



JUDICIARY COMMITTEE

Wednesday and Thursday, May 4-5, 2022
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Kim Koppelman, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Kim Koppelman, Mary Adams, Ruth Buffalo, Sebastian Ertelt, Karla Rose Hanson, Terry B. Jones, Karen Karls, Lawrence R. Klemin, Jeffery J. Magrum*, Bob Paulson, Shannon Roers Jones, Bernie Satrom, Mary Schneider, Steve Vetter; Senators JoNell A. Bakke, Robert O. Fors, Diane Larson*, Janne Myrdal*

Member absent: Representative Mary Johnson

Others present: See [Appendix A](#)

**Attended remotely*

It was moved by Representative Karls, seconded by Senator Bakke, and carried on a voice vote that the minutes of the March 3, 2022, meeting be approved as distributed.

SPOUSAL SUPPORT STUDY

Ms. DeAnn M. Pladson, family law attorney, provided information ([Appendix B](#)) relating to the existing spousal support guidelines. She noted North Dakota is one of the few states that has not codified the spousal support guidelines.

MEMBERSHIP OF THE BOARD OF UNIVERSITY AND SCHOOL LANDS AND THE INDUSTRIAL COMMISSION STUDY

Mr. Alvin A. Jaeger, Secretary of State, provided information ([Appendix C](#)) relating to membership of the Board of University and School Lands and the Industrial Commission. He indicated adding the Agriculture Commissioner to the Board of University and School Lands would create a conflict of interest and concerns about open records because a quorum of the members of the Board of University and School Lands would be present each time a meeting of the Industrial Commission is held.

Committee Discussion

Chairman Koppelman noted committee members could pursue a bill draft relating to the membership of the Board of University and School Lands individually because the committee has completed its work on this study.

REPORTS

Ms. Pamela Sagness, Executive Director, Behavioral Health Division, Department of Human Services, provided an annual report ([Appendix D](#)) relating to individuals at the State Hospital who have been committed to the care and custody of the Executive Director of the Department of Human Services. She indicated 27 offenders currently are committed for residential treatment and another 11 offenders are committed for outpatient treatment.

Mr. Mike Hagburg, Staff Attorney, Supreme Court, provided a report ([Appendix E](#)) on the status of the program to assist rural counties and municipalities in recruiting attorneys as required by North Dakota Century Code Section 27-02.2-13. He noted three attorneys have applied for the program.

Mr. Shawn Peterson, Juvenile Court, provided a report ([Appendix F](#)) on the status, effectiveness, performance, and sustainability of the memorandum of understanding established under Section 27-20.4-27. He noted:

- 21 youth have been referred by the Tribal Court to be staffed with the multidisciplinary team since the inception of the agreement with the Spirit Lake Tribe.
- The team will be able to better measure recidivism over the course of the next year.

Judge Joseph Vetsch, Chief Judge, Spirit Lake Nation, provided information ([Appendix G](#)) relating to the sustainability of the tribal juvenile services cooperative agreements. He noted:

- Staff turnover is a major concern for the tribal court and Spirit Lake Social Services.
- There is a greater need for more intensive supervision of the youth involved in tribal court.

Dr. Christopher Johnson, Presiding Officer, and Ms. Lindsey Burkhardt, Director, Task Force on the Prevention of Sexual Abuse of Children, provided the report (Appendices [H](#) and [I](#)) of the Task Force on the Prevention of Sexual Abuse of Children. Ms. Burkhardt noted:

- The four main goals of the task force are prevention of child sexual abuse, strengthening intervention, strengthening the network, and strengthening offender programming;
- An environmental scan regarding the processes and prospective of the prevention of child sexual abuse for the state was completed in April 2022;
- There was a strong desire among those surveyed to provide child sexual abuse education to all stakeholder groups; and
- Roadblocks to providing education include a lack of intellectual resources and subject matter expertise.

Mr. Mathias Anderson, Account/Budget Specialist, North Dakota Lottery, provided a report ([Appendix J](#)) relating to the operation of the lottery. He noted:

- The lottery's appropriation for the 2021-23 biennium is \$2,118,319 for salaries and fringe benefits for 10 full-time equivalent positions and \$3,136,525 for operating expenses, totaling \$5,254,844;
- For the 2021-2023 biennium, the lottery's projected sales are \$64 million with transfers of \$15.84 million (\$13.6 million - state general fund; \$640,000 - compulsive gambling prevention and treatment fund; and \$1.6 million - multijurisdictional drug task force grant fund); and
- Unaudited ticket sales through March 31, 2022 (first 9 months of the fiscal year) are \$22.3 million, which reflects a \$1.3 million decrease in sales or a 5.4 percent decrease compared to the same period last year.

PRESIDENTIAL EXECUTIVE ORDERS

Ms. Samantha E. Kramer, Senior Counsel, Legislative Council, presented a memorandum entitled [Presidential Executive Orders January 20, 2021 - April 1, 2022](#).

JUVENILE JUSTICE STUDY - REPORTS

Ms. Lisa Bjergaard, Director, Division of Juvenile Services, Department of Corrections and Rehabilitation, provided a report ([Appendix K](#)) on the work of the Juvenile Justice Commission. She noted the commission recommends the study of the implementation of House Bill No. 1035 (2021) continue through the next biennium.

Mr. Cory Pederson, Director, Children and Family Services, Department of Human Services, noted the agencies that have applied for shelter care certification feel they are in compliance and will be up and running in the short term.

Mr. Travis Finck, Executive Director, Commission on Legal Counsel for Indigents, provided information ([Appendix L](#)) relating to the implementation of juvenile justice reform and the annual report ([Appendix M](#)) of the Commission on Legal Counsel for Indigents and actual costs incurred. He noted:

- All delinquent youth are entitled to court appointed counsel regardless of parental income;
- A parent has a right to counsel in a guardianship action and at the detention state of a delinquency proceeding;
- During the 2019-21 biennium, the commission averaged 132 case assignments per month whereas through January 2022, the commission averaged 194 case assignments per month; and
- During the 2019-21 biennium, the commission spent an average of \$29,100 per month on juvenile specific contracts and through the first 6 months of the 2021-23 biennium, the commission averaged \$41,800 per month.

GAMBLING ADDICTION STUDY

Ms. Lisa Vig-Johnson, Director Gamblers Choice, Department of Human Services, provided information ([Appendix N](#)) relating to the department's takeover of addiction services. She noted the availability of electronic pull-tab machines has increased significantly the need for a full continuum of programming across the state.

Ms. Sagness provided information ([Appendix O](#)) relating to Gamblers Choice.

Ms. Deb McDaniel, Director, Gaming Division, Attorney General's office, provided information relating to the increase in electronic pull-tab devices. She noted electronic pull tabs gross about \$4 million each quarter and there is not a statutory limit on the number of devices that can be operated in the state.

Comments by Interested Persons

The committee received comments from the following interested persons regarding their experience with gambling addiction:

- Mr. Dean Gunderson ([Appendix P](#));
- Ms. Gayle Grubow ([Appendix Q](#));
- Mr. Steven Johnson; and
- Mr. Sloan Lawrence.

The committee received additional comments ([Appendix R](#)) from interested persons.

No further business appearing, Chairman Koppelman adjourned the meeting at 1:55 p.m.

Samantha E. Kramer
Senior Counsel

ATTACH:18