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La Costa Rickford
Operator's Signature

10/3/03
Date

2003 HOUSE JUDICIARY

HB 1254

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Salvatore Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1254

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-22-03

Tape Number	Side A	Side B	Meter #
1	x		0-17
Committee Clerk Signature <i>Al Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Bernstein)

Rep. Kretschmar: Called the meeting to order and introduced Chairman DeKrey to introduce HB 1254.

Chairman DeKrey: We passed the Adult Offender Compact during last session, this is the little brother to that bill. I put the same language in, it deviates from the standard compact that it is limited to the funds available for the appropriations of ND so we can keep a handle on the cost. With the sunset clause, we will take another look at it in two years.

Rick Masters, Council of State Governments: This is the counterpart to the adult compact. The tracks juveniles, monitors juveniles that wish to transfer from state to state, and the only mechanism in our country that provides for such tracking. The existing juvenile compact has been adopted by every state in the union. It was first drafted in 1955, it has not been updated comprehensively since that time; however there have been three amendments that have been proposed and adopted by some, but not states. This has created some enforcement problems, and

Page 2

House Judiciary Committee

Bill/Resolution Number HB 1254

Hearing Date 1-22-03

administration problems, because you have some states adopting 1 or 2 of these 3 subsequent amendments, some states have adopted all three, some states have adopted one of the amendments, but not all. That has led to the fact that, is there a viable agreement? You've got different state legislatures that have attempted to amend, or have amended the document, but other legislatures have not. There's a lack of uniformity that this bill seeks to remedy and it would codify all of the three amendments, regarding runaways, rendition and out of state confinement, and eliminate this patchwork quilt of conflicting legislation that exists among the states. This also seeks to remedy the difficulty in enforcing this agreement. Also provisions in this compact for mediation and arbitration, where there are reasonable minds that differ as to how it should be interpreted or enforced. Secondly, in regard to the rules. There are a comprehensive set of rules with the existing compact authority, and currently the existing compact is being administered by a group called the Association of Juvenile Compact Administrators, a not-for-profit group that attends meetings throughout the years to enforce the compact, and based on the difficulties they have faced with the legislation in the present form, have done a very good job, with very little resources. The compact really does not designate the Association of Juvenile Compact Administrators as a rulemaking body or as an enforcement body. This legislation would create clear lines of authority to an Interstate Commission, which would supplant this present Association, as the body which would administer the compact, enforce the compact, and would have the power to make the rules. There are rules which the Juvenile Compact currently has, and my belief is that like the Adult Compact, they would start with the existing rules and if it isn't broken, it doesn't need to be fixed; but where there are rules which need to be updated, court decisions or difficulties in enforcement or interpretation, new rules would be made, and this

Page 3
House Judiciary Committee
Bill/Resolution Number HB 1254
Hearing Date 1-22-03

group would have clear authority to do that within the confines of the rulemaking process. This legislation does make this group accountable to the legislatures of the 50 states, you have the power to veto a rule by majority vote, there is a rulemaking procedure based on the Uniform Administrative Act which requires the typical due process provisions that you would find in any of the administrative agencies within your state. This also provides tracking of offenders, and electronic monitoring system that would supplant the existing system, that would supplant the existing system. Finally, it would provide for a state council that would be a function of each state to gather together to maintain the visibility of this mechanism, which would include not only the Compact Administrator representatives from the legislative branch, judicial branch, and executive branch, which would come together in an advisory capacity, along with the victim's representative to give input into this important public policy mechanism, and hopefully provide a framework for keeping this on the radar screen of those who need to know what's happening in this area.

Rep. Delmore: When was this first established, how many states belong, and if it were well thought out, why are the number of amendments so high.

Mr. Masters: The original compact was drafted and enacted in 1955. I think the amendments were an attempt to rectify some problems that developed because there were some unanticipated problems. This is an attempt to put a governing structure in place that would have authority within the scope of the legislation you enact to make rules that would be flexible and could be changed without having to come back to the legislature, to hopefully avoid the problems that we have had with these three amendments.

La Costa Rickford
Operator's Signature

10/3/03
Date

Page 4

House Judiciary Committee
Bill/Resolution Number HB 1254
Hearing Date 1-22-03

Rep. Klemin: I see the effective date is either July 1, 2004 or when 35 states have adopted this, whichever comes first. It doesn't go into affect until there are 35 states? What is the status of this amongst the states now.

Mr. Masters: The drafting committee, which is made up of a wide variety of experts in the juvenile justice field, etc. culminated in a two year process which is resulting in the legislation you see before you. There are five states which have introduced bills, at least 5 or 6 more which are pending, my guess is that we will have possibly as many as 8-12 states that would adopt this first year. With the adult compact, we went from zero to 41 jurisdictions in three legislative sessions.

Rep. Klemin: Until such time as 35 states do adopt this, would we be governed by the old compact?

Mr. Masters: Yes, it would remain in effect. We want to make sure there is a broad consensus of 2/3 of the states.

Chairman DeKrey: Thank you.

Al Lick, Director, Division of Juvenile Services, DOCR: (see attached testimony) Support.

Rep. Delmore: Who are on the commission?

Mr. Lick: There are seven members on the commission.

Chairman DeKrey: Thank you. Anyone else in favor of HB 1254. Any opposition? We will close the hearing.

La Costa Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1254

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-27-03

Tape Number	Side A	Side B	Meter #
1		xx	40-end
Committee Clerk Signature <i>M. Penrose</i>			

Minutes: Committee work was held on HB 1254.

Chairman DeKrey: What are the committee's wishes.

Rep. Delmore: Move a Do Pass on HB 1254.

Rep. Grande: Seconded.

12 YES 0 NO 1 ABSENT DO PASS

CARRIER: Rep. DeKrey

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10/3/03
Date

P

FISCAL NOTE
Requested by Legislative Council
03/03/2003

REVISION

Bill/Resolution No.: HB 1254

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			\$0		\$24,000	
Appropriations			\$0		\$24,000	

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

For the juvenile compact to become effective, 35 states must adopt the compact. The DOCR does not expect this to happen until the 2005-07 biennium. As a result, the DOCR estimates no fiscal impact as a result of this bill for the 2003-05 biennium. However the fiscal impact for the 2005-07 biennium is estimated to be \$24,000 (annual dues in the amount of \$12,000, thus the \$24,000 biennial amount).

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.*

No fiscal impact for the 2003-05 biennium, \$24,000 fiscal impact for the 2005-07 biennium (annual dues in the amount of \$12,000, thus the \$24,000 biennial amount). See explanation in #2 above.

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.*

No fiscal impact for the 2003-05 biennium, \$24,000 fiscal impact for the 2005-07 biennium (annual dues in the amount of \$12,000, thus the \$24,000 biennial amount). See explanation in #2 above.

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	03/04/2003

FISCAL NOTE
Requested by Legislative Council
01/14/2003

Bill/Resolution No.: HB 1254

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			\$24,000		\$24,000	
Appropriations			\$24,000		\$24,000	

1B. County, city, and school district fiscal effect: Identify the fiscal effect on 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.

Annual dues in the amount of \$12,000 are required, thus the \$24,000 biennial amount

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.

Annual dues in the amount of \$12,000 are required, thus the \$24,000 biennial amount. All agency travel related to the juvenile compact is included in the annual dues.

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.

Annual dues in the amount of \$12,000 are required, thus the \$24,000 biennial amount. These dues are not currently included in the 2003-05 agency executive recommendation.

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	01/17/2003

La Costa Rickford
Operator's Signature

10/3/03
Date

Date: 1/27/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1254

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Grande

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. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. DeKrey

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

La Costa Rickford
Operator's Signature

10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
January 27, 2003 10:56 a.m.

Module No: HR-15-1104
Carrier: DeKrey
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1254: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS**
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1254 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-15-1104

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Operator's Signature

10/3/03
Date

2003 SENATE JUDICIARY
HB 1254

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10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1254

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/03/03

Tape Number	Side A	Side B	Meter #
2		X	5.5 - End
Committee Clerk Signature <i>Maria L. Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony Support of HB 1254

Al Lick, Director Division of Juvenile Services (Meter 5.5) Read Testimony Attachment #1

Senator Thomas L. Trenbeath discussed if fiscal note included commission? No That is just our National Membership. They usually charge the place they come from; i.e., the legislature would cover the legislative member. This membership due is not in effect until we have thirty-five states participating and that will take at least two years to happen.

Rep. Decray - Discussed History of Bill. The fiscal note is incorrect. We have proposed this bill in the early stage so that ND would have a voice in the rule making processes. Warren Emmer is now on the adult compact rules commission and I would hope that he may be on the Juvenile compact. There is a sunset clause on this bill. If at the next legislative session we are not happy

La Costa Rickford
Operator's Signature

10/3/03
Date

Page 2

Senate Judiciary Committee

Bill/Resolution Number HB 1254

Hearing Date 03/03/03

with the committee or the process then we have that opportunity to re-address this bill. We may defeat it, pass it, or pass it with another sunset clause.

Senator John T. Traynor, Chairman discussed the fiscal notes effective date is 2005-2007? Fiscal note incorrect? Yes, it was wrong in the House too. We will fix it.

Testimony in opposition of HB 1254

None

Testimony Neutral to HB 1254

None

Motion Made to DO PASS HB 1254 Senator Carolyn Nelson and seconded by Senator Stanley W. Lyson, Vice Chairman

Roll Call Vote: 5 Yes. 0 No. 1 Absent

Motion Passed

Floor Assignment: Senator Stanley W. Lyson, Vice Chairman

Senator John T. Traynor, Chairman closed the hearing

Date: March 3, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 1254

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Senator Carolyn Nelson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	A	A
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) FIVE (5) No ZERO (0)

Absent ONE (1)

Floor Assignment Sen. Lyson

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

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10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 4, 2003 8:30 a.m.

Module No: SR-38-3819
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1254: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1254 was placed on the
Fourteenth order on the calendar.

2003 TESTIMONY

HB 1254

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10/3/03
Date



DIVISION OF JUVENILE SERVICES
Division of North Dakota Department of Corrections and Rehabilitation
3100 Railroad Avenue, PO Box 1898 • Bismarck, ND 58002-1898
Telephone: (701) 328-6390 • FAX (701) 328-6681 • TDD 701-366-6888

House Judiciary Committee
Representative Duane Dekrey, Chairman

I appear today in favor of HB 1254.

This bill establishes a juvenile compact office, which will be a positive move for the following reasons:

1. Consistent enforcement
2. Central office to hear problems
3. Consistent training
4. Policies written by the participating states will allow for more positive participation

I also feel if there is going to be a central juvenile compact office, North Dakota needs to be at the table to express our concerns and provide professional feedback.

North Dakota has about 100 transactions a year processed by our Compact Administrator.

There is a fiscal note of \$24,000 per biennium for our dues to participate in the compact. I know it is difficult to find these monies in these tight economic times.

By Al Lick, Director
Division of Juvenile Services



Att #1

DIVISION OF JUVENILE SERVICES
Division of North Dakota Department of Corrections and Rehabilitation
3100 Railroad Avenue, PO Box 1896 • Bismarck, ND 58002-1896
Telephone: (701) 328-6390 • FAX (701) 328-6661 • TDD 701-366-6888

Senate Judiciary Committee
Senator Jack Traynor, Chairman
March 3, 2003

I appear today in favor of HB 1254.

This bill establishes a juvenile compact office, which will be a positive move for the following reasons:

1. Consistent enforcement
2. Central office to hear problems
3. Consistent training
4. Policies written by the participating states will allow for more positive participation

I also feel if there is going to be a central juvenile compact office, North Dakota needs to be at the table to express our concerns and provide professional feedback.

North Dakota has about 100 transactions a year processed by our Compact Administrator.

The Compact will be adopted when 35 of all of the states adopt this legislatively. At that time our membership will be \$24,000 per blennium.

By Al Lick, Director
Division of Juvenile Services

La Costa Rickford
Operator's Signature

10/3/03
Date