

**2013 HOUSE JUDICIARY**

**HB 1114**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1114  
January 21, 2013  
Job 17433

☐ Conference Committee

*Kristi Hetzler*

## Explanation or reason for introduction of bill/resolution:

Delegation of the powers of a parent or guardian of a minor or incapacitated person; and to declare an emergency.

## Minutes:

Testimony 1

**Chairman Koppelman:** Opens

**Al Dohrmann,** Deputy Adjutant General: Supports HB 1114, see testimony 1. References a Senate Bill 2122 and House Bill 1109. If 2122 passes, 1114 & 1109 would no longer be necessary.

**Rep Paur:** What is the maximum amount of time a service member can be deployed?

**Al Dohrmann:** Current policy is 1 year mobilization.

**Chairman Koppelman:** Senate Bill 2122 was heard this morning, lets hold on 1114 until we see 2122 and go from there.

Closes.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1114  
January 23, 2013  
Job 17628

☐ Conference Committee

*Kristie Helgler*

## Explanation or reason for introduction of bill/resolution:

Delegation of the powers of a parent or guardian of a minor or incapacitated person; and to declare an emergency.

## Minutes:

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**Chairman Koppelman:** Opens. We were originally going to hold HB 1114 for Senate bill 2122 but that bill has already been voted with a do pass. Clear to move on HB 1114.

**Rep Hogan:** Do Pass

**Rep Karls:** Second.

**Yes:** 12

**No:** 0

**Absent:** 2

**Carried by:** Karls

Date: 1-23-13  
Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB1114**

House Judiciary Committee

☐ Check here for Conference Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson	/	
Rep. Randy Boehning	/		Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Karls

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

**REPORT OF STANDING COMMITTEE**

**HB 1114: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1114 was placed on the Eleventh order on the calendar.

**2013 SENATE JUDICIARY**

**HB 1114**

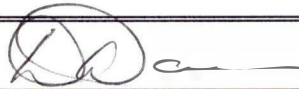
# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB1114  
2/25/2013  
Job #19445

☐ Conference Committee

Committee Clerk Signature



**Minutes:**

*Attached testimony*

**Relating to delegation of the powers of a parent or guardian of a minor or incapacitated person**

**Senator David Hogue - Chairman**

Major Michelle Hagel - ND Nation Guard Joint Force Headquarters Staff Judge Advocate -  
See written testimony (1) She asks the committee to hold this bill until SB2122 passes the House.

Senator Hogue asks her if she received the e-mails from Judge Hagerty regarding making the reporting requirement for two years; to which she replied she did get the emails and she agrees. She said 6 months power of attorney is not enough time for those with longer deployments.

Opposition - none  
Neutral - none

Close the hearing on 1114

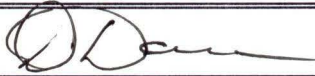
# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB1114  
3/20/2013  
Job #2028

☐ Conference Committee

Committee Clerk Signature



**Minutes:**

Vote

## **Senator David Hogue - Chairman**

Committee work

Senator Armstrong immediately moves a do not pass

Senator Sitte seconded

Discussion

Senator Nelson asks if the House has passed SB2122. Senator Hogue relates that the Guard believes they are taken care of in SB2122 so this bill would not be needed.

Vote - 7 yes, 0 no

Motion passes

Senator Armstrong will carry



Date: 3/20/13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1114

Senate JUDICIARY Committee

☐ Check here for Conference Committee

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

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By S Armstrong Seconded By S Sitte

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	<input checked="" type="checkbox"/>		Senator Carolyn Nelson	<input checked="" type="checkbox"/>	
Vice Chairman Margaret Sitte	<input checked="" type="checkbox"/>		Senator John Grabinger		
Senator Stanley Lyson	<input checked="" type="checkbox"/>				
Senator Spencer Berry	<input checked="" type="checkbox"/>				
Senator Kelly Armstrong	<input checked="" type="checkbox"/>				

Total (Yes) 7 No 0

Absent 0

Floor Assignment S Armstrong

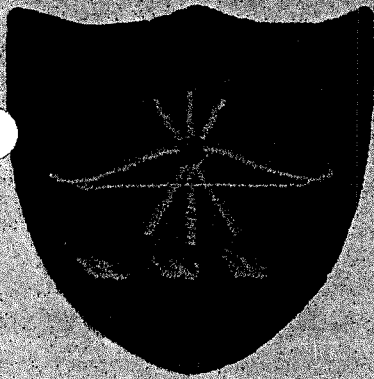
If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1114: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1114 was placed on the Fourteenth order on the calendar.

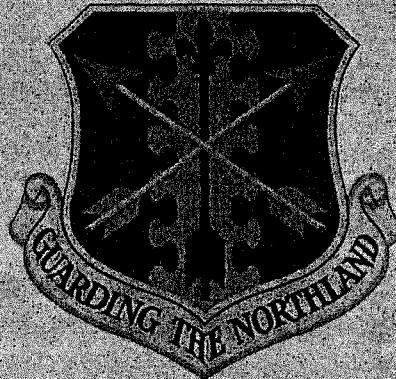
**2013 TESTIMONY**

**HB 1114**



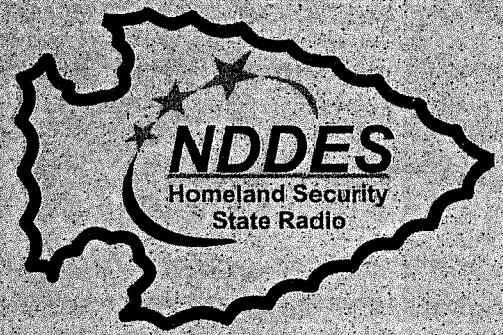
*Army National Guard*

*"The Straight Arrows"*



*Air National Guard*

*"The Happy Hooligans"*



*Department of  
Emergency Services  
Homeland Security &  
State Radio*

*The  
Office of the  
Adjutant General*

*Testimony of  
Brigadier General Alan Dohrmann  
Deputy Adjutant General*

*before the*

*House Judiciary  
Committee  
January 21, 2013*

*HOUSE BILL 1114*

**TESTIMONY OF  
BRIGADIER GENERAL ALAN DOHRMANN  
THE ADJUTANT GENERAL  
BEFORE THE  
JUDICIARY COMMITTEE  
JANUARY 21, 2013  
HOUSE BILL 1114**

Mr. Chairman and Members of the Committee:

I am Brigadier General Alan Dohrmann, Deputy Adjutant General for the State of North Dakota and I am here to speak in support of House Bill 1114.

Current law, 30.1-26-04 provides that a parent or a guardian of a minor or incapacitated person may delegate through a power of attorney, powers regarding care, custody, or property of the minor child or ward. Currently that power delegation may not exceed six months. The issue is, for a service member who has been activated for a deployment, their period of deployment may exceed six months. They may also be at a location where legal services are not readily available to execute another power of attorney.

HB 1109 provides an exception to the six month limitation for delegation of powers. This exception would apply when that parent or guardian is a service member who is deployed. This would allow for these powers to be delegated for twenty-four months to ensure that the delegation does not expire in the middle of service member's deployment.



425 1114  
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**TESTIMONY OF  
MAJOR MICHELLE HAGEL  
NORTH DAKOTA NATIONAL GUARD  
BEFORE THE  
SENATE JUDICIARY COMMITTEE  
FEBRUARY 25, 2013  
HOUSE BILL 1114**

Mr. Chairman and Members of the Committee:

I am Major Michelle Hagel, North Dakota National Guard Joint Force Headquarters Staff Judge Advocate. I am testifying in support of HB 1114.

Current law, 30.1-26-04, relating to the delegation of the powers of a parent or guardian of a minor or incapacitated person, provides that those powers may not be delegated for a period exceeding six months. The issue this law creates, is often service members are deployed for a period exceeding six months, thus the delegation would expire during deployment. In addition, their deployments may take them to locations where legal services are not readily available, making it difficult to create a new delegation.

As part of our process in preparing for deployments, we assist members with such legal documents when they are required. The need is to execute Powers of Attorney for the duration of the deployment. The members' affairs must be in order prior to the deployment and for the duration of the deployment. This is the requirement so service members do not have to worry and are not distracted by issues and problems at home when they need to focus on their missions.

Allowing for a longer time period for these delegations for military service members would be one less issue for these members when deployed. I ask that you give HB 1114 favorable consideration.

In January, this committee heard SB 2122, relating to the Uniform Deployed Parents Custody and Visitation Act, which was submitted at the request of the Uniform Commission on State Laws. SB 2122 bill was passed on the Senate floor and is awaiting a hearing in the House. This bill provides for a delegation of powers, in the case of a deploying service member, for the length of the deployment. We would like these two pieces of legislation to be synchronized. I have provided an amendment that I hope would do that if SB 2122 were passed. I ask that you hang on to that amendment, once SB 2122 is passed, I would like to formally introduce it for your consideration.