

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1401

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10/3/03  
Date

2003 HOUSE JUDICIARY

HB 1401

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1401

House Judiciary Committee

Conference Committee

Hearing Date 2-5-03

Tape Number	Side A	Side B	Meter #
1	x		8-end
1		X	0-5.6
2	X	■	49.7-end

Committee Clerk Signature

**Minutes:** 13 members present.

**Chairman DeKrey:** We will open the hearing on HB 1404.

**Rep. Maragos:** Introduced the bill.

**D. Luke Davis:** Support. (see attached testimony, Tape 1, side A, 8.1-22.5).

**Rep. Eckre:** You have made comments on how welfare workers are instructing on how to circumvent the law, how social services is providing help to circumvent the law. Have you ever got a hold of a state's attorney in Grand Forks county to let them know you found these out, in writing, and gave them specific examples of this happening.

**Mr. Davis:** The man is in violation of the law already, so the fact that he is in violation of law, is not going to correct it. I don't trust him.

**Chairman DeKrey:** Thank you. Any further testimony in support?

**Roland Riemers:** (see attached testimony, 22.5-29) Support.

**Chairman DeKrey:** Thank you.

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Bill/Resolution Number HB 1401  
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**Mitchell Holbach:** Support (see attached testimony, 29-37.1)

**Rep. Onstad:** If there is a court order in place, and the agency says there isn't anything we can do about it, how are pro se forms going to help you.

**Mr. Holbach:** First of all, it means that I don't have to go out and hire an attorney, which I can't afford. Pro se forms would allow me to go into the courtroom and force the other party into court and have the Court consider the best interests of the child - there is no penalty if the parent doesn't follow the visitation schedule. This would be cost effective and be able to get an answer in a quick manner. This would help reconnect a lot of parents with their children.

**Rep. Boehning:** When you pay child support, you pay the court, and they pay to the mother?

**Mr. Holbach:** I am not currently paying child support, the mother of my child has returned to the reservation because she is Native American. She moved to another state, onto the reservation.

**Rep. Boehning:** You are having problems all around, so what you are saying is you can't find the child.

**Mr. Holbach:** That has been my experience. The government welfare programs keep the mother and father apart.

**Chairman DeKrey:** Thank you. Any testimony in opposition.

**Justice Mary Maring:** Opposed (see attached testimony).

**Chairman DeKrey:** Thank you.

**Rep. Bernstein:** Is there education in law school on the use of pro se forms?

**Justice Maring:** In our training in law school, we are trained to develop forms, we are taught to do pro bono work in law school. Small claims court does really well in the area of pro se work.

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House Judiciary Committee  
Bill/Resolution Number HB 1401  
Hearing Date 2-5-03

**Rep. Kretschmar:** In the judicial system, what are statistics on pro se cases, are they increasing?

**Justice Maring:** Pro se work is increasing in all areas: civil, criminal, family law, etc.

**Rep. Klemin:** Will the forms you discussed in your testimony be available yet this year.

**Justice Maring:** I hope so, and then we have to make sure that court personnel are trained to answer questions, education.

**Rep. Delmore:** Are pro se visitation forms available?

**Justice Maring:** No, we are wanting the other two packets to go out first, then we will work on the visitation forms. They are very complicated.

**Chairman DeKrey:** Thank you. Any further testimony. We will close the hearing for now.

(Reopened later in the same session. 12 members present, 1 member absent (Rep. Maragos).)

**Chairman DeKrey:** What are the committee's wishes in regard to HB 1401.

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

**Rep. Delmore:** Seconded.

12 YES 0 NO 1 ABSENT      DO NOT PASS      CARRIER: Rep. Kretschmar

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**FISCAL NOTE**  
 Requested by Legislative Council  
 01/21/2003

Bill/Resolution No.: HB 1401

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$17,860		\$11,300	
Appropriations						

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect or the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The fiscal note is based on developing three sets of forms. Each set of forms and instructions are budgeted at forty pages in length and 2,000 packets of each of the three sets of forms will be developed.

A design committee will meet eight (8) times to develop the forms during the first biennium and twice (2) during the second biennium for possible revisions.

The three sets of forms for child custody, visitation, and support orders will be distributed to all clerks of District Court.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Committee travel 03-05 biennium for eight meetings	\$9860	
Printing 3 sets of forms, 2000 packets, 40 pages each	\$7500	
(Based on estimate provided by Central Duplicating)		Postage
\$ 500		
05-07 Biennium		
Committee travel for two meetings	\$2,500	

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Printing 3 sets of forms (estimate 10% increase in printing) \$8,250

Postage (estimate 10% increase) \$ 550

**C. Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

<b>Name:</b>	Ted Gladden	<b>Agency:</b>	Supreme Court
<b>Phone Number:</b>	3284216	<b>Date Prepared:</b>	01/23/2003

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10/3/03  
Date

Date: 2/5/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1401

House Judiciary Committee

Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Rep. Kretschmar Seconded By Rep. Delmore

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

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Kretschmar

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

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10/3/03  
Date



REPORT OF STANDING COMMITTEE (410)  
February 5, 2003 11:23 a.m.

Module No: HR-22-1701  
Carrier: Kretschmar  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HB 1401: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS**  
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1401 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

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HR-22-1701

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2003 TESTIMONY

HB 1401

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