefits, pensions, trust
 1-35 income, annuities, capital gains, social security benefits other
 1-36 than supplemental security income, United States Department of
 1-37 Veterans Affairs disability benefits other than
 1-38 non-service-connected disability pension benefits, as defined by
 1-39 38 U.S.C. Section 101(17), unemployment benefits, disability and
 1-40 workers' compensation benefits, interest income from notes
 1-41 regardless of the source, gifts and prizes, spousal maintenance,
 1-42 and alimony.

1-43 SECTION 2. Section 154.066, Family Code, is amended to read
 1-44 as follows:

1-45 Sec. 154.066. INTENTIONAL UNEMPLOYMENT OR UNDEREMPLOYMENT.

1-46 (a) If the actual income of the obligor is significantly less than
 1-47 what the obligor could earn because of intentional unemployment or
 1-48 underemployment, the court may apply the support guidelines to the
 1-49 earning potential of the obligor.

1-50 (b) In determining whether an obligor is intentionally
 1-51 unemployed or underemployed, the court may consider evidence that
 1-52 the obligor is a veteran, as defined by 38 U.S.C. Section 101(2),
 1-53 who is seeking or has been awarded:

1-54 (1) United States Department of Veterans Affairs
 1-55 disability benefits, as defined by 38 U.S.C. Section 101(16); or

1-56 (2) non-service-connected disability pension
 1-57 benefits, as defined by 38 U.S.C. Section 101(17).

1-58 SECTION 3. Section 154.068, Family Code, is amended to read
 1-59 as follows:

1-60 Sec. 154.068. WAGE AND SALARY PRESUMPTION. In the absence

2-1 of evidence of a party's resources, as defined by Section
2-2 154.062(b) [~~the wage and salary income of a party~~], the court shall
2-3 presume that the party has income [~~wages or salary~~] equal to the
2-4 federal minimum wage for a 40-hour week to which the support
2-5 guidelines may be applied.

2-6 SECTION 4. The changes in law made by this Act to Sections
2-7 154.062, 154.066, and 154.068, Family Code, apply only to a
2-8 proceeding to establish or modify a child support obligation that
2-9 is pending in a trial court on or filed on or after the effective
2-10 date of this Act.

2-11 SECTION 5. This Act takes effect September 1, 2013.

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