

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2041

2007 SENATE JUDICIARY

SB 2041

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2041

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 10, 2007

Recorder Job Number: 852

Committee Clerk Signature *Maria Holberg*

Minutes: Relating to marriage license fees.

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

Testimony In Support of Bill:

Vonette Richter – Legislative Council (meter :09) Introduced and reviewed the bill. Gave out Interim study – Att. #1.

Sen. Lyson asked if the fiscal noted includes a FTE with Human Services (meter 6:55) They did not see this as a large increase in duties.

Sen. Nelson questioned (meter 7:57) If this is an approved TANF Fund designation? Yes under marriage promotion.

Sen Olafson stated (meter 8:41) that this bill has two parts. 1. To encourage people to get pre-marital counseling and 2. Allow people who could not afford counseling to be able to use it.

Sen. Dick Dever, Dist. #32 (meter 9:59) Gave testimony – Att. #2. Submitted additional testimony of Sean E. Brotherson, PhD Att. #2b.

Sen. Nething, Chm, stated how in today's (meter 19:19) society of single family homes life has changed. Discussion of vital statistics.

Sen. Nelson (meter 24:33) questioned how the amount of time for the counseling services was established.

Sen. Fiebiger (meter 26:13) questioned the definition of "councilor".

Tom Freier, Executive Director of ND Family Alliance (meter 28:30) Gave Testimony – Att. #3

Christopher Dobson, Legal Council for the ND Catholic Conference (meter 33:22) Gave testimony in support of bill. Interim Study of social status data and asked what the state can do. Pre-marriage counseling was one of the options discussed and in how it would be directly related to the TANF fund. He discussed different ways to approach costing and related what the Catholic Church currently does. Mr. Dobson related his personal experience of growing up with out a "father" influence and how this would help him when he became a father (meter 38:46

Sen. Nelson questioned (meter 37:00) how less and less people have a religious ceremony and how would this be effective.

Sen. Fieberger stated (meter 41:19) that are we "preaching to the choir" with this bill. The people that would use this program already are doing it anyways. Mr. Dobbs replied that in states that have done this initially this is true, but after the word gets out the numbers increase for people who would not have used these services.

Keith Richardson – Pastor of Cornerstone Church, Bismarck ND (meter 43:01) discussed his personal experience with premarital counseling. Stating that society's views today directly reflect the views on marriage are very similar. The bill is needed to say "our state values marriage".

Larry Giese, Pastor 1st Lutheran Church, Mandan (meter 45:46) Gave testimony in support of bill – Att. #4a recommended amendment to clarify "counselor" Att. #4b. Committee discussed a better wording amendment to fulfill the requirement.

Testimony in Opposition of the Bill:

None

Testimony Neutral to the Bill:

None

Senator David Nething, Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2041**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 17, 2007

Recorder Job Number: 1287

Committee Clerk Signature

Maria L Solberg

Minutes: Relating to marriage license fees.

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

Sen. Nething passes out amendment – Att. #1 and a memo from **Larry Giese** Att. #1b and 1c

The committee discussed what type on "license" the certified councilor would be, along with the above memos. Discussion of the perception of the bill is in the public.

Sen. Lyson made the motion to Do Pass Amendment 31 and **Sen. Olafson** seconded the amendment. All members were in favor except for **Sen. Marcellais** and the motion passes.

Sen. Nelson made the motion to DO NOT Pass SB 2041 and **Sen. Marcellais** seconded the motion. **Sen. Nething**, **Sen. Lyson** and **Sen. Olafson** were opposed to the motion and **Sen. Fiebiger**, **Sen. Marcellais** and **Sen. Nelson** were in support of the motion.

Motion Fails

Sen. Lyson makes the motion to Do Pass SB 2041 as amended and **Sen. Olafson** seconds the motion. **Sen. Nething**, **Sen. Lyson** and **Sen. Olafson** are in favor. **Sen. Fiebiger**, **Sen. Marcellais** and **Sen. Nelson** are against. Motion Fails.

Sen. Nelson makes the motion "without recommendation- as amended" and **Sen. Lyson** seconds the motion. All members were in favor and the motion passes.

Carrier: **Sen. Olafson.**

Senator David Nething, Chairman closed the hearing.

FISCAL NOTE
 Requested by Legislative Council
 12/26/2006

Bill/Resolution No.: SB 2041

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$110,000	\$0	\$110,000
Appropriations	\$0	\$0	\$0	\$0	\$0	\$110,000

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for a discount of up to \$25 on the cost of a marriage license for qualifying individuals who complete premarital counseling requirements as set forth in the bill. The bill also provides for the DHS to reimburse the counties for any discounts given on marriage license fees.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The fiscal impact was determined by assuming that half of the eligible individuals applying for marriage licenses would take advantage of the discount.

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.*

The effect of this bill for the 2007-09 biennium is to increase grant expenditures by \$110,000, all of which would be federal funds. For the 2009-11 biennium grant expenditures would again increase by \$110,000, all of which would be federal funds.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Bill provides an appropriation of \$110,000 of federal funds for the 2005-07 biennium. The appropriation is not included in the executive budget. For the 2009-11 biennium an appropriation of \$110,000 would be required in the grants line.

Name:	Brenda M. Weisz	Agency:	DHS
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Phone Number: 701-258-6149

Date Prepared: 01/03/2007

Date: 1-17-07

Roll Call Vote # 3

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2041

Senate _____ Judiciary _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Sen. Lyson Seconded By Sen. Olafson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger		✓
Sen. Lyson	✓		Sen. Marcellais		✓
Sen. Olafson	✓		Sen. Nelson		✓

Total Yes 3 No 3

Absent 0

Floor Assignment _____

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

Date: 1-17-07

Roll Call Vote # 4

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2041

Senate _____ Judiciary _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Without Recommendation, As Amended

Motion Made By Sen. Nelson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Olafson

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

REPORT OF STANDING COMMITTEE

SB 2041: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and BE REREFERRED to the Appropriations Committee (3 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 3, line 18, replace "trained or certified" with "licensed" and after "counselor" insert "or therapist"

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2041

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2041

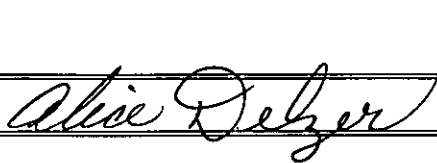
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01-30-07

Recorder Job Number: 2259

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2041 at 9:45 am on January 30, 2007 regarding the NDCC Marriage License Fees and Premarital Counseling Appropriations.

Vonette Richter, Legislative Council explained the purpose of the bill.

Chairman Holmberg asked about the money taken from TANIF Funds. He was informed yes.

Senator Bowman had questions regarding the extra cost in technology.

Tom D. Freier, ND Family Alliance provided written testimony (1) and gave oral testimony in support of the bill.

Senator Mathern had questions concerning the TANIF money funding from the federal government.

There was discussion regarding the matching funds with Maintenance of Effort money.

Senator Kilzer inquired about matching funds and federal dollars and asked for breakdown of the percentage of the matching funds with federal dollars.

Chairman Holmberg had questions concerning the Maintenance of Effort Program.

There was discussion about the concern the counties have of the added expense with technology if this bill does pass.

Senator Christmann inquired how much money was involved.

Chairman Holmberg closed the hearing on SB 2041. Discussion followed.

Senator Tallackson moved for a DO PASS.

Senator Christmann asked if the Counties would want input into this bill, as it will affect them financially. Further discussion followed about whether TANIF can fund this

Senator Tallackson offered to withdraw his DO PASS, however, **Chairman Holmberg** said to go ahead and take the roll on the **DO PASS**. **A roll call was taken resulting in a 14 yeas, 0 no, 0 absent. The motion carried. Senator Olafson will carry the bill.**

The hearing on SB 2041 was closed.

Date: 1-30-07
Roll Call Vote #: /

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2041

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Tallackson Seconded By Grindberg

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 13 No _____

Absent 0

Floor Assignment Jud Com 2041 Sen Olafson

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

REPORT OF STANDING COMMITTEE

SB 2041, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2041 was placed on the Eleventh order on the calendar.

2007 HOUSE HUMAN SERVICES

SB 2041

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2041

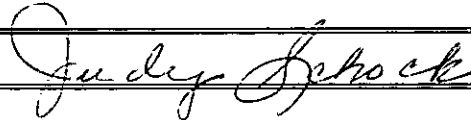
House Human Services Committee

Check here for Conference Committee

Hearing Date February 26, 2007

Recorder Job Number: 3843

Committee Clerk Signature



Minutes:

Chairman Price: We will open the hearing on SB 2041.

Vonette Richter, with Legislative Council staff: I am here to go through the bill and some of the changes and costs. Attached is a portion of the report from the Legislative council's interim judiciary committee. The funds can be used to encourage two parent families.

In section one, the committee questions the voucher after receiving 4 hours of counseling before marriage, who would offer the counseling, and the counseling could cost more than they are receiving back in a voucher when you are talking about qualified counseling. Many churches are already doing counseling, and many of them are already requiring counseling. Section 4 is the appropriation, and the TANIF funds. The dollar amount was based upon the marriages last year and times that by 25.00 and estimated about 50% of the couples would take advantage of this discount.

Senator Dick Dever, District 32: You might want to think about having someone come and explain to you the purposes of TANIF, and what these funds can be used for. See attached testimony, and the attachment of ND teens out of wed lock births and pregnancies. I would like to distribute some testimony from Dr Sean Brotherson who was not able to be here. See attached.

Representative Potter: I am still wondering about the 4 hours. It seems like not very much looking at what is to be discussed in the 4 hours.

Senator Dever: The bill that was introduced in the last session was 12 hours. There was some testimony of some of the churches that they do 8 hours. If you don't think 4 hours is enough, I don't disagree with that. My concern is simply that people sit down and discuss what their situations might be before they get into the situation.

Representative Conrad: I am a little concerned here about the language we are using. What you are saying out of extension is providing education, and in the bill it tells about counseling, and it says very specifically they do not provide counseling. I would like to see the fiscal note for extension service on them providing that education. Is counseling education or is education counseling is that what you are saying?

Senator Dever: I would be willing to bet it would say counseling is educational too.

Representative Weisz: Do you have any data on how many are doing pre marital counseling now?

Senator Dever: No, I don't. I know some churches require it.

Tom Freier, representing the ND Family Alliance: See attached testimony. \$25.00 may not sound that great, but they will have that option. The bill is not mandated but an option. Hopefully the benefits will be great. I think it is a wise investment.

Chairman Price: It is my assumption in most cases if you are married in the church; most churches require some premarital counseling. So that would leave couples not married in the church 25.00 voucher is not going to pay for 4 hours of a licensed councilor or therapist. Do you really think many people will access them if it is going to cost them money?

Mr. Freier: We did have an individual from the clergy who talked about that being an issue and there are other folks that make themselves available to help in any counseling, and he thought they would make themselves available.

Chairman Price: Do you plan to put a directory out there that is going to give this information? If they go to the court house they won't know their options. It is not like looking in the phone book for a licensed therapist.

Mr Freier: I can't speak beyond the clergy, and the volunteers with in the church. It doesn't necessarily have to do with religion. It is an opportunity to visit about this life long adventure.

Representative Potter: Would the 110,000 dollars coming from TANIF funds, do you think that is an appropriate place for the money to come from?

Mr. Freier: Not necessarily how appropriate it is, but I know that as been testified, that is a source of funds that is available and was commissioned to be utilized for that purpose.

Representative Conrad: It might be better to take those 110,000 for marital counseling for people who wouldn't have it available to them through their church. That would be another option that might get as much counseling done for our dollar. Right now we are putting that money into people that are already getting counseling.

Mr. Freier: I suppose that might be another avenue. I think the mechanism to do that might be a little more difficult.

Christopher Dodson, Executive Director of the ND Catholic Conference: See attached testimony. This is one way the state can help develop healthy marriages. This is a good thing for children, adults and society. See attachment on how can the State Strengthen the Institute of Marriage. You asked about access and how available this will be. Testimony that was provided last session and in the interim, there was talk about extension service , and also the Social Service agencies, and pre marital counseling outside of the churches. Some churches

are also discussing whether they would make a section of there house made available to couples that do not belong to their church. They are interested in the social good of marriage not just the religious good. I like the idea of getting a directory available.

Representative Uglem: I am not comfortable with the bill. People who would take advantage of this may already be getting counseling. Was it discussed in the interim to maybe make 2 hours mandatory to be able to get a marriage license with out reimbursement of funds? Are there any other states that do require counseling?

Mr. Dodson: Do you placing undo right to marriage by making it mandatory. To my knowledge I can't think of any other states that do. I know that some TANIF programs require pre marital counseling, but not a condition to the licensing.

Representative Conrad: The cost of 4 hours of counseling out of the church environment, if we took that 110,000 we could provide counseling for 550 couple that wouldn't otherwise be getting it. Wouldn't that be better use of our money than using it for people who are already getting it?

Mr. Dodson: I guess I would question the 200.00. I was thinking of catholic services and the services no matter what religion. .

Chairman Price: Is anyone else in favor of SB 2041? Any one opposed? If not we will close the hearing on SB 2041

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2041

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 28, 2007

Recorder Job Number: 1411

Committee Clerk Signature

Judy Schock

Minutes:

Chairman Price: Let's take out SB 2041. What would the committee like to do?

Representative Potter: I would move a do not pass, seconded by **Representative Conrad**.

The **committee discusses** the counseling if you go to a non religion counselor, what would

they charge. Extension would not be available to do this. This is counseling not education.

People who go to a justice of the peace won't utilize this service. The goal is for them to think about the commitment before it happens. It is just not enough of an incentive. Marital council should be for everyone with 2 hours and no refunds.

The vote was taken with 11 yeas, 1 nay, and 0 absent. **Representative Potter** will carry the bill to the floor.

Date: 7/28
 Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES SB. 2041 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken none do not pass

Motion Made By Rep. Potter Seconded By Rep. Conrad

Representatives		Yes	No	Representatives		Yes	No
Clara Sue Price - Chairman		✓		Kari L Conrad		✓	
Vonnie Pietsch - Vice Chairman		✓		Lee Kaldor		✓	
Chuck Damschen			✓	Louise Potter		✓	
Patrick R. Hatlestad		✓		Jasper Schneider		✓	
Curt Hofstad		✓					
Todd Porter		✓					
Gerry Uglen		✓					
Robin Weisz		✓					

Total (Yes) 11 "Click here to type Yes Vote" No 1 "Click here to type No Vote"

Absent 0

Floor Assignment Rep. Potter

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

REPORT OF STANDING COMMITTEE (410)
February 28, 2007 5:22 p.m.

Module No: HR-28-4139
Carrier: Potter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2041, as engrossed: Human Services Committee (Rep. Price, Chairman)
recommends **DO NOT PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).
Engrossed SB 2041 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2041

Att # 1

1-17-07

Prepared by Tom Freier & Larry Giese
1/12/07

PROPOSED AMENDMENTS TO SENATE BILL 2041

Page 3 line 18, after c. Licensed counselor or therapist.

Nething, David E.

From: Larry Giese [intergen_pastor.firstlutheran@midconetwork.com]
Sent: Tuesday, January 16, 2007 5:09 PM
To: Nething, David E.
Subject: SB2041

Dear Senator Nething,

I had a question about SB 2041 after a telephone conversation this afternoon with a couple from Washington State. Will the premarital counseling completed out of state by a licensed counselor, therapist, or pastor be acceptable to receive the voucher? They plan to marry here in May of 2008. Or, will the bill be geared for instate couples only?

Is there an opinion on this? Thanks for the consideration! Pastor Larry J. Giese
First Lutheran Church, Mandan, ND

1/17/2007

Nething, David E.

From: Larry Giese [intergen_pastor.firstlutheran@midconetwork.com]
Sent: Monday, January 15, 2007 4:19 PM
To: Nething, David E.
Subject: SB2041

Hello Senator Nething, Over the weekend I was in contact with Tom Frier (Family Alliance). We talked about language for SB 2041. I believe you have a copy of my written testimony for page 3 line 18 where it talks about trained or certified counselor. I believe it would be helpful to change the language to "licensed counselor or therapist." These terms are then defined by Century Code in the respective bills that licensed social workers, marriage and family therapists, clinical psychologists, etc. There is also leeway for clergy in all these bills to my knowledge—I know clergy are exempt in the marriage and family therapy bill from the 2005 session. In reference to my comments about procedure with Human Services and the voucher, I'm not sure the bill needs that language. I think Human Services has a way of informing the public through various media resources to accomplish this task. My personal concern, is to have them readily available to process, whether, I as a pastor register with Human Services and have a supply of vouchers with me and I inform Human Services or if the couple needs to contact Human Services directly, and where the voucher could be secured. I fear adding an additional step in preparing for marriage may discourage some couples from getting the voucher, and/or the premarital work which definitely has the potential to have a positive impact on the developing relationship. Thanks for your time. Please email if you have any further questions or comments. I thoroughly enjoyed your committee last Wednesday—probing questions, and raising pertinent issues! I like to see government working in this regard, making ND a great state to live and work!

Pastor Larry Giese
First Lutheran Church, Mandan, ND

1/15/2007

Testimony on SB 2041
Senator Dick Dever
January 10, 2007

Mr. Chairman, members of the committee, for the record I am Senator Dick Dever. I represent District 32 here in Bismarck.

Some of you will recall SB 2361 from the 2005 legislative session, which dealt with this same issue. You might recall that the bill passed the Senate with an increase in the cost of a marriage license at the request of the county recorders. It was amended in the House to further increase the cost of a license to the benefit of the Domestic Violence fund and remove any reference to counseling. In conference committee, the bill was amended to provide for a study of the issue. This bill is a result of that study in the Interim Judiciary Committee.

One of the frustrations that I felt in dealing with the previous bill was that nobody expressed any real reasons for any objections to the counseling part of the bill. I would like to mention several items that I sensed were objections.

Those objections are:

1. Separation of Church and State
2. 32% of couples do not get married by clergy and do not have access to counseling
3. It is an intrusion on the family
4. Women should not be forced to stay in an abusive relationship
5. Counseling does not work
6. It is feel good legislation

I would like to simply make a few comments on each of these points.

Dr. Sean Brotherson is with the NDSU Extension Service. He is involved with government initiatives that encourage marriage and family support. He testified in the interim committee, but was unable to be here this morning. With his permission, I am attaching his testimony to mine. He also sent me an e-mail yesterday discussing the involvement of the Extension Service with parenting education. He is of the feeling that they could provide pre-marital education as a part of that education. If an amendment to the bill would be necessary to reflect that willingness, I would see that as a friendly amendment. If you would like further information from him, I know that you would find him helpful.

Thank you, Mr. Chairman, and I would be happy to respond to any questions.

