

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

14/4

2007 HOUSE JUDICIARY

HB 1414

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1414

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 2/5/07

Recorder Job Number: 2746, 2758

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1414.

Sen. Randy Christmann: Co-sponsor of the bill. This bill came to us from a constituent who works with this law. We followed up on it, and found that in visiting with Legislative Council, as far as the division of property and debts. It is my understanding that our laws really haven't changed for decades. We had case law from in the '20-'40's. It was old case law, and a few sessions ago, it was implemented into Code, and basically followed the case law. I was told that there wasn't any significant change there, just implementing it into the code. So this attorney pointed out in subsection 1, it talked about distributing property and debt, but then if someone isn't forthcoming with all the information and it has to be redistributed, under subsection 2, it only mentions the property. The debts, obviously, can be just as important in coming with an equitable redistribution if that becomes necessary. I don't think we are asking for any significant changes. Just a clarification so that everybody is on the same page, that when we distribute the property and debt in the first place, and also if something comes up later that they have to be redistributed, that we are in fact talking about both property and debt. So we put it in the title too.

Rep. Delmore: Are we looking at it, if we go back to section 1, when a divorce is granted, the court shall make an equitable distribution. I see that missing in page 2 of the bill, and am just wondering whether when they redistribute that, it may also be something that they want in the language so that it is equitably done.

Sen. Randy Christmann: I don't have a problem with that. I will leave it up to the committee whether it is needed, or whether it is implied.

Rep. Kretschmar: Your constituent, the lawyer, did he have a problem with a case.

Sen. Randy Christmann: Apparently he was working with a case that dealt with this, and there was a question. His original question to me was whether this was an intentional thing, whether originally you distribute both property and debt, but if there is a problem and it's going to be redistributed, whether we're only talking about property and the debts no longer matter. Apparently, it has to do with something, LC said we've always done both. That was the case law before, that's how people have been doing this. They don't know of any cases that haven't gone that way, but I shared this with that attorney, and he said since he had a question, it shouldn't be too hard to just make it clear.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

(Reopened later in the same session).

Chairman DeKrey: We will take a look at HB 1414. What are the committee's wishes in regard to HB 1414.

Rep. Delmore: Does this change anything that is happening now.

Rep. Kretschmar: Probably not, it just treats the debts the same as property.

Rep. Onstad: When they talk about division of property, debts, of course, must be in the property. Isn't that an included item.

Rep. Kretschmar: It may be unsecured debts, but large debts are generally secured by property. I move a Do Pass.

Rep. Koppelman: Second.

13 YES 0 NO 1 ABSENT

DO PASS

CARRIER: Rep. Kretschmar

Date: 2/5/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1414

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Kretschmar Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Kretschmar

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

REPORT OF STANDING COMMITTEE (410)
February 5, 2007 10:20 a.m.

Module No: HR-24-2085
Carrier: Kretschmar
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1414: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1414 was placed on the
Eleventh order on the calendar.

2007 SENATE JUDICIARY

HB 1414

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1414

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 6, 2007

Recorder Job Number: 4434

Committee Clerk Signature *Maria L. Solbey*

Minutes: Relating to division of property in a divorce proceeding.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following hearing:

Testimony in Favor of the Bill:

Rep. Brenda Heller, Dist. #33 Introduced the bill at the request of an attorney in my district in a divorce proceeding. The bill is a clarification in the code adding the language from line 8 to lines 6 and 9.

Sen. Lyson asked if it was a problem. Yes there was an issue and it would have not if it was already in the bill in all the locations.

Testimony Against the bill:

None

Testimony Neutral to the bill:

None

Senator David Nething, Chairman closed the hearing

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1414**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 12, 2007

Recorder Job Number: 4890

Committee Clerk Signature *Mona L. Solbey*

Minutes: Relating to division of property in a divorce proceeding.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Sen. Nething reviewed the bill for the committee. **Sen. Nelson** spoke of a situation of a friend who won't file for divorce due to her husbands large debts that she does not want to incur.

Sen. Fiebiger made the motion to Do Pass HB 1414 and **Sen. Olafson** seconded the motion.

All members were in favor and the motion passes.

Carrier: **Sen. Olafson**

Senator David Nething, Chairman closed the hearing.

REPORT OF STANDING COMMITTEE (410)
March 12, 2007 2:08 p.m.

Module No: SR-46-5014
Carrier: Olafson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1414: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1414 was placed on the
Fourteenth order on the calendar.