

**2015 HOUSE JUDICIARY**

**HB 1119**

# 2015 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1119  
1/14/2015  
21951

☐ Subcommittee  
☐ Conference Committee /

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to the transfer and supervision of a child in another state or from another state and to the interstate compact on juveniles.

## Minutes:

Testimony #1

**Acting Chair. Kretchmar:** Opened the hearing on HB 1119 with testimony for support.

**Lisa Bjergaard, Director of the Division of Juvenile Services** (See testimony #1)  
(1:12-4:10)

**Rep. D. Larson:** The language giving the authority for the Interstate Compact is still in 1266?

**Lisa Bjergaard:** Yes in 12-66 which is also where the adult compact language is. It is a departure from where they are use to looking for juvenile code.

Opposition: None

Hearing recessed.

# 2015 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1119  
1/19/2015  
22112

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to the transfer and supervision of a child in another state or from another state and to the interstate compact on juveniles.

## Minutes:

**Chairman K.Koppelman:** Reopened the hearing on HB 1119 with testimony for support.

**Lisa Bjergaard, Director of the Division of Juvenile Services:** My testimony was pasted out on 1/14/15. (1:34-2:11) there needs to be a mechanism in place for youth who have either run away or committed a crime in another state for the safe transfer of those youth back and forth across state lines. That is accomplished through the use of a uniform compact between the states. ND was the first state that passed the new compact, but there is a process then of waiting for all the other states to get on board. We have been waiting the last nine years to get all 50 states on board. It was the recommendation that we leave the old compact language in place until all 50 states and some of the territories were on board in case there needed to be some transfer mechanism in the meantime until everyone was in this compact. Now everyone is on board so we can take the old language out.

Opposition: None

Hearing closed.

**Motion Made to Do Pass by Rep. Lois Delmore: Seconded by Rep. G. Paur**

**Roll Call Vote: 12 Yes 0 No 1 Absent Carrier: Rep. K. Wallman:**

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. HB 1119**

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Lois Delmore: Seconded By Rep. G. Paur

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	X		Rep. Pamela Anderson	X	
Vice Chairman Karls	X		Rep. Delmore	X	
Rep. Brabandt	X		Rep. K. Wallman	X	
Rep. Hawken	X				
Rep. Mary Johnson	X				
Rep. Klemin	X				
Rep. Kretschmar	X				
Rep. D. Larson	X				
Rep. Maragos	---				
Rep. Paur	X				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. K. Wallman

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

**REPORT OF STANDING COMMITTEE**

**HB 1119: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO PASS**  
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1119 was placed on the  
Eleventh order on the calendar.

**2015 SENATE JUDICIARY**

**HB 1119**

# 2015 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB 1119

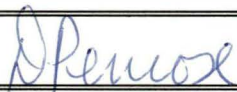
3/11/2015

24631

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



**Minutes:**

1

Ch. Hogue: We will open the hearing on HB 1119.

Lisa Bjergaard, Director, ND DOCR, Division of Juvenile Services: Support (see attached #1).

Sen. Nelson: Since we made these changes in 2003 and it's been sitting in the code, has it been the one that has been enforced, or has it been the old law that's been enforced. Are there some major differences or are we just getting rid of extra language.

Lisa Bjergaard: Since 2006 when it became the new language, it now has the force of federal law, once it is adopted as a threshold, that's the mechanism we've been using. Unless we had a case with a state that was not part of the compact and then we used the old language. It's just confusing to have that in there. There have been several points where it has been confusing. One of the reasons I made the note of when it was enacted, it is enacted over in 12-66 but the Uniform Juvenile Court Act is in 20-27. That's where the old compact is, so unless you are doing quite a bit of this work and know that the new compact is over in 12-66 referees are looking in 27-20 and 27-21 and they find the old compact, so we're glad that the last state came on board.

Sen. Nelson: So if there was a problem with Georgia, did you go back to the old 27-20. You couldn't use 12-66.

Lisa Bjergaard: Correct.

Sen. Nelson: Until July of last year.

Lisa Bjergaard: Yes.

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. Neutral testimony. We will close the hearing. We have the bill before us.

Sen. Nelson: I move a Do Pass.

Sen. Casper: Second the motion.

**6 YES 0 NO 0 ABSENT**

**DO PASS**

**CARRIER: Sen. Nelson**



Date: 3/11/2015

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTE

BILL/RESOLUTION NO. 1119

Senate JUDICIARY Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Sen. Nelson Seconded By Sen. Casper

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	<input checked="" type="checkbox"/>		Sen. Grabinger	<input checked="" type="checkbox"/>	
Sen. Armstrong	<input checked="" type="checkbox"/>		Sen. C. Nelson	<input checked="" type="checkbox"/>	
Sen. Casper	<input checked="" type="checkbox"/>				
Sen. Luick	<input checked="" type="checkbox"/>				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Nelson

**REPORT OF STANDING COMMITTEE**

**HB 1119: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the  
Fourteenth order on the calendar.

**2015 TESTIMONY**

**HB 1119**

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1-14-15  
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**HOUSE JUDICIARY COMMITTEE**  
**Representative Kim Koppelman, Chair**  
**January 14, 2015**

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**North Dakota Department of Corrections and Rehabilitation**  
**Division of Juvenile Services**

**Lisa Bjergaard, Director**  
**Presented Testimony concerning House Bill 1119**

For the record, I am Lisa Bjergaard, Director of the Division of Juvenile Services and I present this testimony in support of HB 1119.

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The Interstate Compact for Juveniles allows compacting states to provide proper supervision and/or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in doing so have endangered their own safety and the safety of others. In 2003, North Dakota became the first state in the nation to adopt a new version of the Interstate Compact of Juveniles. The new Compact was enacted as N.D.C.C. 12-66.

Other states joined the Compact over the course of the next few years, but the Compact did not take effect until 35 states had adopted the new language. In 2006, Illinois became the 35<sup>th</sup> compacting state.

Although North Dakota had acted on the new compact, language in N.D.C.C. sections 27-20-39, 27-20-40, 27-20-41, 27-20-42 and 27-20-43 relating to the transfer and supervision of a child in another state or from another state were retained.

Even though the new Compact reached the threshold of 35 compacting states a number of years ago, it was prudent to retain the previous sections of N.D.C.C. until all 50 states had adopted the new language. This allowed North Dakota to

#1  
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1-14-15  
Pg 2

continue a mechanism for interacting with non-compacting states during the adoption process.

Early in 2014, the final state enacted the language of the new compact. No reason remains for the old compact language to be retained, and N.D.C.C. sections 27-20-39, 27-20-40, 27-20-41, 27-20-42 and 27-20-43 should be repealed.

1-1

**SENATE JUDICIARY COMMITTEE**

**David Hogue, Chair**

**March 11, 2015**

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**North Dakota Department of Corrections and Rehabilitation  
Division of Juvenile Services**

**Lisa Bjergaard, Director**

**Testimony concerning House Bill 1119**

For the record, I am Lisa Bjergaard, Director of the Division of Juvenile Services and I present this testimony in support of HB 1119.

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