

Mr. Chair and members of the House Education Committee

I am Rep. Mary Johnson, District 45, Fargo. Last year I asked fellow family law lawyers what they saw as one of the more pressing issues facing them as practitioners. Invariably, they said the marital valuation date statute.

Prior to 2017, Section 14-05-24(1) provided that the valuation date for marital property be the trial date. That was incredibly problematic. The law was changed to provide that if the parties did not agree on a valuation date, it would be the date of the service of the summons or the parties' separation date, whichever occurs first. This is also problematic. Please refer to Jason McLean's testimony. He identified 5 issues the change may/has caused.

Last March, the ND Supreme Court ruled in Messmer vs. Messmer, court's have no discretion in determining a marital valuation date even when the parties cannot agree on one. That was not the intent of this committee or the legislature as provided in Deeann Pladson's testimony. She provided a copy of the Supreme Court's opinion. I respectfully request that you review the opinion and Justice Fair-McEvers dissent. Also, Ms. Pladson suggested some amended language with which I would agree.

The State Bar Family Law Section members are available for technical advice and I would like to work on an amendment with them.

Thank you for your time.

Mary