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February 5, 2023

The Honorable Lawrence R. Klemin
Chair, ND House Judiciary Committee
600 East Boulevard Avenue
Bismarck, ND 58505

Submitted electronically only:

Re: Testimony in support of HB 1380

Dear Chairman Klemin and members of the House Judiciary Committee,

I write individually in support of HB1308. I am an attorney in private practice in Fargo. I am a lifelong North Dakota resident, currently residing in Legislative District 45. Prior to law school, I served as a Bismarck Police officer. I retired from the North Dakota Army National Guard after serving twenty-four years.

House Bill 1308 would amend and reenact N.D.C.C. § 14-08.1-06. This statute permits suspension or withholding of recreational licenses (hunting and fishing) as well as occupational and professional licenses for child support obligors who are in arrears in an amount greater than three times the monthly support obligation. Likewise, the statute allows suspension or withholding of these licenses for failure to comply with a subpoena related to a paternity or child support matter.

If adopted, HB 1308 would limit the reach of the statute to recreational licenses issued by the Director of the Game and Fish Department only. Suspending or withholding recreational licenses for those who fail to comply with court orders regarding child support and paternity makes sense. Suspending professional licenses and occupational licenses does not. In the latter category, the suspension would simply compound the obligor's inability to work and to satisfy obligations imposed by the court.

I would encourage this Committee to consider amending HB1308 to amend N.D.C.C. § 50-09-08.6, which authorizes administrative suspension of professional licenses. It would be illogical to restrict a court's authority to suspend professional licenses, while leaving unchecked administrative authority to do so.

Reinstatement professional licenses may be difficult. Fees for reinstatement, applying to the court for an order authorizing reinstatement, and then meeting the licensing entity's reinstatement requirements oftentimes takes months. For example, I have been retained on multiple occasions to assist drivers who have been unable to effectively reinstate their own driving privileges due to bureaucracy and inefficiency.

Nothing in this bill limits a court's inherent and statutory authority to impose contempt sanctions. If an obligor intentionally refuses to comply with a court order, under N.D.C.C. Ch. 27-10, the court retains exceedingly broad authority to impose punitive and remedial sanctions, which include payment of money, forfeitures, or even imprisonment.

CONCLUSION

Policy in law should be logical and based on sound reasoning. Suspension or withholding of recreational licenses for habitual non-payment of support or failure to comply with a subpoena related to paternity or support makes sense. Taking away professional or occupational licenses does not. It exasperates the problem it is purporting to address. It impairs the obligor's ability to work and care for his or her children. I respectfully ask the Committee to consider amending this bill to also address administrative suspension of professional licenses, and to thereafter recommend "do pass.

Respectfully submitted,

/s/ Mark A. Friese

Mark A. Friese

MAF:hs

cc: Sen. Ronald Sorvaag, *via email only*
Rep. Carrie McLeod, *via email only*
Rep. Scott Wagner, *via email only*