

1999 HOUSE JUDICIARY

HB 1067


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1067

House Judiciary Committee

Conference Committee

Hearing Date January 6, 1999

Tape Number	Side A	Side B	Meter #
1	X		0
Committee Clerk Signature 			

Minutes:

REP. HOFFNER: I introduced this at the request of a constituent. The real meat of the bill is in Section 3. The situation that caused the party to ask for the bill is that he is a non-custodial parent who lived in Riverdale. His ex-wife, who has custody lived in Bottineau. She had their son's name changed by the court. The required ad appeared in the Grafton paper. He only found out about it after the fact. The purpose is to ensure that a non-custodial parent get actual notice. Actual notice to the parent would be better.

COMMITTEE ACTION: January 13, 1999

REP. KLEMIN move to amend the bill to give actual notice. Rep Meyer seconded and the motion passed on a unanimous voice vote.

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House Judiciary Committee

Bill/Resolution Number 1067

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REP DELMORE moved that the committee recommend that the bill DO PASS AS AMENDED.

Rep. Gorder seconded and the morion passed on a voice vote with 13 ayes, 0 nays and 2 absent.

Rep. Klemin was assigned to carry the bill on the floor.

PROPOSED AMENDMENT TO HOUSE BILL NO. 1067

Page 1, line 24, after the period insert:

A copy of the notice must be deposited in some post office in this state, postage prepaid, not later than ten days after the publication of the notice, and directed to the noncustodial parent at such person's last reasonably ascertainable post office address. An affidavit of mailing of the notice prepared in accordance with the North Dakota Rules of Civil Procedure must be filed with the court.

Renumber accordingly

Date: 1/13
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1067

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment

Motion Made By Klemin Seconded By Maragos

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY			REP. SVEEN	✓	
REP. CLEARY	✓				
REP. DELMORE	✓				
REP. DISRUD	✓				
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GUNTER	✓				
REP. HAWKEN	✓				
REP. KELSH	✓				
REP. KLEMIN	✓				
REP. KOPPELMAN	✓				
REP. MAHONEY	•				
REP. MARAGOS	✓				
REP. MEYER	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment _____

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

Date: 1/13
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1067

House JUDICIARY Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Delmore Seconded By Gorder

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY			REP. SVEEN	✓	
REP. CLEARY	✓				
REP. DELMORE	✓				
REP. DISRUD	✓				
REP. FAIRFIELD	✓				
✓ REP. GORDER	✓				
REP. GUNTER	✓				
REP. HAWKEN	✓				
REP. KELSH	✓				
REP. KLEMIN	✓				
REP. KOPPELMAN	✓				
REP. MAHONEY					
REP. MARAGOS	✓				
REP. MEYER	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Klemin

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

REPORT OF STANDING COMMITTEE

HB 1067: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1067 was placed on the Sixth order on the calendar.

Page 1, line 24, after the underscored period insert "If the minor has a noncustodial parent, a copy of the notice must be deposited in a post office in this state, postage prepaid, not later than ten days after the publication of the notice, and directed to the noncustodial parent's last reasonably ascertained post office address. An affidavit of mailing of the notice prepared in accordance with the North Dakota Rules of Civil Procedure must be filed with court."

Renumber accordingly

1999 SENATE JUDICIARY
HB 1067

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1067

Senate Judiciary Committee

Conference Committee

Hearing Date March 10, 1999

Tape Number	Side A	Side B	Meter #
1		x	2554 - end
3-22-99 1	x		330 - 846
Committee Clerk Signature <i>Jackie Tollman</i>			

Minutes:

HB1067 relates to the name change of a minor.

SENATOR STENEHJEM opened the hearing on HB1067 at 11:30 A.M.

All were present.

REPRESENTATIVE HOFFNER, District 32, testified in support of HB1067. I introduced this at a request of a friend. Under current law, when a person seeks to legally change their name notice must be given by some newspaper published in the judicial district in which the application is pending. Since our judicial districts are quite large, many counties are far removed from his county of residence.

SENATOR WATNE asked about the use of petitioner all the way through, if it is a minor, is he the petitioner or guardian ad litem.

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Senate Judiciary Committee

Bill/Resolution Number HB1067

Hearing Date March 10,1999

SENATOR STENEHJEM stated that a minor cannot bring a lawsuit in their own name. They bring it through their guardian ad litem. I am surprised that they didn't pick up on that in the House.

SENATOR TRAYNOR asked about changing the name of a child in a divided family, if there was anything in the guidelines.

SENATOR STENEHJEM stated that they would have to use this.

SENATOR STENEHJEM CLOSED the hearing on HB1067.

SANDI TABOR explained some amendments and outlined these amendments.

SENATOR STENEHJEM stated a child cannot bring a lawsuit under their own name. They need a guardian ad litem.

SENATOR TRAYNOR made a motion on the Amendments, SENATOR LYSON seconded.

Discussion. The procedure is in the Code now and this is to have the notice published in the counties where both the mother and father live. Motion carried. 6 - 0 - 0

SENATOR TRAYNOR made a motion for DO PASS AS AMENDED, SENATOR BERCIER seconded. Discussion. Motion carried. 6 - 0 - 0

SENATOR TRAYNOR will carry the bill.

Date 3-22-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1067

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion on Amendment

Motion Made By Senator Traynor Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
Senator Caroloyne Nelson	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

Date 3-22-99
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1067

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass AS Amended

Motion Made By Senator Traynor Seconded By Senator Bercier

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenchjem	X				
Senator Darlene Wame	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
Senator Caroloyne Nelson	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Traynor

REPORT OF STANDING COMMITTEE

HB 1067, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1067 was placed on the Sixth order on the calendar.

Page 1, line 21, after the underscored comma insert "the court shall consider the appointment of a guardian ad litem, and"

Renumber accordingly