

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2046

2001 SENATE JUDICIARY

SB 2046

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2046

Senate Judiciary Committee

Conference Committee

Hearing Date January 24th, 2001

Tape Number	Side A	Side B	Meter #
1	X	X	36.9-end/0.0-16.4
Committee Clerk Signature			

Minutes: Senator Traynor opened the hearing on SB 2046: A BILL FOR AN ACT TO CREATE AND ENACT A NEW SECTION TO CHAPTER 12.1-18 AND FIVE NEW SECTIONS TO CHAPTER 14-05 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE REMOVAL OF CHILDREN FROM THE STATE, TO DECREES OF SEPARATION, AND THE DUTY TO SUPPORT CHILDREN; TO AMEND AND REENACT SECTIONS 14-04-04, 14-05-03, 14-05-08, 14-05-10, 14-05-17, 14-05-23, 14-05-25.1, AND 14-09-08 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO DECREES OF SEPARATION AND DIVORCE; TO REPEAL SECTIONS 14-05-11 AND 14-05-12 AND CHAPTER 14-06 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO SEPARATION FROM BED AND BOARD AND GROUNDS FOR DIVORCE; TO PROVIDE A PENALTY; AND TO DECLARE AN EMERGENCY.

Vonette Richter, representing the legislative council interim committee. The first section of the bill is unrelated to the rest of the sections.

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**Senate Judiciary Committee**  
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**Senator Traynor: Section 1 reinstates old law?**

**Vonette Richter: Yes. Section 2 amends 14-04 which deals with children. Deals with the custody of the child and their best interest. Child would be based on same standard of divorce. Section 3 deals with separation and merges language in old chapter. This will be called separation and divorce. Need to update language and procedures. Section 4 are grounds for divorce. Committee felt a need to update the grounds. Subsection 5 is the abuse of alcohol. Subsection 7 is to remove insanity to serious mental illness. Subsection 8 deals with irreconcilable differences. Section 6 deals with denial of divorce, collusion or connivance are no longer here.**

**Senator Traynor: Where there a statutes of limitations on the board. What do you mean?**

**Sherry Mills Moore, testifies for the Bar Association. These are defenses for the grounds of a divorce.**

**Vonette Richter: Section 7 deals with residence requirements. Section 8 creates three new sections; separation which will become part of the divorce section. On page 4 should read separation of decree of separation on line 1 and 8. Section 9 deals again with temporary support, attorney fees, and custody. Section 10 is a cleanup section of the bill dealing with spousal support. Section 11 relates to money judgment. Section 12 is mutual duty to support children. Section 13 is an appeal. Chapter 14-06 is a repeal. Section 14, this is an emergency bill.**

**Senator Traynor: Is this a house keeping bill?**

**Vonette Richter: yes.**

**Senator Deaver: What is collusion?**

**Vonette Richter: Collusion is when the party says we were unfaithful so I want a divorce. We don't need grounds anymore. We say irreconcilable differences.**

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**Senate Judiciary Committee**

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**Senator Traynor:** Court may compel both parties to support child? This doesn't mean on is obligated to support child.

**Sherry Moor:** Child support wants to make sure language is either/or/both.

**Senator Traynor:** Mental illness is that defined in another chapter?

**Vonette Richter:** There probably is a definition in another section, but it isn't crossed referenced.

**Senator Traynor:** Would you look that up for me.

**Sherry Moore:** (testimony attached) We need to contain section 1, because this is a breakout section. In section 12, pg. 5 14-09-08 line 9. Court may compel either of parties to provide for the support of the children of marriage. Strike out "the" in front of children and "of marriage" after children, change "parties" to "parents."

**JANUARY 24TH, SIDE B, TAPE 2**

**Senator Dever:** Does the wedding proceed the marriage?

**Susan Beehler,** representing R-Kids. Supports SB 2046. Has the same concern Sherry Moore has. Believes abducting children is wrong. When you have a mean ex they may use this against someone by saying they kidnapped a child by not notifying them of say, a 72 hour vacation. One concern is abuse and your non-costodial parent who can't do anything. Who do the children turn to. A non-costodial parent should have a right to protect the child.

**Rose Stellar,** executive director of the mental health association. (testimony attached) Wants line 27 deleted from the bill.

**Audree Mclean,** supports SB 2046. (testimony attached)

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*Jan 25, 01*

David Boeke, representing the protection and advocacy law, has a concern over the definition of "serious mental illness." Doesn't mean behaviors are exhibited, they can be treated. I think this can discriminate on their civil liberties.

Senator Traynor: Strike the 3 words in subsection 7?

David Boeke: yes.

Senator Traynor closed the hearing on SB 2046.

**MOTION MADE BY SENATOR WATNE TO AMEND PAGE 2, LINE 27, AND LINE 10, PAGE 5. SECONDED BY SENATOR NELSON. VOTE INDICATED 7 YEAS, 0 NAYS, AND 0 ABSENT AND NOT VOTING. SECOND MOTION MADE BY SENATOR NELSON TO DO PASS AS AMENDED. SECONDED BY SENATOR WATNE. VOTE INDICATED 7 YEAS, 0 NAYS, AND 0 ABSENT AND NOT VOTING. SENATOR NELSON VOLUNTEERED TO CARRY THE BILL.**

Date: 1/24/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2046

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amend pg. 2, line 27, line 2

Motion Made By Watne Seconded By Nelson

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) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 1/24/01  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2046

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Nelson Seconded By Watne

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) 7 No 0

Absent 0

Floor Assignment Nelson

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



**REPORT OF STANDING COMMITTEE**

**SB 2046: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was placed on the Sixth order on the calendar.**

Page 2, line 27, remove "Serious mental illness" and overstrike the period

Page 2, line 28, overstrike "8."

Page 4, line 1, replace "spousal support" with "separation"

Page 4, line 8, replace "spousal support" with "separation"

Page 5, line 9, after "either" insert "or both" and

Page 5, line 10, replace the second "the" with "their" and remove "of marriage"

Renumber accordingly

2001 HOUSE JUDICIARY

SB 2046

