

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

JUDICIARY COMMITTEE

Wednesday, August 15, 2012
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Dave Nething, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Dave Nething, Jim Dotzenrod, David Hogue, Stanley W. Lyson, Carolyn C. Nelson, Curtis Olafson, Mac Schneider, Margaret Sitte; Representatives Stacey Dahl, Lois Delmore, Joyce Kingsbury, Lawrence R. Klemm, Kim Koppelman, William E. Kretschmar, Andrew Maragos, Gary Paur, Steven L. Zaiser

Member absent: Representative Dennis Johnson

Others present: John Walstad, Jay E. Buringrud; Legislative Council, Bismarck

Representative Jerry Kelsh, member of the Legislative Management, was also in attendance.

See [Appendix A](#) for additional persons present.

It was moved by Senator Lyson, seconded by Representative Delmore, and carried on a voice vote that the minutes of the April 11, 2012, meeting be approved as distributed.

REPORT

Chairman Nething called on Mr. Wayne Stenehjem, Attorney General, for the presentation of a report ([Appendix B](#)) regarding current status and trends of unlawful drug use and abuse and drug control and enforcement efforts in this state. Mr. Stenehjem said the report evaluates five sets of statistics, each of which provides a different aspect of the substance abuse problem in North Dakota:

1. The youth risk behavior survey, which is conducted by the Department of Public Instruction every other year, examines the health risks taken by the state's children;
2. Data on the number and type of drug samples analyzed at the State Crime Laboratory;
3. Trends in substance abuse treatment as reported by the Department of Human Services;
4. Arrest statistics compiled by the Bureau of Criminal Investigation from reports submitted by local law enforcement agencies; and
5. Information from the Department of Corrections and Rehabilitation on the number of people incarcerated or on probation for drug-related crimes.

Mr. Stenehjem said the youth risk behavior survey indicated that tobacco use among youth is decreasing. He said the use of alcohol by North Dakota teens has decreased for almost all responses,

including drinking and driving and binge drinking. He said the number of teens who said they drove when drinking alcohol decreased 3.5 percent from 2009 but is still higher than the national rate (11.7 percent North Dakota, 8.2 percent nationally). He said the survey indicated those who had at least one drink in the past 30 days decreased from 59.2 percent in 2001 to 38.8 percent in 2011. He said for other illicit drugs, marijuana use decreased by nearly one-third, from 22 percent in 2001 to 15.3 percent in 2011, and is lower than the national average of 23.1 percent. He said marijuana, which is the most abused drug among adolescents, decreased by nearly one-third, from 22 percent in 2001 to 15.3 percent in 2011, and is lower than the national average of 23.1 percent. He said the survey indicated that 16 percent of high school students have taken a prescription drug without a doctor's prescription.

Mr. Stenehjem said the Crime Laboratory saw an increase in synthetic cannabinoids/bath salts in 2010. He said it was necessary to develop a new method of analysis to detect these compounds, which caused an increase in analysis time per sample. He said the number of samples categorized as "other dangerous drugs," which includes the synthetic drugs, increased from 387 samples in 2006 to 2,628 in 2011.

Mr. Stenehjem said alcohol continues to be the No. 1 abused substance among adults. He said reports of using methamphetamine as a primary substance have decreased in the calendar years 2007 through 2011 for both adults and adolescents. However, he said, reported use of oxycodone as a primary substance has increased for both adults and adolescents.

Mr. Stenehjem said a report of the Attorney General's Bureau of Criminal Investigation, which compiles data provided by the law enforcement agencies serving the state, indicates that drug arrests have increased by 257 percent in the past 21 years from 745 in 1990 to 2,662 in 2011. He said methamphetamine laboratories have been reduced by 97 percent since 2003, the year the Legislative Assembly first passed laws restricting sales of over-the-counter medicine used in the manufacture of methamphetamine.

Mr. Stenehjem said synthetic drug abuse is becoming epidemic. He said the government needs to shut down the synthetics. He said there is a mistaken belief with the synthetic drugs that if not illegal, the drugs must not be harmful. He said law

enforcement is seeing organized crime coming into the state. He said some of that activity is in the oil patch area but not all of it. He said the state must nip it in the bud, or it will be a problem for a long time. He said resources are stretched in law enforcement, and there are concerns about law enforcement burnout. He said there is also a concern about gang activity. He said if these types of activity are not addressed now, the expenditures and resources necessary to address the problem will be enormous. He said there is a need for more law enforcement on the state level. He said local governments are stepping up and adding people.

Representative Zaiser said he has heard that the primary reason people turn to synthetic marijuana is because marijuana use is illegal. He said synthetic marijuana is more harmful than pure marijuana. He said 71 percent nationally support the use of medical marijuana. He said he supports the use of marijuana for medical use but not for recreational use.

In response to a question from Representative Zaiser, Mr. Stenehjem said he does not agree that there is no harm from the use of marijuana, and there are many families that could attest to that. He said he will be free to debate the marijuana issue after the petition is approved for the ballot.

In response to a question from Representative Delmore, Mr. Stenehjem said many teens are stealing prescription drugs from their parents' medicine cabinets and from their friends' homes. He said drug take back programs have resulted in the collection of about 1.5 tons of unused medications. He said the state's prescription drug monitoring program is an incredibly useful program, but doctors are not aware of it as they should be nor are they using it as much as they should be. He said the State Board of Medical Examiners is working on increased use of the program. He said the program would be helpful in decreasing the abuse of prescription drugs. He said there is a need for more education. He said parents need to be in charge of their kids and talk to them about the dangers of all substances. He said drug abuse resource needs are going to be brought up during the upcoming legislative session.

In response to a question from Senator Nething, Mr. Stenehjem said his office is working on a bill draft to help address the synthetic drug abuse problem. He said he would discuss the bill draft with the committee at its next meeting.

In response to a question from Senator Olafson, Mr. Dallas Carlson, Director, Bureau of Criminal Investigation, said 2011 Senate Bill No. 2241, which included theft of a prescription drug among the theft offenses for which the offense is a Class C felony, was helpful when the state had a rash of pharmacy burglaries.

In response to a question from Senator Sitte, Mr. Stenehjem said prosecutorial discretion allows for judgment on those cases for which treatment may be a better option than prison time. He said for first-time offenders the goal is often treatment rather than

punishment. He said he would provide information at the next meeting on the number of individuals charged with a Class C felony under the new law for taking one prescription pill.

Representative Klemin said there is a federal effort to create a generic definition for the synthetic drugs. Mr. Stenehjem said someone from the Crime Laboratory can provide information to the committee about synthetic drug testing at the next meeting.

In response to a question from Representative Koppelman, Mr. Stenehjem said the state needs more than laws on drunk driving. He said there needs to be a change in the public attitude that drinking and driving is not acceptable. He said he is concerned about the number of people who consider drinking and driving socially acceptable. He said driving under the influence arrests are up 10 percent. He said many of those are repeat offenders.

In response to a question from Representative Zaiser, Mr. Stenehjem said a pardon is needed to expunge a record.

In response to a question from Representative Dahl, Mr. Stenehjem said he would address the challenges of law enforcement at the next meeting.

In response to a question from Senator Nething, Mr. Stenehjem said the youth risk behavior survey is conducted on all youth in grades 7 through 12. He said other states use a similar survey.

JUVENILE COURT JURISDICTION STUDY

At the request of Chairman Nething, Committee Counsel reviewed a bill draft [\[13.0066.01000\]](#) regarding extended jurisdiction juvenile proceedings. She said the bill draft allows for the option of an extended jurisdiction in certain juvenile proceedings.

Chairman Nething called on Mr. Paul Myerchin, President, North Dakota Association of Criminal Defense Lawyers, for testimony regarding the bill draft. Mr. Myerchin said the bill draft modifies current law by providing that under a motion for extended juvenile jurisdiction, the court is not required to consider whether the juvenile is amenable to treatment. He said he can provide an amendment to address that issue. He said he is concerned about young teens who may fall under this bill draft who may not actually be violent or habitual offenders. He said the interests of the parents are not adequately addressed in the bill draft. He said the number of juveniles who would be affected by the bill draft is a small percentage of juveniles in the system. He said he is concerned about the potential negative effects of this legislation. He said the bill draft attempts to fix something that may not need fixing.

In response to a question from Representative Paur, Mr. Myerchin said the North Dakota Association of Criminal Defense Lawyers has concerns about the bill draft, including whether there is truly a problem; how many cases would be affected; and whether this change will cause more harm to that juvenile who really needs rehabilitation and is saddled with a lifelong felony conviction. Regarding the expunging of

records, he said, little can be done to expunge a record.

In response to a question from Representative Kingsbury, Mr. Myerchin said under the bill draft, murder would be an automatic transfer to adult court.

In response to a question from Senator Olafson, Mr. Myerchin said judges know when it is appropriate to revoke a juvenile offender and place them at the Youth Correctional Center or other options. He said habitual offenders will get caught again. He said the system has a way of catching up with habitual offenders.

Senator Olafson said it may be better to address the problem on the front end rather than wait for more crimes to be committed.

Chairman Nething called on Mr. Terry Traynor, North Dakota Association of Counties, for comments ([Appendix C](#)) regarding the North Dakota State's Attorneys Association's position on the bill draft. Mr. Traynor said while a significant number of the state's attorneys support the extended juvenile jurisdiction concept, several have questioned some of the technical issues and a few have questioned the need for the bill draft altogether. He said because of the honest disagreement among the members of the North Dakota State's Attorney's Association, the association declines to either support or oppose the bill draft.

In response to a question from Senator Nething, Mr. Traynor said some members cannot be swayed even with amendments. He said the North Dakota State's Attorneys Association typically has a strong consensus on the issues it supports. He said Mr. Aaron Birst will provide more information on the issue at the committee's next meeting.

In response to a question from Senator Olafson, Mr. Traynor said the breakdown in support for the idea is likely between the rural and urban counties.

Chairman Nething called on Mr. Brad Saville, Juvenile Court Office II, East Central District Court, for testimony ([Appendix D](#)) regarding the extended jurisdiction juveniles proposal. Mr. Saville said he has worked for the juvenile court since August 2011. He said his previous work history includes over 10 years' experience as a juvenile probation officer for the Minnesota Department of Corrections in Moorhead, a year and a half as a juvenile corrections specialist with the North Dakota Division of Juvenile Services in Devils Lake and Grand Forks, and two and a half years as a primary counselor in a juvenile residential treatment facility in Wisconsin.

Mr. Saville said he supervises a caseload of 44 delinquent and unruly youth. As a juvenile court officer, he said, he supervises juveniles who have been through both the informal and formal court process. In the North Dakota juvenile court, he said, an evidence-based model of supervision called balanced and restorative justice is used. He said this model ensures both public safety and a process by which the offender, the family, the victim, and the community are included to restore and repair the harm

that has been caused. He said juvenile court officers conduct needs and risks assessments on every supervised juvenile which help the juvenile court officers focus their supervision and services on their highest risk and need areas. He said on a daily basis, juvenile court officers work directly with the juveniles, their families, and other service providers to ensure that they are following through with court-ordered conditions. He said juvenile court officers also teach cognitive-based skills to juveniles and their families through both group programming and individualized face-to-face visits. Based on his experiences in both Wisconsin and Minnesota and seeing their models of supervision, he said, North Dakota is ahead of the game in providing evidence-based, quality probation supervision and services to the state.

Mr. Saville discussed his experience with extended jurisdiction juveniles while working in Minnesota. He said throughout his 10 years in Moorhead, he supervised 7 extended jurisdiction juveniles and his entire office supervised 15. He said the positives of the extended jurisdiction juvenile concept are:

1. The extended jurisdiction juvenile process provides another option for those isolated cases in which the juvenile committed a serious offense but may not be appropriate for an automatic transfer to the adult system.
2. The extended jurisdiction juvenile process helps enhance public safety by providing additional supervision to those offenders who commit serious offenses, violated their probation, or needed to be incarcerated.
3. In the county where he worked in Minnesota, the extended jurisdiction juvenile process was used sparingly.
4. The extended jurisdiction juvenile process did not appear to cost a significant amount of money.

Mr. Saville said some of the obstacles or issues he experienced with the extended jurisdiction juvenile process were:

1. The extended jurisdiction juvenile process was implemented inconsistently across jurisdictions based on personal opinions, philosophies, and interpreting the statute differently.
2. In Minnesota the statute did not specify which felony level offenses were eligible for the extended jurisdiction juvenile process--the statute merely provides that any felony was eligible. He said this caused a lot of inconsistencies as some courts focused extended jurisdiction on violent offenses, whereas others used it for even low-level nonviolent felony offenses.
3. Revocations and violations were handled differently by supervising agencies, prosecutors, and judges, which led to inconsistencies. He said while some were reluctant to revoke, others were quick to revoke.

4. Once the child turns age 18, most treatment providers treated them like they were in the adult system--placing them in adult groups, adult treatment programs, and used adult treatment modalities. He said this can be frustrating for both supervising officers, treatment providers, and the offender, and was against the philosophy of "keeping the child in the juvenile system." He said most of that was out of the control of the legal system.
5. Even though a child is an extended jurisdiction juvenile offender, once the child was age 18, he or she could still be charged with a new adult offense. He said the offender could be involved in both the juvenile and adult systems at the same time, which led to confusion for supervising officers, the offender, and treatment providers. He said even though the offender had a new offense, that did not necessarily mean the extended jurisdiction was revoked.
6. In Minnesota if the judge does not revoke the extended jurisdiction on a violation but wants to impose a sanction of a period of time in detention for violations, the statute was not clear whether extended jurisdiction juveniles should serve their time in juvenile detention or adult jail. He said he is not sure how that would work in North Dakota given that the state cannot order a juvenile to serve a period of time in the local detention center.
7. There can be issues with confidentiality when moving from the juvenile to adult system. Releases of information are needed for a juvenile court officer to share information. He said there was more than one occasion in Minnesota when the extended jurisdiction was revoked, but the juvenile probation officer never heard from the adult probation officer. He said the transition to the adult system was anything but smooth, and there were significant lapses in communication.
8. Once an extended jurisdiction juvenile offender turned age 18, his or her options for treatment in an out-of-home placement were significantly reduced given the offender's age, severity of the crime, and lack of out-of-home placement options. He said this is when many of the inconsistencies arose as some in the legal system were quicker to revoke given the lack of resources.
9. Given the issues listed above, he said, there was a "mindset" by quite a few probation officers in Minnesota who chose to revoke an extended jurisdiction juvenile offender when violations occurred once the child turned age 18 to get the child out of the juvenile system and into the adult system due to lack of resources. He said this was against the intended purpose of the extended jurisdiction juvenile statute, but it was evident that it happened.
10. After the implementation of the law in Minnesota, the Minnesota Supreme Court ruled that if a juvenile spent any time in a locked facility, credit must be given toward the adult sentence. He said he was aware of offenders who were 19 or 20 years old, who had served a long enough period of time in a locked juvenile facility, and who were given credit for time served on his or her adult sentence. He said this would in essence take away the whole purpose of the extended jurisdiction juvenile concept.
11. While designating a juvenile extended jurisdiction, the juvenile may have some short-term effectiveness, but it did not appear to reduce recidivism in the long run. He said in preparing this research he contacted his former employer. He said of the 15 extended jurisdiction juvenile offenders from the 10 years that he worked in Minnesota, 8 of them have committed new misdemeanor or felony-level offenses that resulted in supervised probation with the Minnesota Department of Corrections and some term of jail or imprisonment.

Chairman Nething called on Ms. Haley Wamstad, Assistant State's Attorney, Grand Forks County, for comments on the bill draft. Ms. Wamstad said Mr. Myerchin's concern about a juvenile's amenability to treatment is currently addressed in statute. She said consideration of a juvenile's amenability to treatment is required under North Dakota Century Code Section 27-20-34(3). She said the bill draft has been written to make the process similar to current law, but it gives a child one more shot in juvenile court. She said Mr. Myerchin's concern about the interests of the parents is addressed in Section 4 of the bill draft. She said under this section, the motion can be made by any party. She said this would include parents.

In response to a question from Representative Koppelman, Ms. Wamstad said the bill draft allows the court to consider the child as a whole to decide if transfer to adult court is appropriate. She said parents are a party to the case and can participate in the proceedings. She said if other relatives want to be present at the proceedings, the judge can seek the consent of the parties. She said under current law, the parents can be present at and participate in the hearings. Under current law, she said, simple probable cause is needed to transfer a case to adult court.

Ms. Wamstad said of the four largest counties in the state which have prosecutors who deal with juvenile cases, three support the bill draft. She said the smaller counties do not handle as many of these types of cases and do not want an additional decision to have to consider. She said for those counties in which more of these juvenile cases are handled, there

is more support for the bill draft. She said in her experience with the North Dakota State's Attorneys Association, a clear consensus of the members is needed before the association will endorse a bill draft.

In response to a question from Senator Nething, Ms. Wamstad said the language can be clarified in the bill draft to provide that "any party" includes parents. She said the extended jurisdiction juvenile proceeding is an option for prosecutors.

Ms. Wamstad also explained a letter ([Appendix E](#)) addressed to Chairman Nething in which she clarified her testimony from the April 11, 2012, meeting.

Chairman Nething called on Mr. Jim Ganje, State Court Administrator's office, for comments regarding the bill draft. Mr. Ganje said the judicial referees typically handle juvenile cases. He said there are concerns about a judicial referee--a state employee--handling these types of cases. He said the committee may want to consider amending the bill draft to clarify that a North Dakota Supreme Court rule should be used to decide who can conduct the extended jurisdiction juvenile hearing. He said the bill draft could be amended on page 7, after line 31, to read "The assignment of a judicial officer to conduct a hearing under this section will be decided by supreme court rule."

In response to a question from Representative Klemin, Mr. Ganje said the court would have time to develop the rule before the effective date of the bill draft.

Chairman Nething said amendments to the bill draft will be prepared for consideration at the next meeting.

STATUTE OF LIMITATIONS AND VENUE REQUIREMENTS FOR CIVIL ACTIONS STUDY

At the request of Chairman Nething, Committee Counsel reviewed a bill draft [[13.0056.02000](#)] that would provide for certain civil actions, if none of the defendants reside in the state, the action either must be brought in the county in which the plaintiff resides or in the county in which the cause of action arose. She said the committee considered at the last meeting a bill draft [[13.0024.01000](#)] that would change the statute of limitations on civil actions from six years to three years. She also discussed information contained in the background memorandum for the statute of limitations study regarding venue statutes in North Dakota.

Representative Klemin said the purpose of the venue bill draft is to address the issue of forum shopping. He said the benefit of venue is generally given to the defendant. He said the bill draft deals with all other cases for venue other than those covered in other statutes. He said there are concerns about whether the state should have to cover costs of out-of-state parties using state's courts at state expense by nonresident plaintiffs against nonresident defendants about something that did not occur in the

state. He said there is also forum shopping within the state. He said current law gives the court power to change venue for certain reasons.

Chairman Nething called on Mr. Larry Boschee, North Dakota Defense Lawyers Association, for testimony ([Appendix F](#)) regarding the venue bill draft. Mr. Boschee said the North Dakota Defense Lawyers Association opposes the venue bill draft. He said with the proposed amendment, the statute would provide that if none of the defendants reside here, the plaintiff must sue in the county in which the plaintiff resides or in the county in which the cause of action arose. He said the proposed amendment to Section 28-04-05 would violate the Privileges and Immunities Clause of the United States Constitution (U.S. Const. Art. IV, Sec. 2). He said the proposed amendment would preclude a nonresident from suing in North Dakota in situations in which a resident could do so. He said the best way to eliminate forum shopping by out-of-state plaintiffs is to have a limitation period that is similar to what most other states have. He said changes to the venue statutes would not address two fundamental matters that a shorter limitation period would address--preventing stale claims and bringing North Dakota into the mainstream.

In response to a question from Representative Klemin, Mr. Boschee said personal jurisdiction requires a two-pronged analysis--a long-arm statute delineates when an in-state resident can sue an out-of-state defendant and the United States Constitution requires minimum contacts with the state. He said in his example, South Dakota would not have personal jurisdiction because of the lack of contacts. He said it may be possible to draft a statute to address all jurisdiction situations, but there are always unintended consequences.

Chairman Nething called on Mr. Mark Larson, President, North Dakota Association for Justice, for testimony ([Appendix G](#)) regarding the statute of limitations bill draft. Mr. Larson said the North Dakota Association for Justice is opposed to the bill draft that reduces from six years to three years the statute of limitations for commencing certain civil actions. He said this change is unnecessary. He said the number of tort cases has been declining in the state. He said there were 638 tort case filings in North Dakota in 1999 and 320 in 2008. He said there is a concern that a three-year statute of limitations would result in a significant increase in filings. He said if citizens are pressured to file their case at an earlier time, the number of case filings will increase substantially. He said as a result, the pressure on the judiciary, which is already strained in western North Dakota, will increase significantly.

In response to a question from Representative Dahl, Mr. Larson said an injured person often waits a year or more for injuries to heal or be resolved before considering legal action. He said the argument that a longer statute of limitations results in the loss of evidence or that witnesses are hard to locate is not a valid one. He said attorneys and insurance

companies can preserve testimonies and other information. He said in the age of Google, finding witnesses is no longer a problem.

Senator Schneider said the bill draft could be amended to remove the language in subsection 2 of Section 1 of the bill draft to remove the words "other than penalty or forfeiture". He said because the statute of limitations for penalty or forfeiture is already three years, this language would not be necessary in Section 28-01-16.

OTHER BUSINESS

At the request of Chairman Nething, Committee Counsel presented a memorandum entitled [Summary of States' "Caylee's Law" Legislation](#). She said as of June 11, 2012, at least 6 states have enacted and an additional 32 states have filed bills as a result of the Casey Anthony case.

STATUTORY REVISION

Chairman Nething called Mr. John Walstad, Code Revisor, Legislative Council, for the presentation of a bill draft [\[13.0140.02000\]](#) regarding technical corrections in the North Dakota Century Code. Mr. Walstad said the bill draft makes technical corrections, including improper, inaccurate, redundant, missing, or obsolete references.

UNIFORM LAWS

Chairman Nething called on Mr. Jay E. Buringrud, Commissioner, North Dakota Commission on Uniform State Laws, for testimony regarding the recommendations of the commission for the 2013 legislative session. Mr. Buringrud said the commissioners are required to attend the annual meeting of the National Conference of Commissioners on Uniform State Laws and to promote uniformity in state laws on those subjects where uniformity may be deemed desirable and practicable. Under Section 54-55-04, he said, the commission may submit its recommendations for enactment of the uniform and model laws to the Legislative Management for its review and recommendation. He said as a result of its meetings on July 11, 2011, and July 16, 2012, the commission determined that the following uniform Acts may be appropriate for recommendation to the Legislative Management for introduction during the 2013 legislative session:

- Uniform Electronic Legal Material Act, approved by the national conference in 2011, and which has been put into bill draft form with a slight modification so as to declare the version of laws published by the Legislative Council as the official version. This puts into statute Joint Rule 604 "[a]s published by the Legislative Council, the legislative documents, whether in electronic or print format, are the correct copies, deemed to be officially published."
- Model Protection of Charitable Assets Act, approved by the national conference in 2011,

and which has been prepared with revisions as suggested by the Attorney General's office, specifically, Mr. Parrell Grossman, Consumer Protection and Antitrust Division.

- Amendment to Uniform Commercial Code Article 4A (4A-108), with an emergency clause that will be added before introduction.
- Uniform Certificate of Title for Vessels Act, approved by the national conference in 2011, but introduction of which will depend on support by the Game and Fish Department.
- Uniform Collaborative Rules/Law Act, approved by the national conference in 2009 and amended in 2010, which will be submitted for consideration by the Joint Procedure Committee of the Supreme Court.
- Approved in 2012 - Uniform Premarital and Marital Agreements Act.
- Approved in 2012 - Uniform Deployed Parents Custody and Visitation Act.
- Approved in 2012 - Uniform Asset Freezing Order Act.

Representative Klemin said the North Dakota Law Review published an article (http://web.law.und.edu/LawReview/issues/web_assets/pdf/87/87-3/87ndlr325.pdf) regarding the Uniform Electronic Legal Material Act.

Mr. Buringrud distributed bill drafts for the Model Protection of Charitable Assets Act [\[13.0129.01000\]](#); the Amendment to Uniform Commercial Code Article 4A (4A-108) [\[13.0131.01000\]](#); and the Uniform Electronic Legal Material Act [\[13.0128.01000\]](#).

Chairman Nething called on Mr. Grossman for comments regarding the Model Protection of Charitable Assets Act. Mr. Grossman said the Consumer Protection and Antitrust Division of the Attorney General's office enforces this area of law. He said the model Act provided for a fairly enhanced registration process, a duty that is usually the responsibility of a Secretary of State's office. He said the Attorney General also had serious concerns about the reporting requirements in the model Act. He said the changes do not reduce the Attorney General's enforcement authority. He said there would be a need for additional staff if either the Attorney General or the Secretary of State were required to implement the registration and reporting process. He said those requirements could be included in the bill draft, but there would be resistance.

In response to a question from Senator Nelson, Mr. Buringrud said a model Act is a lower tier of act than a uniform Act. He said there is less concern about modifications to a model Act.

In response to a question from Representative Klemin, Mr. Grossman said a large part of what was taken out of the model Act was the registration process.

Chairman Nething requested Committee Counsel to work with Mr. Grossman to provide information on a comparison of the Model Protection of Charitable

Assets Act and the bill draft presented to the committee.

No further business appearing, Chairman Nething adjourned the meeting at 1:30 p.m.

Vonette J. Richter
Committee Counsel

ATTACH:7