

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2339

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Deanna Hall
Operator's Signature

10/22/03
Date

2003 SENATE APPROPRIATIONS

SB 2339

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Deanna Odell
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10/22/03

Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2339

Senate Appropriations Committee

Conference Committee

Hearing Date February 3, 2003

Tape Number	Side A	Side B	Meter #
#1	X		1440-5531

Committee Clerk Signature *Jan Hendrickson*

Minutes:

Senator Holmberg, chair opened the hearing on SB 2339 (#1440)

Senator Stanley Lyson, Senator from Williston, District 1. Senator Lyson stated that this bill to try to keep the state from putting another mandate on county government. In the last session, the legislature passed a bill to allow the state of North Dakota to enter in a new interstate compact which would permit parolees and probationers to be transferred from our state to another. One of the problems with the old compact was that if a violator moved to another state and violated the laws there, there was no provisions for sending that violator back to the state he/her left. The new compact has the provision that the state will come and get he/her. Probationers and Parolees are two separate things: Parolee is a person that has been convicted and sentenced to the state pen, and released by the Parolee department under the supervision of the Field Division. Those people are already the responsibility of the state if they are allowed to transfer out of the state and have to be brought back, the Field division picks up those costs. Probationers is a person who

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Deanna Waller
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10/22/03
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Senate Appropriations Committee
Bill/Resolution Number SB 2339
Hearing Date February 3, 2003

was convicted in a certain county and the Judge put them on probation. That put them under the supervision of the Department of Corrections, Field Division. With the permission of the Field Division, and if the request is proper, they can be transferred to another state, maybe their home, etc. But if they violate there (the state they requested to be sent to), it is the responsibility of the county that they were convicted in, to go and bring back that person after a violation. Under this bill, it puts a \$150.00 fee for any probationer who requests a transfer to another state. It also demands a \$150 fee from the county if the application is approved. These fees would go into a transportation fund. If this bill was passed, it would alleviate the counties from having to spend any more money to bring these people back. The minimum for most counties to bring a violator back is approximately \$1100.00. Some as high as \$2100.00 He recommends that the committee support this bill.

Senator Holmberg stated that the fiscal note has \$15,000 from general fund money and then the authorization to sent. He wanted to know why the \$15,000? Senator Lyson stated that the \$15,000 is a start up fee. Senator Schobinger: (#2023) Is this a common practice to let probationers to leave, are there some counties that do this more? Senator Lyson: Yes there is, and the reason is that you have more transient people, Minot Air Force Base, Grand Forks Air Force base, oil fields in Williams county, Stark County. There are people from other states who come here to work and then get into trouble and are more likely to want to go back to their home state. Then the problem comes up that some counties can afford to bring back those that violate their probation and others can't. Senator Christmann (#2133): Would the counties not go after some of these violators if the state were to pay for them, mainly those that are just trivial? Is it up to each county's District Judge to decide that these people can out of state or is there some state

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Senate Appropriations Committee
Bill/Resolution Number SB 2339
Hearing Date February 3, 2003

guidelines that determine whether they have to stay here during their probation or whether they can travel? Senator Lyson: The states attorney from that county usually makes the decision as to whether that person should be brought back or not. They ask for a warrant from the District court to bring that person back. Senator Kringstad (#2321): If only about 20% came back, what is the possibility of putting the law in to effect without the general fund money and let the fund build up? Senator Lyson: 20% was for Willams county, Grand Forks they bring back way over 90%, under the new compact it would be enable you to get these violators out of your state and back to the sending state because they violated their probation. It will be more of a mandate through the interstate compact. Senator Krauter (#2442): If the offender, assuming that the offender does not pay this fee, then the Department of Corrections pays, then you have one governmental entity paying another government entity. Senator Lyson: The bill says that IF the offender cannot pay the \$150.00 then the Department of Corrections will put that \$150.00 in for them, but the county is still going to be responsible for \$150.00. In another portion of the bill, there is also going to be a charge to the probationer who just wants to go to another state to see a sick relative, etc. That fee will also go into this, that is not an interstate compact, that is just a travel permit for a specific length of time. Trying to put the burden back on the people who are on probation. Some will never use it, but because of their conduct while they were here, they are going to be helping bring back the others back.

Warren R. Emmer, Director Department of Corrections and Rehabilitation Field Services Division, (#2713). Written testimony attached, Exhibit #1 He explained more about the Interstate compact. Mr. Emmer is the North Dakota's Interstate Compact Commissioner. There are 41 states that are participating in this. He has also been elected to the national executive

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Senate Appropriations Committee
Bill/Resolution Number SB 2339
Hearing Date February 3, 2003

board and chairman of the Commission's compliance committee. He stated that the enactment of SB 2339 would dramatically reduce the counties cost of returning offenders to North Dakota. Mr. Emmer also stated that the Executive Board of the Interstate Compact Commission would be tightening up the rules regarding states coming and getting those violators that have violated their probation. He indicated that such things as fines, law suits, etc. Could result in states not going after their probation violators. He also stated that the state will probably require a \$10.00 application fee for probationers to apply to transfer, plus they will be responsible for the \$150.00 travel permit also.

Senator Holmberg wanted to know why the Legislature has to fund the \$15,000? Mr. Emmer explained that he didn't know how much it was going to cost to get prisoners back, and that if the \$15,000 is not included then they will run the program without it. They don't want to put this program in jeopardy because of the funds. He stated that they could do the program without the funds. Senator Christmann: (#3930) What happens if there isn't enough money, etc. Does it fall back on the counties, or does the state assume the cost no matter what it costs? Mr. Emmer, It would fall on our shoulders, we think we are pretty close to what it will cost. You will see that in our budget when it is presented in the next few weeks. This bill (SB 2339) is being heard for the first time in this committee. Senator Holmberg stated that this committee would have to carry this bill to the floor. Mr. Emmer explained a little more about contracting with a private entity to assist with transportation. Senator Schobinger (#4801) Would the return of the probationer be before or after they were tried in the other state? Mr. Emmer responded that it might not be a serious crime, it could be drug violation, or an after care drug addiction that the probationer didn't attend, or someone decides that they don't want to visit their probation officer anymore.

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Senate Appropriations Committee
Bill/Resolution Number SB 2339
Hearing Date February 3, 2003

These things are things that could be reasons to bring the person back. Senator Schobinger:

Most of these would be violations of current probation, not necessarily a new crime. Mr. Emmer agreed. He felt that they were doing their job if they could interrupt that persons behavior before they commit a new offense. Senator Kilzer (#5224) What this considered in the DOC budget?

Mr. Emmer, no this bill was drafted after the budget was already done.

Wade Williams brought Scott W. Busching, President of the ND Sheriff's & Deputies Association testimony. (written testimony attached Exhibit #2) (#5365)

The Association of Counties (which Wade Williams represented) also supports SB 2339.

Senator Holmberg stated that they would not pass this bill out of the committee at this time, but he asked Alan from the Legislative Council to prepare an amendment for the committees consideration removing any general funds money. Alan stated that he would do that.

With no other testimony, the hearing on SB 2339 was closed by Senator Holmberg, chair. (#5532).

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10/22/03
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FISCAL NOTE
 Requested by Legislative Council
 03/24/2003

Amendment to: SB 2339

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				\$165,000		\$165,000
Expenditures			\$0	\$165,000		\$165,000
Appropriations			\$0	\$165,000		

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
			\$82,500			\$82,500		

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Senate Bill No. 2339 provides a means to counties to retrieve probationers that violate the terms of his/her probation while outside the boundaries of the State of ND. The source of revenue proposed in this bill originates from the probationer's county of jurisdiction and either the DOCR or the probationer. It is estimated that 550 offenders will be approved for transfer to another state in the 2003-05 biennium.

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.

Revenues are generated from the following sources:

1. Transfer application fee - \$150 This fee is to be paid by the offender upon approval of request to travel to another state. The offender fee may be waived by the DOCR. However, if the DOCR waives the offender fee, the DOCR must pay the \$150 application fee (it is the DOCR's intention to pay this fee using offender supervision fees).
2. County of Jurisdiction - \$150 This fee is to be paid by the county of jurisdiction upon approval of the application for transfer to the DOCR for deposit into the probationer violation transportation fund
3. Travel permit fee - \$10 to be paid by the probationer, this fee may be waived by the DOCR

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.

Expenditures resulting from this bill will be used to defray the costs of returning to the state probationers who violate conditions of probation. It is estimated that for the 2003-05 biennium this fund will provide for the return of 125 probationers. It is also estimated that the cost of returning a probationer to the state is between \$1,200 and \$2,000 per return.

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.

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10/22/03
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To implement this bill an appropriation of other funds totaling \$165,000 is necessary.

Name:	Dave Krabbenhoff	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	03/24/2003

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Dave Krabbenhoff
Operator's Signature

10/22/03
Date

FISCAL NOTE
Requested by Legislative Council
02/05/2003

Amendment to: SB 2339

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				\$165,000		\$165,000
Expenditures			\$0	\$165,000		\$165,000
Appropriations			\$0	\$165,000		

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
			\$82,500			\$82,500		

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Senate Bill No. 2339 provides a means to counties to retrieve probationers that violate the terms of his/her probation while outside the boundaries of the State of ND. The source of revenue proposed in this bill originates from the probationer's county of jurisdiction and either the DOCR or the probationer. It is estimated that 550 offenders will be approved for transfer to another state in the 2003-05 biennium.

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.

Revenues are generated from the following sources:

1. Transfer application fee - \$150 This fee is to be paid by the offender upon approval of request to travel to another state. The offender fee may be waived by the DOCR. However, if the DOCR waives the offender fee, the DOCR must pay the \$150 application fee (it is the DOCR's intention to pay this fee using offender supervision fees).
2. County of Jurisdiction - \$150 This fee is to be paid by the county of jurisdiction upon approval of the application for transfer to the DOCR for deposit into the probationer violation transportation fund
3. Travel permit fee - to be paid by the probationer in accordance with fee schedules established by the DOCR, this fee may be waived by the DOCR

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.

Expenditures resulting from this bill will be used to defray the costs of returning to the state probationers who violate conditions of probation. It is estimated that for the 2003-05 biennium this fund will provide for the return of 125 probationers. It is also estimated that the cost of returning a probationer to the state is between \$1,200 and \$2,000 per return.

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.

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Operator's signature

10/22/03

Date

This bill provides for a continuing appropriation which will allow the DOCR to operate this fund on a revolving basis.

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	02/13/2003

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Dennis Stalder
Operator's Signature

10/22/03
Date

FISCAL NOTE
 Requested by Legislative Council
 01/28/2003

Bill/Resolution No.: SB 2339

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				\$165,000		\$165,000
Expenditures			\$15,000	\$165,000		\$165,000
Appropriations			\$15,000	\$165,000		

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
			\$82,500			\$82,500		

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Senate Bill No. 2339 provides a means to counties to retrieve probationers that violate the terms of his/her probation while outside the boundaries of the State of ND. The source of revenue, other than the general fund, proposed in this bill originates from the probationer's county of jurisdiction and either the DOCR or the probationer. It is estimated that 550 offenders will be approved for transfer to another state in the 2003-05 biennium.

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.

Other fund revenues are generated from the following sources:

1. Transfer application fee - \$150 This fee is to be paid by the offender upon approval of request to travel to another state. The offender fee may be waived by the DOCR. However, if the DOCR waives the offender fee, the DOCR must pay the \$150 application fee (it is the DOCR's intention to pay this fee using offender supervision fees).
2. County of Jurisdiction - \$150 This fee is to be paid by the county of jurisdiction upon approval of the application for transfer to the DOCR for deposit into the probationer violation transportation fund
3. Travel permit fee - to be paid by the probationer in accordance with fee schedules established by the DOCR, this fee may be waived by the DOCR

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.

Expenditures resulting from this bill will be used to defray the costs of returning to the state probationers who violate conditions of probation. It is estimated that for the 2003-05 biennium this fund will provide for the return of 125 probationers. It is also estimated that the cost of returning a probationer to the state is between \$1,200 and \$2,000 per return.

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

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 Operator's Signature

10/22/03
 Date

budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

This bill provides for a continuing appropriation which will allow the DOCR to operate this fund on a revolving basis.

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	01/30/2003

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Dennis Halliburton 10/22/03
Operator's Signature Date

30609.0201
Title.0300

Prepared by the Legislative Council staff for
Senator Holmberg
February 3, 2003

ALB
2-4-3

PROPOSED AMENDMENTS TO SENATE BILL NO. 2339

Page 1, line 6, after "approval" insert "by the department of corrections and rehabilitation"

Page 2, remove line 3

Page 2, line 4, remove "of the sum as may be necessary, and out of any moneys in the"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 530 - Department of Corrections and Rehabilitation

SENATE - Adds language to clarify approval is by the Department of Corrections and Rehabilitation and removes the general fund appropriation of \$15,000.

Page No. 1

30609.0201

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Date

2339

Date: 2-4-03

Roll Call Vote #: 1

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

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 30609.0201

Action Taken Do pass

Motion Made By Andrist Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair					
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas					
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 12 No _____

Absent 2

Floor Assignment Holmberg

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

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Deanna Tallackson Operator's Signature 10/22/03 Date

REPORT OF STANDING COMMITTEE (410)
February 4, 2003 3:19 p.m.

Module No: SR-21-1643
Carrier: Holmberg
Insert LC: 30609.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2339: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2339 was placed on the Sixth order on the calendar.

Page 1, line 6, after "approval" insert "by the department of corrections and rehabilitation"

Page 2, remove line 3

Page 2, line 4, remove "of the sum as may be necessary, and out of any moneys in the"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 530 - Department of Corrections and Rehabilitation

SENATE - Adds language to clarify approval is by the Department of Corrections and Rehabilitation and removes the general fund appropriation of \$15,000.

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2003 HOUSE APPROPRIATIONS

SB 2339

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2339

House Appropriations Committee

Conference Committee

Hearing Date 03-12-03

Tape Number	Side A	Side B	Meter #
1		X	32.2
2	X		0.0-5.0
Committee Clerk Signature <i>Chris S. Lyson</i>			

Minutes:

Chairman Svedjan Opened the hearing on SB 2339. A quorum was present.

Sen. Stan Lyson, Williston, District 1 Introduced the bill.

Chairman Svedjan A \$150 fee is charged to the probationer and another \$150 to the counties to retrieve violating probationers?

Sen. Lyson Correct.

Rep. Koppleman I see nothing in the bill that requires other states to take their probationers.

Warren R. Einmer, Director of the Department of Corrections and Rehabilitation, Field Services Division See written testimony.

Chairman Svedjan The county pays \$150, and the offender generated fee would be assessed if the other state is providing the supervision?

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House Appropriations Committee
Bill/Resolution Number SB 2339
Hearing Date 03-12-03

Emmer No, just the opposite. If a ND probationer wants to move to Louisiana there will be a \$150 application fee for that move. If a person is indigent, then we will make exceptions. We won't make someone sit in ND for want of \$150.

Rep. Brusegaard There are 145 probationers out there somewhere from ND that will be returned?

Emmer That is what we expect to transport back. We have 507 ND probationers out of the state now. We expect to bring back 125 people.

Rep. Brusegaard How do you choose which 125 people you bring back?

Emmer Many of these people come back on their own. 125 is what most of the counties have physically gone to get.

Rep. Delzer I'm worried about the unestablished fee amount, simply because it is not a set fee.

Emmer The fee will be \$10.

Rep. Warner Do these violators come back and go in the prison system?

Emmer Mostly not.

Rep. Warner Does this initiative come from a national movement to finance this in this manner?

Emmer Each state is trying to fund this problem in their own way.

Terry Trainer, Lobbyist for the Association of Counties We see this as a type of insurance program for the counties and we support it.

Chairman Svedjan Couldn't we save money if we didn't let them leave in the first place?

Trainer Yea, some would say so.

Rep. Warner Are the counties aware of the other implied costs to this?

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Hearing Date 03-12-03

Trainer Yes, they support this when they understand the bill.

Rep. Aarvold I thought we were avoiding private vendors for transportation. Are we?

Emmer These are not highly volatile criminals that we are transporting, so there is not much to worry about.

Chairman Svedjan Closed the hearing on SB 2339.

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Deanna Wallin
Operator's Signature

10/22/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2339

House Appropriations Committee

Conference Committee

Hearing Date 03-20-03

Tape Number	Side A	Side B	Meter #
2	X		5.2- 11.4

Committee Clerk Signature *Chris S. Nelson*

Minutes:

Chairman Svedjan Opened SB 2339 for discussion. A quorum was present.

Rep. Carlisle I move a Do Pass. 2nd by **Rep. Kempenich**.

Rep. Carlisle I withdraw my motion.

Rep. Delzer I move amendment .0301 to SB 2339. 2nd. This removes the continued appropriation and sets a fee at 10\$.

Rep. Carlisle I move a Do Pass As Amended. 2nd by **Rep. Kempenich**.

Rep. Gulleson When we remove the continuing appropriation, how does that work? Will they be collecting a fee and receive authorization next session?

Rep. Delzer Yes, now they will have to come to us each session.

Motion Carries 21-0-2. **Rep. Kempenich** will carry this bill on the floor.

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Operator's Signature

10/22/03
Date

Date: 3-20
Roll Call Vote #: 95

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~2339~~ 2339

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 30609.0301

Action Taken DRBA

Motion Made By Carlisle

Seconded By Kemp

Representatives	Yes	No	Representatives	Yes	No
Rep. Svedjan (Chairman)	✓		Rep. Glasheim	✓	
Rep. Timm (Vice-Chairman)	✓		Rep. Kroeber	✓	
Rep. Martinson	✓		Rep. Warner	✓	
Rep. Brusegaard	✓		Rep. Delzer	✓	
Rep. Monson	✓		Rep. Warnke	✓	
Rep. Rennerfeldt	✓		Rep. Bellew	✓	
Rep. Wald	✓		Rep. Kempenich	✓	
Rep. Aarsvold	✓		Rep. Kerzman	✓	
Rep. Gulleason	✓		Rep. Metcalf	✓	
Rep. Carlisle	✓				
Rep. Carlson					
Rep. Koppleman					
Rep. Skarphol	✓				
Rep. Thoreson	✓				

Total (Yes) 21 No 0

Absent 2

Floor Assignment Kempenich

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

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Deanna O'Brien
Operator's Signature

10/22/03
Date

REPORT OF STANDING COMMITTEE (410)
March 21, 2003 11:01 a.m.

Module No: HR-51-5402
Carrier: Kempenich
Insert LC: 30609.0301 Title: .0400

REPORT OF STANDING COMMITTEE

SB 2339, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2339 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to provide for a"

Page 1, line 2, remove "continuing appropriation;"

Page 1, line 4, remove "- Continuing"

Page 1, line 5, remove "appropriation"

Page 1, line 17, replace "in accordance with fee" with "of ten dollars"

Page 1, line 18, remove "schedules established by the department"

Page 1, line 22, replace "are appropriated to the department on a continuing" with "may be spent pursuant to legislative appropriation"

Page 1, line 23, remove "basis"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - Specifies the amount of the travel permit fee at \$10, removes the continuing appropriation, and provides that the funds be spent pursuant to legislative appropriation.

2003 TESTIMONY

SB 2339

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Deanne Halliday
Operator's Signature

10/22/03

Date

Exhibit
2
SB 2339

Testimony to the
SENATE APPROPRIATIONS COMMITTEE
Prepared on February 3, 2003
Scott W. Busching, President
North Dakota Sheriff's & Deputies Association
Williams County Sheriff

Regarding Senate Bill 2339

Mr. Chairman and members of the Senate Appropriations Committee, on behalf of the North Dakota Sheriff's and Deputies Association, I would like to go on record in wholehearted support for the passage of SB 2339.

Too much of every Sheriff's' budget and many, many staff hours are spent traveling to distant locations to transport parolees and probationers, under State supervision, who have left the State and have refused to return in compliance with the terms of their original release. This burden should be borne, or at least shared, by those who, for the most part flaunt our system and were given a substantial "break" to travel outside of the State.

We see this as both a fiscal relief measure, and one of accountability for those involved. Please give Senate Bill 2339 a Do Pass recommendation.

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Operator's Signature

10/22/03
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HOUSE APPROPRIATIONS COMMITTEE
Representative Ken Svedjan, Chairman
March 12, 2003

Warren R. Emmer, Director
Department of Corrections and Rehabilitation
Field Services Division
Presenting Testimony Re: Engrossed SB 2339

As a member of the current interstate compact for the supervision of parolees and probationers, North Dakota provides courtesy supervision for 517 offenders who have committed crimes in other states. 507 North Dakota offenders are provided courtesy supervision by other states. The credibility of the current system has been called into question for many years. A practice that has helped create the "credibility cap" involves the retaking of violators. Too many offenders have not been returned to their home state after violating their conditions of supervision.

The 2001 North Dakota legislative assembly tackled this problem head-on. North Dakota became a charter member of the new interstate compact for adult offender supervision as a result of the hard work of that legislative assembly. North Dakota is now a member of the resulting Interstate Commission, wherein, 41 states are now participating members. I am North Dakota's Interstate Compact Commissioner. I have also been elected to the national executive board and I am chairman of the Commission's compliance committee. A challenge of the compliance committee is to bring all states into compliance with the new interstate compact.

We anticipate that, in order to come into compliance with the new interstate compact, North Dakota will return 125 violators to North Dakota. Enactment of SB 2339 would dramatically reduce the counties cost of returning offenders to North Dakota. The Department of Corrections would manage a transportation fund to finance the return of violators to North Dakota. The county of record would deposit \$150 into the fund for each probationer that another state accepts for interstate supervision. The department would deposit an additional \$150, of offender-generated fees, into the fund for each probationer that makes application for interstate supervision. It would also solicit a private vender to transport violators back to North Dakota. The department may also ask for assistance from an organization, such as the North Dakota Association of Counties, to help administer the transportation program.

The Department of Corrections supports passage of SB 2339.

*Identical
testimony given
on 7/6/3 -*

HLegislature\SB2339

- 1 -

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Warren R. Emmer
Operator's Signature

10/22/03
Date