

# MICROFILM DIVIDER

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*Domena G. Ballarín*  
Operator's Signature

10/2/03  
Date

2003 HOUSE JUDICIARY

HB 1152

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10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1152

House Judiciary Committee

Conference Committee

Hearing Date 1-21-03

Tape Number	Side A	Side B	Meter #
1		xx	18-40
Committee Clerk Signature <i>D. Penrose</i>			

**Minutes:** 12 members present, 1 member absent (Rep. Bernstein)

**Chairman DeKrey:** We will open the hearing on HB 1152.

**Rep. Bellew:** (see attached testimony) Support.

**Rep. Delmore:** Have you checked into a couple of things. What is the reason that people file using Irreconcilable Differences, even though in some cases, other things would be appropriate. If one of these things has to be claimed, rather than irreconcilable differences, what would that do to families when this is published, put in the newspaper.

**Rep. Bellew:** In answer to the first question, the answer is no. I don't know.

**Rep. Klemm:** If we took out irreconcilable differences, you were saying that you wanted to make it so that both spouses would have to consent to the divorce, if you didn't have irreconcilable differences in, then one of those spouses would have to agree that they're guilty of one of these other items even if they aren't in order to get a divorce.

**Rep. Bellew:** Yes.

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*D. Penrose*  
Operator's Signature

1/21/03  
Date

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**Rep. Maragos:** How many states currently use the irreconcilable differences as a reason for divorce.

**Rep. Bellew:** All 50 states.

**Rep. Maragos:** Are any other states that wishes to remove this as a reason.

**Rep. Bellew:** I am aware of movements in other states.

**Chairman DeKrey:** Thank you. Anyone else wishing to testify in favor of HB 1152. Anyone wishing to testify in opposition to HB 1152.

**Carol Two Eagles:** Opposed to HB 1152. Irreconcilable differences allows the parties a chance to survive divorce. It won't serve the children.

**Chairman DeKrey:** Thank you.

**Sherry Mills Moore, State Bar Association of ND:** Opposed (see attached testimony).

**Rep. Eckre:** Even if one of the other reasons existed, you would want to use the reason of irreconcilable differences.

**Ms. Moore:** Yes.

**Rep. Klemm:** What is the alternative dispute resolution provisions are and how they apply to divorce now.

**Ms. Moore:** There are alternate dispute resolutions solutions in place, and the courts allow people to discuss mediation is provided through the courts, or they can go to private mediation, or the courts can order them to mediation.

**Rep. Galvin:** If a couple came to you and wanted to use irreconcilable differences, would they have to explain what the differences were in detail or they just use the reason.

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1/21/03  
Date

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**Ms. Moore:** The court has to find irreconcilable differences, most typically they need to be presented with evidence. Sometimes the court isn't interested in the reasons.

**Chairman DeKrey:** Thank you. Anyone else in opposition.

**Bonnie Palachek, ND Council on Abused Women:** Opposed. With domestic violence, this would slow down the process, the situation could become life-threatening, since the abuser, may not agree to the divorce, the abuser would like to remain married.

**Chairman DeKrey:** Thank you. Anyone else wishing to testify? We will close the hearing.

What are the committee's wishes.

**Rep. Delmore:** I move a Do Not Pass.

**Rep. Kingsbury:** Seconded.

**Chairman DeKrey:** Any further discussion.

10 YES 2 NO 1 ABSENT DO NOT PASS

CARRIER: Rep. Kretschmar

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*Dorinda Ball*  
Operator's Signature

10/21/03  
Date

Date: 1/21/03  
 Roll Call Vote #: 1

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1152**

House Judiciary Committee

Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Rep. Delmore Seconded By Rep. Kingsbury

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	AB		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin		✓			
Rep. Grande		✓			
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 10 No 2

Absent 1

Floor Assignment Rep. Kretschmar

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

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Dorena Baller 1/21/03  
 Operator's Signature Date

**REPORT OF STANDING COMMITTEE (410)**  
January 22, 2003 7:33 a.m.

Module No: HR-12-0881  
Carrier: Kretschmar  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
HB 1152: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS**  
(10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1152 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

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HR-12-0881

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*Dennard Baller*  
Operator's Signature

10/2/03  
Date

