

2009 SENATE JUDICIARY

SB 2178

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2178

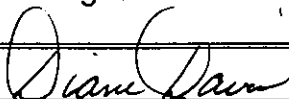
Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 21, 2009

Recorder Job Number: Recording lost

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Appropriation to the Department of Corrections and Rehabilitation for community service supervision grants.

Senator Rich Wardner – Introduces the bill – This bill asks for 500,000 over two years for the Community Service programs. He talks of the fees that were never or rarely collected by the judges. The fees to be collected are so low on the list of collected fees or the offender is unable to pay. Senator Wardner talks of what a wonderful service this is to have. He said they are a very cost effective agency. Giving them this money will keep them going and not in an extravagant way. They will still have to go out and find other resources to make it.

Senator Nething – Asks if there is money in the Dept. of Corrections budget.

Senator Wardner – Replies there is \$250,000 in the Governors Budget and this bill would provide the rest.

Senator Nething – Said he would like to see the amount of \$750,000 over two years. \$500,000 coming from this bill and the other \$250,000 coming from the Governors budget.

Senator Wardner – Agrees on this

Senator Robinson – Testifies in support of this bill. He said he has been involved in this program a long time. He believes the money asked for in bill 2178 is money well spent. He

goes on to say that this program provides a second chance for many people and families. The money situation is critical. They cannot continue to operate if they don't get the money. This program has put a lot of kids back on the right track. He strongly supports this bill.

Senator Schneider – Asks if the fees that judges are only assessing sometimes still be in the bill.

Senator Robinson – He discusses how so many of the offenders are not able to pay and he isn't a real big fan of fines.

Dell Horn – Director of Jamestown Community Service and Restitution Program. – See written testimony. He said in his office a community service fee is \$100 (\$50 to his office, \$50 to the state). He mentions in 2007-2008 community service workers gave back \$800,848, they work 133,475 hours. There were 5,497 offenders of which 1212 were juveniles.

Senator Schneider – Asks Mr. Horn if some of the offenders doing community service should continue to pay the fine if they are able.

Horn – He said he would recommend the community service fee be done away with. He thinks judges considered this fee as a "shall", so they didn't assess for it.

Terry Traynor – Association of Counties – Came up to say they are in support of this bill.

Nancy Keating – Center Inc. at Bismarck – States they are in support of this bill.

Senator Nething closes the hearing on 2178.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2178

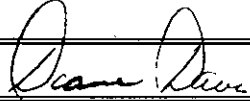
Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/21/09, Committee Work 1/26/09

Recorder Job Number: 7751

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Committee work

Motion for do pass by Senator Fiebiger, seconded by Senator Nelson

Vote – 6 yes, 0 no

Senator Fiebiger will carry

REPORT OF STANDING COMMITTEE

SB 2178: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 was rereferred to the Appropriations Committee.

2009 SENATE APPROPRIATIONS

SB 2178

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2178

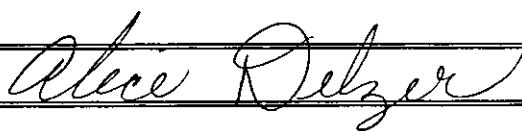
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-02-09

Recorder Job Number: 8363

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee hearing to order at 2:30 p.m. in reference to SB 2178 in regards to department of corrections and rehabilitation for community service supervision grants.

Senator Wardner District # 3, Dickinson, ND . gave an overview of the bill and stressed the importance of the bill. He stated two sessions ago there was money appropriated in the corrections budget but there was a shortfall therefore about half of the money got sent through grants out to community service agencies. Then last biennium the bill did not make it out, it ended up with something squeezed out of the corrections' budget the rest paid by persons charged fees sentenced for community service by the judge. first of all they as a result as we left here last session here the way the program works, not just given to them, they have to match the monies that come through this program. There is accountability. Everyone is different the area where I come from the counties come in. so between all those they are held accountable for them. Half of the request is in the governor's budget. Divided over 2 years, they do have a schedule they have worked up and brought together by the people in the trenches. We have people here that will testify. This is an alternative to incarceration. If we can catch many people, especially the young people, and can turn them around It will make a

difference as far as us going forward, maybe keep some of these people out of our county jails and the penitentiary.

Dell Horn, Jamestown community Corrections, testified in favor of SB 2178 and provided written testimony # 1 which gave information regarding alternatives to incarceration and a list of recommendations. On page 4 talks about community service fee collected by the regions. He continued to share about his testimony (11.03).

Chairman Holmberg because it ties into the DOC it will go to the subcommittee, **Senator Krauter, Senator Christmann, and Senator Fischer**

Senator Christmann Can we look at some statistics used in some places and slightly used in other places can an argument be made a lot of these costs could be paid locally. Why should the community that doesn't use the program pay for the cost of the service? 13.03.

Dell Horn We are an alternative to incarceration. We are saving the state money by not sending them into the institution. It is hard to quantify why that is not happening. In my area, I have 6 judges, one judge does not, overall, from a state's perspective, we are lowering the amount of people being incarcerated.

Senator Wardner before last session what was the usage in the different regions. Where I am going there were sometimes judges did not use it because they had to put this extra fee on. Was the use higher before this last biennium ?

Dell Horn I would draw that conclusion that the numbers are down in some areas. Whether the judge is just not ordering the comm. Service, the Dickinson region the numbers are almost half of what they were. It is significant in a lot of different regions.

Senator Krebsbach is there any indication of the repeat offenders being diminished by this type of program.

Dell Horn, recidivism is a tangled web. Are we keeping it down. I say yes, most is for misdemeanors I don't see them back, they might have a probation officer now, depends on avail to be rehabilitated.

Senator Krauter requested a follow up that gives us a 4 biennium history, cases, hours, dollar amounts from Legislative Council

Chairman Holmberg closed the hearing and stated we will send that bill to the subcommittee and then we will hear it later.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2178

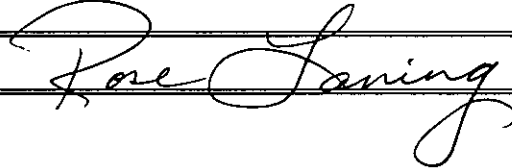
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: February 9, 2009

Recorder Job Number: 9050 (19:00)

Committee Clerk Signature



Minutes:

Chairman Holmberg opened discussion on SB 2178.

Senator Wardner: We've talked about the money. We've talked about the policy. They're asking for \$500,000. The 14 community service programs. They have a formula. There is a base amount which I believe is \$10,000 and then after that, it's by population. This bill is asking for an additional \$250,000 to help these service community programs.

Senator Wardner moved Do Pass on SB 2178.

Senator Robinson seconded.

Senator Robinson said this program keeps folks out of institutions and if we want to curtail people fighting their way into prisons, these type of programs will do just that. The one thing that we fail to realize is that a lot of these people don't have any money, they're in trouble, and they can do some community service work. In many cases the supervisor becomes a mentor and in many cases, these people end up doing work of such quality that the entity they're working for wants to hire them. If not, they develop a reference.

Chairman Holmberg: I have a question for OMB. This is the second bill in a row that we are enhancing the governor's budget. What was the original request on this? The governor put in \$250,000. What was asked?

Senator Christmann: It seems like most programs that we see, that the governor has raised funding for most things by 5, 10, 15, or 20% and I suppose he was counting on that \$80,000 that we just eliminated, that the courts have been collecting for this, and so if we added \$250,000, he must have thought that \$330,000 or so would be sufficient and here we are jumping it all the way up to \$500,000. It seems to me we're being very generous here.

Senator Robinson: I might add that in judiciary committee, there was interest on the part of some committee members to increase this even more. One of the testifiers said they could use more money, but we'll live with this current level. We can do nice things with this level of funding. Again, there was an interest to go higher and they were going to recommend an amendment.

Senator Wardner: I went in and asked the governor for \$500,000 and this is what he gave us. I want you to know that. He was approached and his staff was approached to do that. I don't know what the reasonings were, but I do know that even at \$500,000, it's bare bones. They still have to go out and raise money locally to match this. This is no big win fall for these people.

Senator Krauter: In the interim, the committee to alternatives to incarceration, there was a \$500,000 request matched amount. I know they talked about that. They value the program.

Senator Mathern: Usually these programs have a volunteer component. Some of the staff are volunteers.

Senator Christmann: Would an amendment be in order to offer that would cut this to \$330,000 and break those lines down proportionately?

V. Chair Grindberg: To further amend, as long as we're amending, that on line 11, we might want to correct the spelling of "Barnes".

Brady Larson: There was an amendment that addressed the different sub entities appropriately.

Chairman Holmberg: Do we have a second?

Senator Robinson: I appreciate where Senator Christmann is coming from, but here again, we just talked about prevention and early intervention. We have a growing population at the prison. We pay that bill irregardless of what happens. We write a check and send it off. This is to prevent a number of folks from getting there; to keep them out of the system and getting them back on their feet. Some will end up with jobs or back in school. I've known several kids involved in this program. We can cut \$80,000 out of here and spend a whole lot more. If just one of them is kept out of prison, it would be worth it, so I would resist the amendment. I think the bill as it stands is a fair amount. They still have to raise a lot of money and depend on a lot of volunteer help.

Senator Wardner: You can say the program will not go away if we don't give them the \$500,000 and that's probably a true statement but they have staff of one or two people. I'd rather they be working with clients rather than running around trying to find the money. That's really the issue.

V. Chair Bowman: It's just a bare bones budget. We keep adding on to new programs and spending more money. I've never seen the data that says it's doing the job. I agree it's better to keep them out of prison. There's no question about that, but there are certain people that you can do everything in the world for and they're still going to end up in prison and you cannot stop that with money. I don't think we're addressing the problems of these kid's lives.

Chairman Holmberg: All in favor of the amendment say "Aye".

Voice vote.

Chairman Holmberg: Raise your hands; 6 yes and 7 no. Motion failed and the amendment is not added to the bill.

Senator Fischer: The amendment was for how much?

Chairman Holmberg: It reduced it down to \$320,000 and spell Barnes county right. We'll have the Barnes County newspaper note that Senator Robinson did not vote to spell his county right.

A Roll Call vote was taken for a Do Pass on SB 2178.

Yea: 9 Nay: 4 Absent: 1

The bill will go back to the Policy Committee and Senator Fiebiger will carry the bill.

Date: 2-9-09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Christmann amendment

Action Taken Do Pass Do Not Pass Amended

Motion Made By Christmann Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner			Senator Robinson		
Senator Fischer			Senator Lindaas		
V. Chair Bowman			Senator Warner		
Senator Krebsbach			Senator Krauter		
Senator Christmann			Senator Seymour		
Chairman Holmberg			Senator Mathern		
Senator Kilzer					
V. Chair Grindberg					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

voice vote was questionable
Raise of hands was ~~6-7~~ 6-7 (Chairman Holmberg not voting)

Motion failed

Date: 2-9-09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2178

Senate _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Sen. Wardner Seconded By Sen. Robinson

Representatives	Yes	No	Representatives	Yes	No
Senator Fischer	✓		Senator Warner	✓	
Senator Christmann		✓	Senator Robinson	✓	
Senator Krebsbach	✓		Senator Krauter	✓	
Senator Bowman	✓		Senator Lindaas	A	
Senator Kilzer		✓	Senator Mathern	✓	
Senator Grindberg		✓	Senator Seymour	✓	
Senator Wardner	✓				
Chairman Holmberg		✓			

Total Yes 9 No 4

Absent 1

Floor Assignment Policy Committee Fe binger

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

REPORT OF STANDING COMMITTEE (410)
February 10, 2009 10:25 a.m.

Module No: SR-26-2235
Carrier: Fiebigler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2178: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS
(9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2178 was placed on the
Eleventh order on the calendar.

2009 HOUSE APPROPRIATIONS

SB 2178

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2178

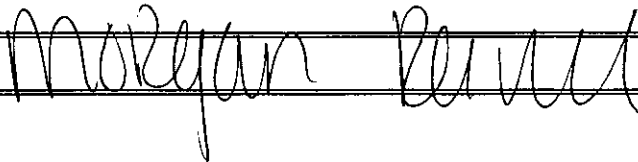
House Appropriations Committee
Human Resources Division

Check here for Conference Committee

Hearing Date: 3/12/09

Recorder Job Number: 10855

Committee Clerk Signature



Minutes:

Chairman Pollert: Opened meeting on SB 2178.

Del Horn: *I'm from Jamestown and am here on behalf of the ND Community Corrections Association. We are in favor of SB 2178. As a brief synopsis of SB 2178 it is an increase of what is already in the Governor's budget. We are looking to increase the total appropriation to \$500,000 for the biennium. We are looking for that increase because we do not believe from what we have for our budget's and the amount that we have been operating on that as a state wide agency we can perform our function state wide at the current level of funding. We have some regions such as Dickinson, Devils Lake, Williston, Minot, and Wahpeton. Those regions I would say are in the mode of failure. They are already using their set aside funds to some degree. If they fail that affects us as an agency state wide. One of the things that we do is individual regions is rely on other regions to help us by transferring cases for people who live someplace else or are going to live someplace else. If someone from Williston comes to Jamestown and commits a crime in Jamestown they must come back to Stutsman County for court. They get court ordered community service out of Stutsman County. Unless that judge is going to say they must come back to complete community service, are they going to come*

back voluntarily? Most likely not. They are going to want to do their community service in the area of which they live.

Chairman Pollert: Could it be said that if that is the case could the judge say that since they want to service somewhere else they can pay us the fee up front then go ahead and do it? Is that an option so they don't have to come back and you would get some money?

Del Horn: Yes that could happen but one of the things we are utilizing when we transfer those cases is we are able to locally supervise what is happening to make sure that they are actually following through with the court order. The judge could say to pay the fee here or do it where you want and just report back. However, I don't believe our clientele, the offender, is necessarily honest and accurate enough to voluntarily do what they are supposed to do without a little bit of push. That would be one of the reasons that we need this function state wide. If one of the area fails, the rest might limp along for awhile. Eventually it will catch up to everybody. Especially since now there are four regions that are limping along. That is why I would support SB 2178.

Chairman Pollert: You said you needed \$500,000. Does that mean that SB 2178 would be in the sum of \$300,000 since there is \$200,000 in the DOCR budget?

Del Horn: Yes. That is essentially what it is saying. We are asking that the Governor's budget be increased to \$500,000. That would be an increase to \$200,000 from what is already in there.

Chairman Pollert: Yeah so an increase of \$300,000 is what you are asking?

Del Horn: Yes.

Chairman Pollert: Because SB 2178 says that you want \$500,000.

Del Horn: Yes if you look carefully at the wording and the way they worded it was that in any sum necessary to get up to \$500,000. When it was written the Governor's budget was not out. It was written so it would come to that level but not have to go any higher than that level.

Chairman Pollert: Most of our language when you look means \$500,000.

Representative Nelson: I think if there was a fiscal note attached it would be \$300,000, correct? \$200,000 is in the Governor's budget.

Representative Bellew: I would disagree with that because when it says appropriate \$500,000 it means \$500,000. To change that we would have to have an amendment.

Becky Keller: When the sponsor approached me for this bill his intent was to bring the max total to \$500,000. We chose to write this bill as \$500,000 because we didn't know what you guys would do with the DOCR bill. Rather than having to amend this bill every time DOCR's bill was amended, we opted to leave this at \$500,000 and at the end of the day it will make it right.

Chairman Pollert: So you are saying we might have taken that out of the DOCR budget?

Becky Keller: We just had no idea.

Chairman Pollert: At least I know now. I had to ask the question.

Representative Nelson: Until then, the DOCR budget is changed the fiscal note would be \$300,000?

Chairman Pollert: No the fiscal note would be \$500,000.

Becky Keller: The fiscal note would indicate that the DOCR has an appropriation of \$200,000 from the general fund and \$125,000 from special funds. The net fiscal impact for this would be \$175,000.

Chairman Pollert: The fiscal note is \$500,000. The appropriation is \$500,000.

Becky Keller: That is true. Budget status would show it with an asterisk on \$325,000.

Chairman Pollert: Do we have that form here? It is the fiscal impact report.

Representative Nelson: That is true. That is the way it would work and I agree with Becky.

Chairman Pollert: She is agreeing with us too that it is a \$500,000. We are both right.

Representative Nelson: My question for Del is don't you think you could get both? For those agencies that are collecting the extra fees for the people that Representative Wieland talks about that have their parents paying the fines anyways, if that language is still in there what would that hurt if it didn't count against you? If you got the money, the \$500,000 appropriated and had the language to collect more in fees.

Del Horn: You are right. I didn't think along those terms in that you would not repeal SB 2028. The way that SB 2178 is written, it identifies exactly which regions would get what amount. It is set aside in there exactly the way that money would be appropriated.

Representative Nelson: Is that appropriated by number of offenders?

Del Horn: Off the top of my head I can't give you the exact. I think that Deb Schuler from Grand Forks could help us. I believe it is based on census. Then the base amount of \$10,000 and the rest is census based on the different regions and census in that region.

Chairman Pollert: When you wrote the bill were you writing it off of just numbers that were given to you? Or did you have to come up with the formula?

Becky Keller: No they provided the allocations to each county or region.

Chairman Pollert: I'm one of those who thinks the combination of 2028 and the \$200,000. I haven't decided on 2178. That decision won't be made today. We have a DOCR budget that we are still working with. Not that I'm saying we are taking out the \$200,000. I understand what your program does too. Any questions for Del? Anyone else in favor for SB 2178? I would suspect it is everyone who was here before. If you just want to go say ditto that is fine.

Representative Nelson: I'd like to get the answer to that question.

Deb Schuler: When we agree on that we decided we would follow the formula that DOCR did when they initially set our programs up years ago. They did a fixed program budget base so that all of us across the whole state would be able to be in business. We used something similar and increased the \$10,000 since we initially started 12-13 years ago. We felt that it was additional so we were able to have a program in every region of the state so it wouldn't leave out those regions that don't have money. We based the remaining balance of the population of each of those regions that we serve. A base of \$10,000 per program and then the rest we did a population total based on the counties that we are serving and added that. We broke down the remaining balance for a number of people and allocated that to each of those counties.

Representative Nelson: Remind me. There is a number of areas such as Rolette County where there are a number of offenders. They don't have a community service program there.

Deb Schuler: We all share in serving them. If I get a client they will help them out. We all pitch in and help. We don't leave someone completely out.

Representative Nelson: So every part of the state is being served.

Deb Schuler: We will take those individual counties if they aren't part of our organization and still work with those clients. We will cover them if we don't get funding for them.

Representative Nelson: In most cases those counties don't contribute to that?

Deb Schuler: As far as supporting the funding, the basic reason we didn't think that you would look at a statewide flat funding in place. We weren't thinking we would try to get funding from both. We didn't think it would be something that you would approve. Because we found that across the state it was so unbalanced as supporting our programs, it seemed to be ineffective.

Chairman Pollert: Sometimes new things take awhile to make process.

Deb Schuler: Yes it takes awhile to get things on board. I have 1 of the 5 judges that uses this. It depends on if she is mad at me for something or not. We don't have the influence. We are on the underling when it comes to the judges and we don't want to burn our bridges.

Representative Bellew: You have state legislator's that have some influence over those judges. Have them to talk the judges.

Deb Schuler: We are still new. We don't know who we can ask.

Representative Bellew: We are there to serve the people. We can make a phone call or go do a visit.

Deb Schuler: That is good information. All of us are a little new and we aren't sure who we should call. As far as what happened and if we can survive on this money, when we lost the DOCR funding I was getting about \$24,000 a year prior to having the funding just stop. It just happened to be the year the bill was passed to do the drug testing. Our judges love it. That completely covered my loss. That is the only reason I'm still in business. Now we are seeing that drop off. Hopefully it is because we are catching them be rehabilitated. If it weren't for that I would have been in debt about \$25,000 for that year.

Holly Neubauer: *I am in support of SB 2178. As you know Fargo is a rather large region and we do see a large number of people come through our office. Our program fees tend to support almost 100% of my operating budget. My operating budget is anywhere from \$125,000 to \$130,000. In 2008 I collected \$106,000 in program fees. Of course that leaves me short a significant amount of money. Had I not written grants for 2007-2008 that were supported and I received a \$60,000 grant. That was able to allow me to function over those two years and to build and put some money into reserves. That is not something that we want to use or utilize in the next year in order to make our budget and operate in the black. I, as well, with along with Deb had said when the DOCR funding was cut which was my first year coming into the*

community corrections association, I had no idea what I was getting into and what I was looking at. The Fargo program has implemented other programming to help supplement that loss of income but at nowhere near makes up for the loss that we received from funding with the DOC.

Representative Bellew: This is a question for all of you. What would happen if this program were to go away? Will people be in more danger than they are now?

Holly Neubauer: I have heard that question more time in the last few months than I have in the whole time I have been in the three years I have been here. It is a valid question and I don't necessarily know that I have the correct answer. I think it is something that you could say potentially the court system would have to pick up some responsibility. That would be an added cost to them. I don't think they would have the staff necessarily to be able to do that.

Especially in a larger region they couldn't take on those clients. It is more paperwork for the clerks, more responsibility for the community service. They have to make sure they have insurance that covers those clients who are working at those community service sights. Taking time to check the number of hours that they are completing and if they are compliant. It is hard to say if they would have the manpower to be able to do that. I don't know necessarily if they would. If they all disappeared, if the courts would take it on, or if it would cease to exist entirely and there wouldn't be a use to alternatives of incarceration.

Chairman Pollert: To go on further with that, I'm looking at the handout. Here is the judge that is in support of the community service program. I'm sure we have more here. If they want it they have to work with it?

Holly Neubauer: Correct.

Kari Dohrmann: I work with the rural counties and I work with juveniles and adults. Do you have any questions?

Nancy Keating: I am from Bismarck and work for Centers, Inc. You asked her what the value of community service is. Most of the people we see are underage drinking. You can't open a paper in ND right now without seeing what a big issue that is and what kind of horrible attitudes a lot of these young kids have about drinking, the binge drinking problems. There have been some deaths in the Red River Valley. Of all the things that we get, most of it is minor in possession. You are absolutely right that somebody's parents can write a nice big check to the court and cover this and that. The parent can't go out and do community service. If there is one thing I think we do, it is to try to get these kids attention before they end up having a serious problem. Hopefully we are keeping them out of the treatment centers. Of course you know the younger they are when they start drinking and using drugs, the more likely they are to have a drinking or drug problem later. We are on the people who are on the very front of that .We are the people who are catching those people. When someone comes back and says they had to scrape gum off the bleachers at one of the colleges, I think we have gotten their attention, not to mention the fact that we charge them. That is kind of what I look at. That is what we are. We are the people who are trying to get the kids' attention and keeping a lot of them out of the system. Hopefully we aren't hearing from them again. That is my little speech.

Chairman Pollert: I would have to believe the judges want the option of using community supervision.

Nancy Keating: I believe they do.

Chairman Pollert: Just by when I read the paper.

Dave Denich: In response to your question about what would happen if community service programs would go away, my judge and states attorney would be very much against that. Each year that the funding from the state has gone down, I have had to go in front of the city council and the county commissioners. My judge has gone before them. My states attorney has gone

before them and requested that they support our program to keep it running. Every year that the state puts in less and less, the cities and counties that we serve, it puts more pressure on them. It is a tool that the judges and state's attorneys do not want to lose.

Andy Horner: Just a couple of comments. On that letter from the judge, the support letter you noticed had \$30,000 down there. It is what our program would be getting approximately from the state for our biennium. This is a small amount of money. The program is working. Why would we let it go?

Representative Nelson: I read the judge's letter as well and it sounds like he is supportive of the program. It appears that he is the presiding judge in the district that he is not so much in support of the current situation of fines. You aren't getting a lot of them in Devils Lake. Can you respond to that? Is that a fair indication of the situation there?

Andy Horner: It absolutely is to a point. He doesn't prefer the idea that the state should have to be collecting those fees that we normally do. It is in a direct fashion that we do that. It comes to us right away. The people at the state don't have to deal with it. We don't have to reapply with them. That is kind of the reason in their minds that they had cut back on some of the community service people for the typical minor in possession first time offender stuff that they really had assigned a lot of community service too. They cut back on some of that because they thought it was more positive for us to have the program fees done at a local level. They certainly are supportive of the program. I do drug screens for them almost on a daily basis. Another thing that actually has changed the program because the folks down here at the capitol made some sound legislation with the controls of the products to make meth. It really has changed a lot out there. Someone asked out the alternatives. That definitely has made a difference.

Representative Nelson: Just so I understand this. Prior to 07 when the \$50 fee was administered, the district court paid your agency directly from that fee?

Andy Horner: No. After the 2243 equity was passed it was collected to the state. Before that we always collected our own.

Representative Nelson: That is what I mean. Before 2243 you collected that at sentencing? The additional \$45 that was imposed and is sent down here and distributed, that is a fee that your judges are having a problem with.

Andy Horner: That is how the judges are across the state. Everyone has a different idea.

Janelle Pepple: I'm the Community Service coordinator in Wells County. We are a single count entity and we would like to see the funding shared through the state level, the local level, and the offender level. I think this bill will do just that. We do look for favorable support on that.

Joni Anderson: I work for rehab services. We are non profit also. We are in favor of this again just like the rest of them. By having a steady flow of money we can do our budgets better. We can plan what is going to go on in our programs. Like I said before we do the drug testing. I know Judge Mattson. I get calls from the bench to see if someone has finished their community service or not. For him to be able to pick up the phone in court and call me I can tell him exactly and he makes his decision there. If they haven't complied he might send them to jail for 2-3 days to get their attention. I think to have the consequences right there, and having them see that there are some consequences there and they aren't following through to what they are doing is a big eye opener. When one person in the community hears it then all of a sudden everyone is getting their stuff done. I think it is a good benefit in our community too.

Representative Bellew: Would it be better for your organization if you collected the fees instead of sending them to DOCR and having them redistribute them. That is inclusive of the fee already collected plus the fee that is in SB 2028.

Joni Anderson: We don't always see the fee too. District court a lot of the times, we send the case back and don't get the fee. If it comes back to me again I don't release the hours. They will get it to us then if they know they are going to get pulled into court. I explained to them that it is part of the court order .It says all things will be taken care of before this date. That seems to get their attention a little more.

Chairman Pollert: Before I close the hearing on SB 2178 I know there were things handed out and people were paging through it. When I look at the dollar amounts that is how you come up with the \$500,000 when you look at it. Nobody really talked about it but that is what it does. There are three people in here that had to work on this last time. I'm going to ask you to try and come up with something and let me know what you are thinking. Just because of all the questions that were asked today, I think it needs further discussion. As much as people hate a different paradigm, in some cases it seems like it is working but in some cases it is not. That is why I don't want to make that decision that quick. I want to have the committee stew about it like we do with everything else.

Representative Nelson: If you are asking for what we think, I agree that it is not necessarily a bad thing to have that component in SB 2028 included in that. There are some community service programs that have used that piece and made it work better than others. It is obvious that it is not a very credible source of funding for the program across the state. It would seem to me like a mix of both makes some sense. It is clear to me that some enhancement from the state is going to be necessary to keep these programs alive. With the shortfall of grant programs and the inability of some cities and counties to continue to fund. Certainly the grant money seems to be softer today than it was years ago.

Representative Wieland: I would agree except that Fargo gets penalized and that shouldn't happen. I think we are going to try to see what we can do about getting Fargo off of that

penalty. To me, a combination would make a lot more sense. It puts the burden on the people who create the offense.

Representative Kerzman: I'd have to disagree. I think the burden is on the state no matter how you do it. If we don't have alternatives for incarceration you are going to be putting them into the corrections budget. I think whatever money we can stick here is well worth it. I agree with the associations. I think if they have steady funding streams it is worthwhile.

Chairman Pollert: I'm not going to ask for any motions but will ask that research be done by Representative Wieland, Representative Nelson, and Representative Kerzman. We will close the hearing on SB 2178.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2178

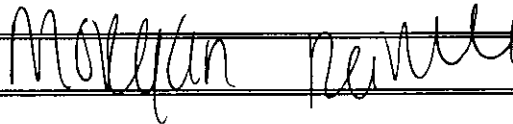
House Appropriations Committee
Human Resources Division

Check here for Conference Committee

Hearing Date: 3/23/09

Recorder Job Number: 11415

Committee Clerk Signature



Minutes:

Chairman Pollert: Opened the hearing and took roll call. Every member was present. We have until 2:50 today because we go into full committee. With that I know we had an at hawk committee work on SB 2178 and SB 2028. I will open the hearing on SB 2178 and open the floor for discussion.

Representative Wieland: Thank you. If you give me just a moment to find the bill before I start. SB 2178 deals with the appropriations for community service grants. Representative Nelson, Representative Kerzman and myself spent some time reviewing this. We visited with the Chief Justice and he spent quite a bit of time with us. He gave us his opinions on this. We did experience some problems in connection with SB 2178 and with SB 2028. What we did here was we recommended and proposed amendments that we will replace the DOCR with the Office of Management and Budget which would serve as a fiscal agent. On page 1 line 6 replacing \$500,000 with \$250,000. On page 1 line 7 replace DOCR with Office of Management and Budget. The same on page 1 line 9. Then we took and took each one of the line items starting with Barnes County all the way down to Williston and cut each of those at 50% of the number of the original bill showing that \$125,000 annually will be released. Then the statement of purpose of the amendment reduces the appropriation for community service supervision

grants from to \$250,000 to \$125,000 annually. It provides the appropriation to the office of Office of Management and Budget. That basically is the proposed amendments to SB 2178.

Chairman Pollert: So if I can ask the question, I take it then when we get to BS 2015 that there will be an amendment to pull the \$200,000 out of the DOCR budget.

Representative Wieland: That is correct.

Chairman Pollert: Is there a motion?

Representative Wieland: I move to adopt the proposed amendments .0101.

Representative Nelson: I second that.

Chairman Pollert: There is a motion from Representative Wieland and a second from Representative Nelson. Is there discussion?

Representative Bellew: How will the local community service people get the money from Office of Management and Budget? Did they request it or how does this work?

Representative Wieland: It was our intent that on one August which would be the beginning of the biennium that they would issue the check and send it. That is not in here. I make a motion that the funding be provided to the individual agency on the 1st of August 2009 and 2010.

Chairman Pollert: So the motion is going to read?

Representative Wieland: That the funding be provided to the individual agencies on the first of August 2009 and 2010.

Chairman Pollert: And Becky will get the language before appropriations.

Representative Wieland: That was a motion.

Representative Kreidt: I second that.

Chairman Pollert: Now I have two motions sitting on the floor and that isn't right.

Representative Wieland: This should be in addition to the motion to adopt the proposed amendments.

Becky Keller: You guys can do this however you'd like.

Chairman Pollert: I'd rather have it cleaner as one amendment.

Representative Wieland: That is my motion.

Representative Nelson: I'm just wondering if it shouldn't be July 1 rather than August 1.

Becky Keller: Than we would need an emergency clause.

Chairman Pollert: So everyone is clear that the date and disbursement will go on .0101 amendment. With that I will do a voice vote.

Representative Kerzman: I just want to make sure that the fees were cut in half.

Chairman Pollert: All those in favor of .0101 say aye opposed same sign. The motion carries.

Now we have an amended bill.

Representative Wieland: I move a do pass as amended.

Representative Kreidt: I second that.

Chairman Pollert: Is there any discussion? If not we will call the roll. The motion passes 7-0-1. Representative Wieland will you carry this bill?

2009 HOUSE STANDING COMMITTEE MINUTES

SB 2178

House Appropriations Committee

Check here for Conference Committee

Hearing Date: March 25, 2009

Recorder Job Number: 11528

Committee Clerk Signature

Stacy N. Sand

Minutes:

Chm. Svedjan turned the Committee's attention to SB 2178.

Rep. Pollert indicated that the Committee should take SB 2178 and SB 2028 together since they are related. Rep. Wieland is carrying both bills.

Amendment .0102 (Attachment A) was distributed.

Rep. Wieland: This bill has to deal with an appropriation to the Department of Corrections and Rehab for Community Service Supervision Grants. However we did amend it and I would move the amendments .0102.

Rep. Wieland moved amendment .0102. Rep. Nelson seconded the motion.

Rep. Wieland: Basically what we did, the bill originally said that it was to provide an appropriation to the Department of Corrections and Rehab for \$500,000 over the biennium.

What we did with this amendment is we've reduced that by 50 percent from \$500,000 to \$250,000 and then adjusted each one of the particular agencies – there are eleven or twelve agencies that deal with supervision. We cut those to 50 percent which is still an increase over

what they received in the last biennium by \$150,000 in this particular section of the bill. Then instead of having the Department of Corrections – and we have an amendment in the

Department of Corrections – removing them from providing the dollars. This will just be provided by a fiscal agent and they've chosen the Office of OMB to act as that fiscal agent and to distribute the amount that is shown there on the 1st of August of each year for the 2009 – 2011. That's basically what the amendment does.

Rep. Pollert: Rep. Wieland talked about the DOCR. The DOCR also had \$200,000 of General Funds. It was \$100,000 last biennium. The Governor's budget had increased it another \$100,000 but we've removed the \$200,000 out of SB 2015 to put into SB 2178. But what you are going to see is a net increase of \$50,000 because this is a \$250,000, the DOCR budget we removed \$200,000.

Rep. Berg: So half of this is going out to the local groups, and the other \$125,000 – goes where?

Rep. Wieland: There's \$125,000 that goes out each of the 2 years for a total of \$250,000.

Rep. Kroeber: Are these Community Service Grants?

Rep. Wieland: Yes.

Rep. Kroeber: And you're increasing it by the \$50,000 total, is that correct?

Rep. Wieland: No. We are increasing the amount by grants that they receive by \$150,000. They only received \$100,000 in grants in the last biennium.

Rep. Kroeber: My concern is . . . alternative to incarceration this was a very important program to take and run and I hope we can do as much for this as we possibly can because we don't want any more people . . .

Rep. Wieland: There's another bill that deals with a portion of payment to them that we are coming up to.

Rep. Pollert: Mr. Horn from Jamestown was here for all the hearings and he was here when we did these amendments as well.

The motion to adopt amendment .0102 carried by voice vote and the amendments were adopted.

Rep. Wieland moved a Do Pass as Amended. Rep. Pollert seconded the motion.

Rep. Delzer: I wish all we were going to do in SB 2028. I will support this but I would like to note that this used to all be paid by supervision fees, and now we are going all to General Fund and I'm not sure that's right. It has to go back quite a ways.

Rep. Pollert: Last biennium – the biennium before the DOCR did not do community supervision. Last biennium there was \$100,000 in the Governor's budget. This biennium in the DOCR budget they put in another \$100,000 for a total of \$200,000 of general funds. We've removed that out of 2015. You'll see that when we do the budget bill. That is an amendment there. SB 2028 is also related.

Rep. Delzer: This is back in the 90s when this was all covered by that.

Rep. Kroeber: When Mr. Horn left was he happy or was he sad? (Laughter) You said he was here.

Rep. Pollert: You must have served with Rep. Skarphol. He had the same comment. I did have a quick discussion with Mr. Horn and he did say "thank you" but he didn't relay what the thank you was for but he did relay "thank-you."

Rep. Nelson: I think he was o.k. with it. It should be pointed out that prior to last session though; those Community Service Grants were funded from the General Fund through the DOCR. There has always been some local cost share or some contributions from counties and cities and that's still in place. That's the only way some of these community service

organizations have been able to stay in business, especially in the Fargo area where the courts haven't been passing those fees to the community service organizations. This is needed.

Rep. Delzer: It used to be all local and supervision fees. At one time the Department was short of money when the number of people were coming up and they did not give the supervision fees over and that's how this started to be shifted over to General Fund.

The Do Pass as Amended motion to SB 2178 carried by a roll call vote of 21 yeas, 0 nays and 4 absent and not voting. Rep. Wieland will carry the bill.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2178

Page 1, line 1, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 6, replace "\$500,000" with "\$250,000"

Page 1, line 7, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 9, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 11, replace "12,263" with "6,132"

Page 1, line 12, replace "28,203" with "14,101"

Page 1, line 13, replace "17,956" with "8,978"

Page 1, line 14, replace "14,620" with "7,310"

Page 1, line 15, replace "17,373" with "8,687"

Page 1, line 16, replace "33,665" with "16,832"

Page 1, line 17, replace "27,505" with "13,752"

Page 1, line 18, replace "19,080" with "9,540"

Page 1, line 19, replace "21,938" with "10,969"

Page 1, line 20, replace "13,459" with "6,730"

Page 1, line 21, replace "15,913" with "7,956"

Page 1, line 22, replace "10,981" with "5,491"

Page 1, line 23, replace "17,044" with "8,522"

Page 1, line 24, replace "250,000" with "125,000"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the appropriation for community service supervision grants from \$250,000 to \$125,000 and provides the appropriation to the Office of Management and Budget rather than the Department of Corrections and Rehabilitation.

VR
3/31/09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2178

Page 1, line 1, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 6, replace "\$500,000" with "\$250,000"

Page 1, line 7, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 9, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 10, after "basis" insert "on August first of each year of the 2009-11 biennium"

Page 1, line 11, replace "12,263" with "6,132"

Page 1, line 12, replace "28,203" with "14,101"

Page 1, line 13, replace "17,956" with "8,978"

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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the appropriation for community service supervision grants from \$250,000 to \$125,000 and provides the appropriation to the Office of Management and Budget rather than the Department of Corrections and Rehabilitation.

Date: 3/25/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2178

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 90531.0102

Action Taken adopt amendment .0102

Motion Made By Wieland Seconded By Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Vote Veto - carries

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

Date: 3/25/09
 Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2178

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number .0102

Action Taken Do Pass as Amended

Motion Made By Wieland Seconded By Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer	✓		Rep. Glassheim	✓	
Rep. Thoreson	✓		Rep. Kaldor	—	
Rep. Berg	✓		Rep. Meyer	—	
Rep. Dosch	—				
Rep. Pollert	✓		Rep. Ekstrom	—	
Rep. Bellew	✓		Rep. Kerzman	✓	
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	✓				

Total (Yes) 21 No 0

Absent 4

Floor Assignment Rep. Wieland

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

REPORT OF STANDING COMMITTEE

SB 2178: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2178 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "department of corrections and rehabilitation" with "office of management and budget"

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This amendment reduces the appropriation for community service supervision grants from \$250,000 to \$125,000 and provides the appropriation to the Office of Management and Budget rather than the Department of Corrections and Rehabilitation.

2009 SENATE JUDICIARY

CONFERENCE COMMITTEE

SB 2178

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB2178

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 4/20/09

Recorder Job Number: 12000

Committee Clerk Signature



Minutes:

Senator Lyson, Chairman

Representative Wieland

Senator Nething

Representative Nelson

Senator Fiebiger

Representative Kerzman

Senator Lyson asks Representative Wieland to explain the amendments that the House put on. Rep. Wieland says this came over to them with a \$500,000 note in it which they cut to \$250,000 which he says is an increase of \$150,000 over the General Fund appropriation from the previous biennium. He said the Dept. of Corrections had \$100,000 in there in the previous biennium, they put \$200,000 in it this biennium. That was increased prior to this bill coming. He said they did remove out of 2015 the appropriation for the \$200,000. He said again this is an increase of \$150,000 of General Fund appropriation over the previous biennium. His committee felt that was a pretty good increase. He said they continued the 20/28 program which was another \$25 the courts could collect if they so desire. Senator Lyson asked why they would reduce it when the Governor had \$325,000 in his budget along with a \$50 fee. He thinks by reducing it, it puts the burden back on the county for the payments. Rep. Wieland responds they didn't see any \$325,000, there was \$200,000 in the Dept. of Corrections, where it was in the last biennium. Senator Lyson said he called Al Knutson and he said the Governor

has \$325,000 in there. Rep. Wieland asks where in his budget is it. Senator Lyson asks to have Al Knutson to come down and speak with the committee. Senator Lyson says he has a problem with putting the burden on the counties for these programs. Rep. Nelson added 2 years ago when it was changed it was very difficult for community service programs, some of the courts don't impose the fees. He thinks the General Fund appropriation is important that it's at a current level but the House position's thought is that the counties had a role in this as well. Much of the work being done is providing services in which they are in charge of. So there should be some responsibility there. He said they House did take the money out of DOCR so OMB directly appropriates the money so there are no games that can be played with DOCR in the distribution of the grant monies. Rep. Wieland said they took it out of the DOCR at their request, they did not like the way they were being treated in regards to those grants.

He also said he has an e-mail from Restore Inc. that states, the Community Corrections Association was accepting of the amendments that had been made to both bills and hopes that little changes with either of them once you're out of committee. She refers to 2028 and to 2178. He said he had also heard that Stutsman County was satisfied with the amounts. Senator Lyson said he also talked with people from Community Action and they are saying this won't be good for them. Senator Lyson said his greatest fear is losing some of those people, having more people incarcerated and it will cost us more money. He thinks this is a poor approach. Senator Fiebiger said his thought was when it came into committee that the \$50 fee wasn't very effective and wasn't being enforced. He isn't sure that moving it to \$25 or keeping it at \$50 is in play here, that is a small part of this. He agrees with Senator Lyson that we are investing in a way to prevent spending more money at a later time for incarcerations. He is concerned about lowering it down. He thinks its \$500,000 well invested. Senator Nething said he doesn't have a problem with OMB having it if their willing to do it. The only thing is the

dollar amount. Senator Lyson agrees but is concerned with the money. Rep. Wieland said they don't mind where it's at either. Rep. Nelson said it is plain to him that DOCR does not necessarily like this program and doesn't feel they should be in charge of it. He asks if money is the only issue is there a compromise position that could be considered. Senator Nething said we need to determine what the total dollars they would get, if there is some other budget the committee needs to know about it. Senator Nelson comments that the program in Fargo got very innovative and found some funding sources. In his hometown and surrounding areas have all contributed a portion to the program as well. He thinks its good there is some ownership by other political subdivisions. Senator Lyson said that may help bigger communities but it's not that good in the smaller communities where there is not as much access to it. Senator Nething said as he understands the program these are people who are on a work program instead of being incarcerated. The people who receive the benefit of that, if they are private sector people, he has no problem with them paying for it. He would like to see the managers of this program, managing the individuals that are assigned to them in this program verses out fund raising. He states it is a better investment of management time. He said his problem has always been with this that he has never been able to draw a balance as to how much is done where because the communities vary so much. Rep. Wieland says in addition to that concern of Senator Nething's, he has a serious concern about the fact that they tried to get the people who are the beneficiaries of not spending time in jail when they can afford it, to pay the fees. They should pay all of it. When someone can handle it , can afford it, they should be paying a portion of the bill and not the tax payer. These are General Fund dollars and will be increased in the next biennium. He said that can be counted on. Senator Nething said the counter to that is, are we keeping people out of jail, is it less expensive doing it this way than to have them in jail. He said every time he asks that question the answer is

yes, it is less expensive. If it is, then he feels comfortable supporting a program. He said he has a soft spot for the people trying to manage these programs and to make fund raisers out them is not the best use of their time.

Becky Keller – Legislative Council – Confirms the Governor does have \$325,000 in his budget for this. She says it is in the DOCR budget, \$200,000 from the General Fund, \$125,000 from court fees. They removed \$200,000 from the DOCR and moved half of the \$125,000 which left them with \$62,500 in the DOCR budget and left the fees in the bill that related to fees but did cut them in half. Senator Lyson said with that we are still short. He said the budgets he received from the group that was here, \$250,000 a year was their budget for all these counties. If it's that with \$325,000 with all the fees, we are certainly cutting them close. Rep. Wieland said it is still an increase, last biennium they had \$100,000 in General Funds and \$125,000 estimated from the supervision fees, they didn't get that much. Senator Lyson mentions that part of that is because they are drawing more clients, the courts are putting more out there rather than incarcerating them and saving the counties and state money and social services money because these people are working and supporting their families. Rep. Wieland says this is still an increase. Senator Nething asks why the increase, how do you evaluate it with the work load. Rep. Wieland said in his opinion this is adequate but if the Senate committee wants to counter with a proposal they will consider it. Senator Lyson said they will come up with a figure, then meet again.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB2178

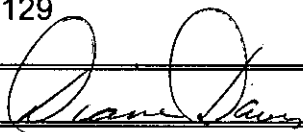
Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 4/22/09

Recorder Job Number: 12129

Committee Clerk Signature



Minutes:

Senator Lyson, Chairman

Representative Wieland

Senator Nething

Representative Nelson

Senator Fiebiger

Representative Kerzman

Senator Lyson reconvenes the conference committee on SB2178. All conferees are present.

Senator Lyson hands out some statistics from the Supreme Court. He said they are the figures that come from the district court. He points out that the Class C misdemeanor were felony cases and then reduced to a misdemeanor. He said these are the cases that used the community services, she (court) did warn us that this is not all of them. Representative Wieland said he thought the way it was left after the first meeting that the Senate would come up with a suggestion. Senator Nething said he is only familiar with the Jamestown program and they do a good job. He said it bothers him these people (working in Community Service) spend so much time on raising money. He would like to see \$400,000 put into this program. He knows they will still have to raise money. Senator Lyson says the people in Williams County take care of Williams County, McKenzie County, Divide County and part of Montrail County. He said he spoke with one of his county commissioners and she said they just can't

give them anymore. Rep. Kerzman asks Senator Nething if the \$400,000 would cover most of them as far as getting above the \$10,000 pace. He said it looks like below \$10,000 there is risk of not making a go of it. Senator Nething said he did talk to Senator Wardner and ask him what amount would work. He was of a mind that \$400,000 would do what needs to be done. Rep. Wieland said it is the position of the section that he originally came from that they will consider negotiating this up a little bit. He said they weren't prepared to go to 400,000. He mentions the Governors proposal was \$325,000, they 200,000 in DOCR and 125,000 in 2028. He said they agree that 2028 is not going to produce \$125,000 probably closer to \$50. He said it is their position they are at about 300,000 with \$250,000 in here and roughly \$50,000 in 2028. He said they are not prepared to go to \$400,000, more in the neighborhood of \$275,000, maybe \$300,000 on top of 2028. Rep. Kerzman said they have already had this discussion before and doesn't think they should be looking at 2028, if we want these organizations to survive we need to support them. He agrees with the Senators. Rep. Wieland replies that there are some counties that are not pursuing it, Stutsman County pursues it and gets a lot of money out of the court. He said he realizes all counties do not. Senator Nething mentions that the 100,000 last time was predicated on the fact we were looking at a big infusion of money from the courts that didn't materialize. They didn't get the kind of money they needed last time with that 100,000. He said we need to get it back on a balance, we need to come to grips with the fact that proposal didn't work like we thought it was going to, unfortunately. He said he wouldn't suggest this if he didn't have confidence in these programs, and didn't have confidence in the value of these programs. He does not think we can look to the counties to absorb this. Senator Lyson says after a winter like this the counties are strapped pretty tight. Rep. Nelson said he agrees that the programs are very valuable and we need to continue them. Those counties that have utilized it the best are the

ones that have worked the hardest at it. He explains the House is in a situation where they may be in jeopardy of losing the bill with that dollar number because of the budget constraints that they are under. He said it would be a fight on the floor. He said if the committee is ready for a motion he truly thinks the \$300,000 is one they could forward through the House and get it passed. It offers an increase from the Governor's request, it does stabilize and grow a two fold increase in state funding from last time. He thinks there is an upside by reducing the fee down to \$25 more people will pay that fee. Senator Nething said he would like to talk with Senator Wardner since he was so heavily involved in the interim. Senator Lyson mentions that the people working for this service are hard working, dedicated people. He said either the county will have to pick it up or Human Services because more people will get incarcerated. He said it's time to realize this saves the state and the counties money, not only saving the state money for incarceration, it saves them money through Human Services because people are out there working to support their families. Rep. Nelson said he would defer his motion till Senator Nething has a chance to talk with Senator Wardner.

Recessed

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB2178


Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 4/27/09

Recorder Job Number: 12280

Committee Clerk Signature



Minutes:

Senator Lyson, Chairman

Representative Wieland

Senator Nething

Representative Nelson

Senator Fiebiger

Representative Kerzman

Senator Lyson asks the Representatives if they have come up to the thoughts of the Senate.

Representative Wieland replies he doesn't think so. Senator Nething said he has some valid reasons for the House to move. He states he has reviewed all the House committee minutes, Subsection and Appropriation. He said there are some things that were not talked about. He relates the history back to 1999 indicates that the first biennium 1999-2001 the General Fund appropriation was \$320,151, the next biennium followed with \$372,728. He said it is

interesting that the 2003-2005 bienniums were identical. In 2005-2007 it showed \$179,999.

He understands there were more dollars there but some of it went salary to DOC employees.

In 2007-2009 it was reduced down to \$100,000 General Fund plus the court ordered fees. He says we went from a constant in the area of \$372,000 then saw a drop. This year he says

there are two new programs that have been added. One is the Attorney General's sobriety

program, which will involve services from these people, all three of the conferees voted yes on

it. Then there will be the drug courts that will add considerable services necessary to make this program work. He said these are both state wide programs that had been pilot programs. He continues, there are two bills involved 2002, 2015 and 1012, all the House conferees voted yes on the drug courts, Rep. Kerzman voted no on 2015, maybe for another reason. On 1012, Rep. Kerzman was absent but the other two conferees voted yes. That program in three different budgets is going to provide considerable work and the key to success is through these Community Service people. He says, in the past two interims the Commission on Alternatives to Incarceration recognized the value of the program. Senator Nething said those are the reasons why the Senate has to stay with the \$400,000 figure, the bill did come in at \$500,000. He said there is plenty of reason to show a strong historic funding for this. The work load that has been added merits the additional money. Rep. Wieland responds states that he has an e-mail from Holly Neubauer, Director of Fargo Community Service, and she thinks \$300,000 is more that fair, he said he doesn't understand why there is a need to exceed that. Senator Lyson said that may be true for Fargo, because they have areas to get money from but smaller communities do not have that. Rep. Nelson says he appreciates Senator Nething's comments. He agrees, but going back in history he makes the assumption it was fully funded through DOCR, there was not that local component that is part of every program now out of necessity. This last biennium was not good for Community Service programs, they had to explore a lot of options to fund those programs. Fargo was an area that explored the most and was able to get the most from the community. He states the change at the DOCR, and there is no question in his mind that it was Warren Emmers that diverted the money from Community Service towards salaries for his staff at DOCR. Rep. Nelson said he totally disagrees with what took place there. He continues saying to get this back on track, is one reason why he supported taking the funding away from DOCR so that never happens again,

so that stable source of funds is directed to Community Service as it was supposed to have been since 2005. He goes on to say that the committee is reasonably close in numbers, taking the Community Service fines and add that to the \$300,000 that we have agreed to. He says the Representatives do not have the authority to go to \$400,000, so he said if there is a number that works for all they could get out of here. Senator Lyson said the \$400,000 is the number. Senator Nething responds that they cannot go below \$400,000.

Senator Fiebiger said he echoes the comments of Senator Nething and says he visited with Bonnie Johnson, the Cass County Administrator, and she said a program such as this is a gift to any community with a jail. People need these services and in the long term is a wise investment. Senator Fiebiger said he also spoke to Judge Irby who has been involved in all of this and he says you can figure about \$65 a day to keep someone in county jail. You can spend it for the jail or you can get people out into the community. Judge Irby's question was, who are you punishing. Senator Fiebiger said we should probably answer that, we spend a lot of the session wondering about forcing the counties to do this and throwing things on them that they don't have the money to do. He says this seems a cheap way to help the counties and help the people in the system. He thinks the \$100,000 difference would be made up easily over time. He thinks the money would be well invested and the numbers bear that out, it is a healthy investment that will save us money later. Rep. Kerzman said he agrees with the Senators, he thinks it is a tremendous program. The problem he has is when you take organizations that have a focus to work with individuals like this and more or less force them to go look for funds other places. He said you are moving the focus away from what they should be doing. He would like to see it fully funded and get it going and keep it going. Senator Nething said it is difficult for him to understand how the conferees will support adding more work but at the same time not willing to meet the cost of getting this work done. He mentions

small counties that do not have the resources that Fargo does. He said Fargo does a wonderful job but they also have tremendous resources for it. Senator Nething feels the committee has made their case well and feels badly that there was no discussion about the value of these programs in the appropriation committee or sub-committee. He continues on to say that the facts are facts, they support the money. He doesn't believe it is a matter of the State not having a \$100,000 to accomplish it. Senator Lyson asks if anyone has something more to add. He said he will discuss this with the Majority Leader to see if a change in conferees is needed. He would consider stepping down as chairman if the House chair would do the same and ask the Majority Leader to take over as chairman. He asks Rep. Wieland if he would be willing to do that and Rep. Wieland replies that he would talk to his chairman about it.

Meeting adjourned

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2178

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 4/29/09

Recorder Job Number: 12382

Committee Clerk Signature



Minutes:

Senator Lyson, Chairman

Representative Wieland

Senator Nething

Representative Nelson

Senator Fiebiger

Representative Kerzman

Senator Lyson opens the conference committee on 2178 and calls on Representative Nelson.

Representative Nelson moves that on line 6, change the appropriations from \$250,000 to \$375,000. Seconded by Rep. Wieland.

Roll call vote – 6 yes, 0 no, motion passes

Discussion – House recede from House Amendments and amend as follows

Senator Nething will carry

Date: 4/20/09
~~4/22/09~~
4/27/09
 Roll Call Vote #: _____

2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB2178 as (re) engrossed

Senate _____ **Judiciary** _____ Committee

Check here for **Conference Committee**

- Action Taken SENATE accede to House Amendments
 SENATE accede to House Amendments and further amend
 HOUSE recede from House Amendments
 HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ pages(s) _____ -- _____

Unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

Motion Made By _____ Seconded By _____

Senators				Representatives			
	Attend.	Y	N		Attend.	Y	N
	4/20	e	o		4/22	e	o
	4/27	s			4/27	s	
Senator Lyson-Chair	X			Rep. Wieland	X		
Senator Nethng	X			Rep. Nelson	X		
Senator Fiebiger	X			Rep. Kerzman	X		

Vote Count _____ Yes _____ No _____ Absent

Senate Carrier _____ House Carrier _____

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

PROPOSED AMENDMENTS TO SENATE BILL NO. 2178

That the House recede from its amendments as printed on page 1168 of the (S) and pages 1093 and 1094 of the (H) and that Senate Bill No. 2178 be amended as follows:

- Page 1, line 6, replace "\$500,000" with "\$375,000"
 - Page 1, line 11, replace "12,263" with "9,198"
 - Page 1, line 12, replace "28,203" with "21,151"
 - Page 1, line 13, replace "17,956" with "13,467"
 - Page 1, line 14, replace "14,620" with "10,965"
 - Page 1, line 15, replace "17,373" with "13,031"
 - Page 1, line 16, replace "33,665" with "25,248"
 - Page 1, line 17, replace "27,505" with "20,628"
 - Page 1, line 18, replace "19,080" with "14,310"
 - Page 1, line 19, replace "21,938" with "16,453"
 - Page 1, line 20, replace "13,459" with "10,095"
 - Page 1, line 21, replace "15,913" with "11,934"
 - Page 1, line 22, replace "10,981" with "8,237"
 - Page 1, line 23, replace "17,044" with "12,783"
 - Page 1, line 24, replace "250,000" with "187,500"
- Re-number accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2178

That the House recede from its amendments as printed on page 1168 of the Senate Journal and pages 1093 and 1094 of the House Journal and that Senate Bill No. 2178 be amended as follows:

Page 1, line 6, replace "\$500,000" with "\$375,000"

Page 1, line 7, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 11, replace "12,263" with "9,198"

Page 1, line 12, replace "28,203" with "21,151"

Page 1, line 13, replace "17,956" with "13,467"

Page 1, line 14, replace "14,620" with "10,965"

Page 1, line 15, replace "17,373" with "13,031"

Page 1, line 16, replace "33,665" with "25,248"

Page 1, line 17, replace "27,505" with "20,628"

Page 1, line 18, replace "19,080" with "14,310"

Page 1, line 19, replace "21,938" with "16,453"

Page 1, line 20, replace "13,459" with "10,095"

Page 1, line 21, replace "15,913" with "11,934"

Page 1, line 22, replace "10,981" with "8,237"

Page 1, line 23, replace "17,044" with "12,783"

Page 1, line 24, replace "250,000" with "187,500"

Renumber accordingly

Page 1, line 9, replace "department of corrections and rehabilitation" with "office of management and budget"
Page 1, line 10, after "basis" insert "on August first of each year of the 2009-11 biennium"

Date: 4/29/09

Roll Call Vote #: 1

2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB2178 as (re) engrossed

Senate _____ Judiciary _____ Committee

Check here for **Conference Committee**

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House Amendments
 - HOUSE recede from House amendments and amend as follows
- Senate/House Amendments on SJ/HJ pages(s) _____ -- _____
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

Motion Made By _____ Seconded By _____

Senators				Representatives			
	Y	N			Y	N	
	e	o			e	o	
	s				s		
Senator Lyson-Chair	X				X		
Senator Nething	X				X		
Senator Fiebiger	X				X		

Vote Count 6 Yes 0 No _____ Absent

Senate Carrier Sen Nething House Carrier _____

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

REPORT OF CONFERENCE COMMITTEE

SB 2178: Your conference committee (Sens. Lyson, Nething, Fiebiger and Reps. Wieland, Nelson, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1168, adopt amendments as follows, and place SB 2178 on the Seventh order:

That the House recede from its amendments as printed on page 1168 of the Senate Journal and pages 1093 and 1094 of the House Journal and that Senate Bill No. 2178 be amended as follows:

Page 1, line 1, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 6, replace "\$500,000" with "\$375,000"

Page 1, line 7, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 9, replace "department of corrections and rehabilitation" with "office of management and budget"

Page 1, line 10, after "basis" insert "on August first of each year of the 2009-11 biennium"

Page 1, line 11, replace "12,263" with "9,198"

Page 1, line 12, replace "28,203" with "21,151"

Page 1, line 13, replace "17,956" with "13,467"

Page 1, line 14, replace "14,620" with "10,965"

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Page 1, line 21, replace "15,913" with "11,934"

Page 1, line 22, replace "10,981" with "8,237"

Page 1, line 23, replace "17,044" with "12,783"

Page 1, line 24, replace "250,000" with "187,500"

Renumber accordingly

SB 2178 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

SB 2178

Same report given to Senate Approps.

*Attachment 1
SB 2178*

COMMISSION ON ALTERNATIVES TO INCARCERATION

The Commission on Alternatives to Incarceration was created by House Bill No. 1473 (2005). The bill, which was codified as North Dakota Century Code (NDCC) Section 54-35-24, required the Legislative Council chairman to select the chairman and vice chairman of the commission and provided for the membership of the commission as follows:

1. Three members appointed by the Governor, one of whom must be an academic researcher with specialized knowledge of criminal justice sentencing practices and sentencing alternatives;
2. The Attorney General or the Attorney General's designee;
3. Two members appointed by the Chief Justice of the Supreme Court;
4. The director of the Department of Corrections and Rehabilitation;
5. The director of the Department of Human Services;
6. Two local law enforcement officers appointed by the Attorney General;
7. One state's attorney appointed by the North Dakota State's Attorneys Association;
8. Three members of the House of Representatives, two of whom must be selected by the leader representing the majority faction of the House of Representatives and one of whom must be selected by the leader representing the minority faction of the House of Representatives;
9. Three members of the Senate, two of whom must be selected by the leader representing the majority faction of the Senate and one of whom must be selected by the leader representing the minority faction of the Senate; and
10. One representative of the North Dakota Association of Counties appointed by the Association of Counties.

North Dakota Century Code Section 54-35-24 requires the commission to study sentencing alternatives, mandatory sentences, treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues. That section requires the commission to provide to the Governor information and recommendations for the Governor's consideration in time for inclusion of the recommendations in the biennial executive budget. The legislation that created the commission expires June 30, 2009.

Commission members were Senators Joel C. Heitkamp (Chairman), Dick Dever, and Tony Grindberg; Representatives Ron Carlisle, Kari L. Conrad, and Lawrence R. Klein; Governor's appointees Edward Brownshield, Dr. Gary Rabe, Deborah Ness (who resigned in January 2008), and Keith Witt; Attorney General's designee Thomas L. Trenbeath; Chief Justice's appointees Judge Gail Hagerty and Justice Mary Muehlen Maring; Director of the Department of Corrections and Rehabilitation Leann K. Bertsch;

Director of the Department of Human Services Carol K. Olson; Attorney General's law enforcement officer appointees Paul Hendrickson and Paul D. Laney; North Dakota State's Attorneys Association's appointee Bradley A. Cruff; and North Dakota Association of Counties' appointee Duane Johnston.

The commission submitted this report to the Legislative Council at the biennial meeting of the Council in November 2008. The Council accepted the report for submission to the 61st Legislative Assembly.

BACKGROUND

The United States Department of Justice reported that during the 12 months ending June 30, 2006, there were 2,245,189 individuals incarcerated in federal and state prisons and local jails, which was an increase of 2.8 percent from the previous year. The federal report also indicated that the increase in state and federal prison admissions continued to increase faster than the rate of releases, thus resulting in continued growth in prison populations. The department's statistics indicated that there were 497 prisoners per 100,000 residents in this country as of June 30, 2006.

Although the report indicated that the number of state and federal prisoners per 100,000 population in North Dakota--211--is significantly lower than the national average, the report also indicated that the rate of increase in incarcerated individuals in this state--6.1 percent--was among the highest in the nation for the period from June 30, 2005, through June 30, 2006.

Department of Corrections and Rehabilitation

In 2007 the Legislative Assembly appropriated \$195.6 million for the Department of Corrections and Rehabilitation for the 2007-09 biennium. Of that amount, \$171.6 million is from the general fund. The general fund appropriation included a \$41 million transfer to the State Penitentiary land fund for the purpose of addressing correctional facility needs. The general fund appropriation also included \$9,528,597 for contract housing of inmates, \$7,955,877 of which is for housing female inmates at the Dakota Women's Correctional and Rehabilitation Center and \$1,632,720 of which is for housing male inmates at county correctional centers and private facilities.

Division of Adult Services

North Dakota Century Code Section 12-47-01 provides for the establishment of the State Penitentiary. The main prison complex in Bismarck houses maximum and medium security male inmates. As of June 1, 2007, the State Penitentiary housed 530 male inmates. The James River Correctional Center in Jamestown is classified as a medium security housing facility and, as of June 1, 2007, housed 403 medium security male inmates. The 2007 Legislative Assembly provided funding to assist in increasing the capacity of the James River Correctional Center by 20 beds. The Missouri River Correctional Center is south of Bismarck and has

incarceration in this state and that continued study would be desirable.

RECOMMENDATIONS

2009-11 Executive Budget and Funding Issues

The commission recommends the Governor include \$500,000 in the executive budget for room and board expenses for individuals admitted to a faith-based program to address addiction problems.

The commission recommends the Governor include \$500,000 in the executive budget for the Department of Corrections and Rehabilitation to be used by the department to provide matching grants for community service programs at a level to be determined by the department.

The commission recommends the Governor include \$86,000 in the executive budget for the Cass County Justice and Mental Health Collaboration Project.

The commission recommends the inclusion of \$126,576 in the budget for the Attorney General to provide for crisis intervention training for law enforcement officials.

The commission expressed its support for a request by the Department of Human Services for expanded state funding for juvenile crisis intervention programs around the state.

Community Service Supervision Bill

The commission recommends Senate Bill No. 2028 to repeal the \$50 community service supervision fee that

courts are required to impose on participants in community service programs.

Commission Extension Bill

The commission recommends Senate Bill No. 2029 to extend the existence of the commission until June 30, 2013.

Other Recommendations and Statements

The commission encouraged the Governor and the Department of Human Services to allow the Robinson Recovery Center to address treatment needs for addictions other than the treatment of methamphetamine addiction.

The commission expressed its support for the efforts of the Department of Human Services and encouraged the department to provide broader residential treatment services for addictions and mental health issues on a statewide basis.

The commission expressed its support for legislation during the 2009 legislative session to clarify the role of the county sheriff in supervision of electronic home monitoring in misdemeanor cases.

The commission expressed its support for the 24/7 sobriety program initiated by the Attorney General and the efforts of the Attorney General to work with the Department of Transportation to extend work permits for participants in the 24/7 sobriety program.

*Same
handout given
to Senate
Approp.*

ESTIMATE FOR POSSIBLE FUNDING DISBURSEMENT

REGION POPULATION POPULATION PAY BASE PAY TOTAL ANNUAL INCOME

1. Willison	36,654	\$7,253	\$10,000	\$17,253
2. Minot	62,120	\$12,292	\$10,000	\$22,292
3. Rugby	30,770	\$6,088	\$10,000	\$16,088
4. Devils Lake	24,039	\$4,757	\$10,000	\$14,757
5. Grand Forks	91,091	\$18,023	\$10,000	\$28,023
6. Dickinson	38,365	\$7,591	\$10,000	\$17,591
7. Bismarck(Urban)	94,719	\$18,742	\$10,000	\$28,742
8. Bismarck(Rural)	23,442	\$4,638	\$10,000	\$14,638
9. Well County	5,102	\$1,010	\$10,000	\$11,010
10. Jamestown	47,250	\$9,349	\$10,000	\$19,349
11. Fargo	123,138	\$24,365	\$10,000	\$34,365
12. Richland County	17,998	\$3,561	\$10,000	\$13,561
13. Barnes County	11,775	\$2,330	\$10,000	\$12,330
Total	606,463	\$120,000	\$130,000	\$250,000

Request of \$500,000 for the biennium divided by 2 years equals \$250,000 annually.

13 agencies provided with a base income of \$10,000 each

Balance of annual funds would be disbursed based on population of each area.

2007 Disbursement of General Funds

*Same handout
given to Senate
Approp.*

Community Service Agency # Offenders Funding Request
at \$17.01 per Offender

Barnes County	200	\$	3,402.00
Bismarck Rural	451	\$	7,671.51
Bismarck Urban	550	\$	9,355.50
Devils Lake	297	\$	5,051.97
Dickinson	411	\$	6,991.11
Fargo	1,162	\$	19,763.83
Grand Forks	350	\$	5,953.50
Jamestown	588	\$	10,001.88
Minot	625	\$	10,631.25
Richland County	472	\$	8,028.72
Rugby	183	\$	3,112.83
Sargent County	24	\$	408.24
Wells County	19	\$	323.19
Williston	547	\$	9,304.47
TOTALS	5,879	\$	100,000.00



*Same
handout
given to
Senate
Approp.*

Fiscal Year

2007-2008

# of Offenders	Fiscal Collected	Non-Cash Value of hours worked x \$6.00	# CS hours worked	Total P&P Offenders	Total Misdemeanor Offenders	Total Juvenile Offenders
5,497	\$247,112	\$800,848	133,475	648	3,421	1,212

www.ndcommunityservice.org

NDCCA Primary Goals

Maintain regional offices to provide:

- ★ Alternative to incarceration saving taxpayer dollars.
- ★ Hold offenders accountable for actions.
- ★ Structured work sites for offenders.
- ★ Repayment to community for unlawful behaviors.
- ★ Provide a positive support/mentoring system for offenders.
- ★ Direct supervision in work setting.
- ★ Successful completion of court ordered hours.
- ★ Teach life skills and employment skills.

The first community service program was established in Williston in December of 1991. That program, along with 12 other agencies across the State, has thrived and continues to provide community service opportunities for offenders.

These 13 independent community service agencies are located strategically throughout the State and provide community-based alternatives to detention. The Community Service Agencies provide the opportunity for adult, juvenile, and misdemeanor offenders to perform their court-ordered community service obligations by working at non-profit organizations and the community at large. The Division of Field Services allows offenders to perform community service in lieu of paying their program/supervision fees at a fixed rate for each hour of community service they perform.

Community service provides a way for offenders to give back to the community for the crimes they committed. Individuals who have repaid the community by giving of themselves through their labor have experienced a stronger, more positive sense of self-esteem, while developing an appreciation for their community.

*Same to
Senate Approp.*

Community Service ★★★ Giving Back To The Community



Established 1995

www.ndcommunityservice.org

Community Service Offices

Bismarck – Region 7 & 8

Centre, Inc.
Rural South Central and Juveniles
(701) 663-0953 1-888-650-8300
Urban South Central
(701) 663-0951

Devils Lake – Region 4

Lake Region Community Service
(701) 662-0722

Dickinson – Region 6

SW Community Service
(701) 483-8500

Fargo – Region 12

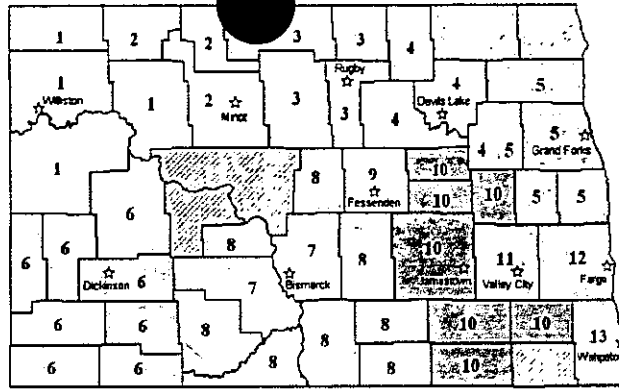
R.E.S.T.O.R.E. Inc.
(701) 239-0078

Grand Forks – Region 5

Grand Forks Community Service &
Restitution
(701) 775-3403

Wells County – Region 9

Wells County Community Service
(701) 547-3319



North Dakota

Community Corrections Association

Purpose Statement:

NDCCA provides a united structure promoting communication and coordination for the regional community corrections programs.

Mission Statement:

Community corrections programs are strategically placed statewide in an effort to enhance community partnerships while providing community based alternatives to detention. Focusing primarily on protecting society, addressing the concerns of crime victims and providing supervision to offenders in the community. Offices provide alternatives to incarceration, repayment to the community for inappropriate or unlawful behavior and a positive support system.

Community Service Offices

Jamestown – Region 10

Community Service
(701) 952-2038

Minot – Region 2

Rehab Service/Community Service
(701) 839-4240

Rugby – Region 3

Community Service Heart of America
Program
(701) 776-2944 ext. 8

VC/Barnes County – Region 11

Community Service
(701) 840-2582

Richland County – Region 13

Richland County Community Service
(701) 642-7721

Williston – Region 1

Community Service North Dakota –
Williston Region
(701) 577-5345

NORTH DAKOTA COMMUNITY CORRECTION PROGRAMS

*Same to Juveniles
to Grogg.*

BISMARCK SOUTH CENTRAL RURAL
Kari Dohrmann -(Member) McIntosh, Logan,
Community Corrections Inc. Kidder, Emmons, Mercer,
Oliver, Sheridan, Grant, Sioux)
Centre, Inc. 100 6th Ave, SE, Mandan, ND 58554
1-888-650-8300 or 663-0953 Fax: 663-0918
karidohrman@centreinc.org

BISMARCK SOUTH CENTRAL URBAN (Burlleigh, Morton)
Nancy Keating -(Member)
Central Dakota Community Service & Restitution
Centre, Inc.
100 6th Ave, SE, Mandan, ND 58554
Phone: 663-0951 Fax: 663-0918
nancykeating@centreinc.org

DEVILS LAKE (Towner, Benson, Ramsey, Western 1/2 of Nelson
& Northern 10% of Eddy)
Andy Horner -(Member)
Lake Region Community Service & Restitution Program
222 Walnut Street, , Devils Lake, ND 58301
Phone: 662-0722 Fax: 662-0707
lrcs@gondtc.com

DICKINSON (Bowman, Billings, Adams, Slope, Stark, Billings,
Eileen Pfau- (Member) Dunn, and Golden Valley)
Toni Morasko -Juveniles
Southwest Community Service & Restitution Program
1173 3rd Avenue West, Suite # 9, Dickinson, ND 58601
Phone: 483-8500 Fax: 483-8501
scsrp@ndsupernet.com

FARGO (Cass County)
Holly Neubauer (Member)
R.E.S.T.O.R.E. Inc.
115 North University Drive, Suite C,
Fargo, ND 58102
Phone: 239-0078 Fax: 239-0197
hneubauer@702com.net

GRAND FORKS (Walsh, Steele, Grand Forks, Traill,
Nelson)
Deb Schuler -(Member) cell 740-3271
Grand Forks Community Service & Restitution Program
Chelsey Williams -- Officer
212 South 4th Street, Suite 302
Grand Forks, ND 58206-
Phone: 775-3403 Fax: 701-775-0421
gfcsm@invisimax.com

Fessenden (Wells)
Janelle Pepple - (Member)
Wells County Community Service
P.O. Box 306,
Fessenden, ND 58438
Phone: 701-547-3319 Fax: 701-547-2536
jpepple@nd.gov

NDCCA officers 2007 to 2009
Pre. Andy Horner Vice Pres. Dell Horn
Sec. Eileen Pfau Treas. Janelle Pepple

JAMESTOWN, DELL HORN, DIRECTOR, (Eddy, Foster, Stutsman,
Griggs, Barnes, LaMoure, Ransom, Dickey)
Community Service & Restitution Program
109 1st Street SW. PO Box 1246,
Jamestown, ND 58402-1246
Phone: 952-2038 Fax: 952-2868
dhorn@daktel.com Cell 269-1589

MINOT (Renville, Ward, Burke)
Joni Anderson - (Member)
Rehab Service/Community Service Program
112 2nd Ave Southwest,
Minot, ND 58701
Phone: 839-4240 Fax: 838-2621
comserve@srt.com cell 721-8788

RUGBY (Pierce, McHenry, Bottineau,)
Dave Denich -(Member)
Heart of America Community Service Program
P.O. Box 258,
Rugby, ND 58368 Cell 208-0254
Phone: 776-2944 Ext. 8 Fax: 776-5707
ddenich@state.nd.us

VALLEY CITY/BARNES COUNTY COMMUNITY SERVICE
Corri Lang Coordinator (Member)
619 8th St. NE
Valley City, ND 58072
Phone: 840-2582 Fax: 845-1300
clang@a.com

WAHPETON (Richland County)
Lane A. Wateland (Member)
Community Service
413 3rd Avenue North,
Wahpeton, ND 58075
Phone: 642-7721 Fax: 642-7730
lwateland@co.richland.nd.us cell 899-4586

FORMAN (SARGENT COUNTY)
BRENDA PETERSON (MEMBER)
PO BOX 157
FORMAN, ND 58032-0157
PHONE 701-724-3302 FAX 701-724-3300
CELL 680-2040 (PERSONAL)
BRENDA.PETERSON@CO.SARGENT.ND.US

WILLISTON (Williams, Divide, McKenzie, Mountrail, Burke)
Kati Gendreau Coordinator- (member)
Brandon Delvo Juvenile Assistant
Community Service North Dakota- Williston Region
PO Box 2074 10 Main Street, Williston, ND 58802-2074
701-577-5345 (office) Fax: 774-8585
Cell 701-770-3564
communityservice@co.williams.nd.us

ND COMMUNITY CORRECTIONS ASSOCIATION DATABASE
WEBSITE:
<http://www.ndcommunityservice.org/program/database.htm>



COMMUNITY HOMES OF BISMARCK, INC.

410 South 2nd Street, Bismarck, ND 58504-5534, Phone: (701) 255-2540
Fax: (701) 255-3459 TDD: 1-800-545-1833 Ext. 439

September 25, 2008

*Same to
Senate Approval*

To Whom It May Concern:

Over the years that the Community Service Program has been available to us, they have worked together with us on routine maintenance and cleaning at our complex. As well as special projects that without their help at time may have been put hold or in some cases never preformed.

Their staff has always coordinated in a manner that made the whole process work well for us.

We have been very fortunate to have them working with us.

Sincerely,

Les Beitelspacher
Maintenance Supervisor

Les Beitelspacher



Missouri Slope Areawide United Way

1223 S. 12th Street, Suite 2 * PO Box 2111 * Bismarck, ND 58502-2111
(701) 255-3601 * Fax: (701) 255-6243 * Email: unitedway@msaunitedway.com

Visit our website at msaunitedway.com

September 24, 2008

*Same to
Senate Approp.*

To whom it may concern,

I am writing to give evidence of the important of the Community Service Program. Kari Dohrmann and the clients of the program have worked the past couple of years with the Missouri Slope Areawide (MSA) United Way through the annual Day of Caring.

Day of Caring brings together some 450 volunteers with local human service organizations to complete common tasks that would otherwise cost organizations hundreds of dollars. The volunteers work to clean, repair, paint, and complete many jobs that would otherwise need money to accomplish. Kari has assisted in the past years by attending meetings, and organizing volunteers. Many of her clients have helped out at the various job sites.

The clients from the Community Service Program learn valuable lessons by participating at the Day of Caring. They learn how to work as a team and the importance of helping one another to get tasks accomplished. There is also the added satisfaction of a job well done and being able to give back to the community.

MSA United Way supports the work that the Community Service Program does and feels it is a valuable program for our community. This program helps the people it supports and the community where they live.

Sincerely,

Brenda Stone
Marketing Director
MSA United Way

*A gift or bequest to the Missouri Slope Areawide United Way Endowment Fund
will extend your influence and make permanent the services of the United Way in your community.*



Community Action Program Region VII, Inc.

September 22, 2008

Centre Inc.
100 6th Avenue SE
Mandan, ND 58554
Attn: Kari Dohrmann
Community Service Program Supervisor

*Same to
Senate Approp.*

On behalf of Community Action Program, we are writing to show our strong support for Community Service/Misdemeanor Probation Programs. We feel this program is very important because not all people have the support needed to help.

As for Community Action, we are able to utilize the clients as volunteers which are a tremendous help to our agency. With our smaller staff, we don't have the time to get everything done. As funding is always an issue, volunteers are a huge asset to our agency. Being able to count on Centre Inc. in our various programs allows our staff to attend to their programs.

By allowing Centre Inc. clients to work with us, they are giving back to the community in ways they were never accustomed too. Centre Inc. is a valuable asset to any agency while allowing clients to repay their debts in society.

If you have any other questions or need more information please feel free to contact Mandy Reinhart or myself, and we would be happy to assist you in any way that we can.

Sincerely,

Mandy Reinhart
Youth Program Coordinator

Mandy Reinhart

Karen Jans
Program Coordinator

Karen J.



Equal Opportunity
Housing and Employment

Serving: Burleigh, Emmons, Grant, Kidder, McLean, Mercer, Morton, Oliver, Sheridan, Sioux Counties
2105 Lee Avenue, Bismarck, ND 58504-6798
Phone: 701-258-2240 800-223-0364 Fax: 701-258-2245 TDD: 800-366-6888
Email: pamela@cap7.com Website: www.cap7.com



The Arc of Bismarck
1211 Park Avenue
Bismarck, ND 58504
Phone/Fax: 701-222-1854

*Same to
Senate
Approp.*

September 23, 2008

We, at the Arc Thrift Store appreciate the many hours donated from the community service from Centre. Without those 100 to 150 hours a month we would have a tough time getting the Thrift Store ready for sales. Without sales we would not be able to have the money for the programs we support.

Also, I believe the experience it gives the people, doing the community service hours, is great. We have hired several people that have done community service here, also I know of several other places that have hired our community service workers, because of the experience they have received here.

I especially believe that Nancy Keating & Kari are doing an awesome job with The Centre. Keep it up!!

Sincerely,
Kathy Puklich
Store Manager

Kathy Puklich

JOHN W. GRINSTEINER
JUDICIAL REFEREE
SOUTH CENTRAL JUDICIAL DISTRICT
P.O. BOX 1013
BISMARCK ND 58502-1013
(701) 222-6682 PHONE
(701) 222-6689 FAX
JGrinsteiner@ndcourts.gov

*Same to
Senate Approp.*

September 19, 2008

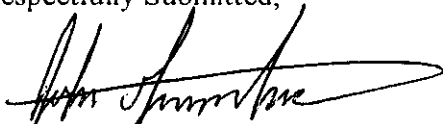
Dear Burleigh County Commissioners:

The purpose of this letter is to support the request that Burleigh County continue to provide funding for the community service program operated by Centre, Inc. I believe that community service is a valuable dispositional tool. Almost every order that is entered in juvenile court contains community service hours that must be completed. Offenders are expected to give back to the community which they offended. This restores or benefits our community and teaches a valuable lesson.

It is also a very important component of our drug court program. Not only is community service used as a sanction in court but Centre, Inc. also provides a representative from its organization to serve as a team member. This individual has been instrumental in formulating meaningful projects that bring a skill or worthwhile experience to our youth. She also provides the necessary bridge between the community and the Court.

The Juvenile Court could not order community service without the assistance offered by Centre, Inc. I am convinced that Burleigh County saves money by funding the community service program. Not only do our youth benefit but also the community as a whole.

Respectfully Submitted,



John Grinsteiner
Judicial Referee

**COMMUNITY SERVICE FEE COLLECTED BY REGION
FROM SENATE BILL 2243**

Fees for Aug. 2007(collected in Sept) through Nov.2008(collected in Dec.)

August-February March-June July-Sept. Oct.-Nov. Total

1	Willison	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2	Minot	\$50.00	\$150.00	\$730.00	\$300.00	\$1,230.00
3	Rugby	\$1,050.00	\$1,050.00	\$700.00	\$365.00	\$3,165.00
4	Devils Lake	\$20.00	\$40.00	\$0.00	\$0.00	\$60.00
5	Cavalier County	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6	Pembina Count	\$39.00	\$0.00	\$0.00	\$0.00	\$39.00
7	Grand Forks	\$1,158.74	\$491.26	\$650.00	\$450.00	\$2,750.00
8	Dickinson	\$605.00	\$350.00	\$300.00	\$250.00	\$1,505.00
9	Bismarck(Rural)	\$220.00	\$200.00	\$800.00	\$100.00	\$1,320.00
10	Bismarck (Urba	\$1,490.00	\$1,580.00	\$1,250.00	\$990.00	\$5,310.00
11	Wells County	\$200.00	\$250.00	\$375.00	\$0.00	\$825.00
12	Jamestown	\$6,635.00	\$4,140.00	\$5,204.96	\$1,635.04	\$17,615.00
12	Barnes County	\$0.00	\$100.00	\$0.00	\$50.00	\$150.00
13	Fargo	\$850.00	\$1,858.00	\$917.00	\$925.00	\$4,550.00
14	Sargent County	\$350.00	\$200.00	\$500.00	\$250.00	\$1,300.00
15	Richland Count	\$1,475.00	\$1,760.00	\$975.00	\$875.00	\$5,085.00
Total:		\$14,142.74	\$12,169.26	\$12,401.96	\$6,190.04	\$44,904.00

I Included the income from Mercer County(\$300.00) in Rural Bismarck

Southwest Community Service & Restitution Program

Eileen Pfau, Program Coordinator
1173 Third Avenue West Suite # 9
Dickinson ND 58601

Telephone (701) 483-8500
Fax (701) 483-8501
email: scsrp@ndsupernet.com
www.ndcommunityservice.org

Testimonies from Juveniles in their own words. What Community service meant to them.

The last questions on a exit survey was: **“What would you tell others about community Service?”**

- ❖ “Being held accountable has made me a better person; I learned to take responsibility for my actions.”
- ❖ “I’m never going to drink until I’m of legal age. It’s not worth it. It’s such a hassle; I have to take time off of work to get it done.”
- ❖ “It’s a smarter idea than paying fines because our parents pay them most of the time. That’s not fair to our parents”.
- ❖ “That wasn’t very fun because you can prevent doing it (community service) if you think before you act.”
- ❖ “It’s a learning experience, it’s tough but it all pays off, you learn stuff.”
- ❖ “It’s not worth it to get in trouble and have community service. There’s other ways to have fun.”
- ❖ “Embarrassing when people see you doing it, makes you think about what you did. Good Punishment.”
- ❖ “I would tell them that after the first time of getting community service you won’t want to do it ever again”
- ❖ “Doing Community service isn’t real hard, but definitely makes you think about what you did as you’re sitting there pulling weeds you realize it wasn’t worth getting in trouble.
- ❖ “It’s not very fun and it’s the consequences you have to pay if you screw up.”
- ❖ “That it is a punishment that you actually learn from, and it not all that bad”.
- ❖ “Chose better choices so you don’t have to do community service.”
- ❖ “If you’re willing to drink, you’re willing to help your community.”
- ❖ It was a good learning experience and it showed me what will happen if you don’t follow the rules.”
- ❖ “It is not that bad, just bad enough to learn your lesson. Community Service is a very good experience.”

(Juvenile folder)

January 19, 2009

My name is Deanne Markle I'm 43 years old, divorced and a mother of my son who is 16 years old.

I'm writing on behalf of my experience of being sentenced to community service. The site I choose to do my 300 hours of Community Service was at ReStore in Minot, this also opened up an opportunity for me to gain full time employment as the Manager of ReStore. I held this position for 3 years.

My work experience with Rehab Services has been a very positive one. However, it did not start out that way. My addictions did not allow it. At age 40, I was arrested for possession of meth and meth paraph. I had a probation officer, 300 hours of community service to do and fines to pay off. I was unable to maintain a job, do my community service, most of all comply with the judge and my probation officer orders to not use drugs or alcohol. I was facing a probation violation.

I was given an Intermediate Sanction to go through treatment. I'm now a recovering meth addict and alcoholic and clean for 3 1/2 years. Rehab Services also was there for me when I went into treatment and placed in Recovery House. Having the support of RSI and their program I was able to complete my community service and I gained a promising position as the ReStore Manager.

It is hard for me to put into words how the community service benefited me. But it did. Fresh out of treatment I still had to get these hours done and 300 hours is a lot of time. But it was better than jail. My attitude change was huge for me, prior to treatment I really didn't care. I was hired by Rehab Services Inc to work at ReStore.

I was working at least 40 - 50 hours per week and 20 of my hours went towards my community service obligation and I was paid for the rest. This was the best possible way for me to complete my community service and comply with the Courts Order. I had no extra

time and that was huge for this recovering addict. Rehab Services Inc was great about letting me leave during the day to attend my AA/NA meetings.

I finally realized all of the issues I had, which forced me to start making changes. I was finally holding down a job (I was employable), I was working at my CS hours honestly. It felt good to be complying with what the judge and my probation officer expected of me. I was in an environment that was drug free and safe for me to work in.

I was able to get off my probation early. I personally feel that the environment we are in has a lot to do with how ones recovery go's. None of it was easy. I could see the positive out come and the effect it was having on my life and not using could and would restore to me all I had lost. I needed help in living my way into better thinking and in a major way the community service forced me to do this.

One day at a time. I was able to do what the court and my probation officer was asking of me with an attitude of honesty (something I had lost and had to relearn).

I have been a speaker for 2 years at the Victim Impact Panel for DUI's that's held every other month at the Ex-Servicemen's Room in the Ward County House. Joni Anderson is the Community Service Coordinator for Rehab Services Inc., she also coordinates this program for the Courts.

Thank you for listening

Deanne Markle

STATE OF NORTH DAKOTA

Southeast Judicial District

511 2nd Ave. S.E. - Jamestown, North Dakota 58401
Phone: 701-252-9044 - Fax: 701-251-1006

Hon. John E. Greenwood
District Court Judge

Arnold E. Strand
Court Reporter

August 28, 2008

Mr. Noel Johnson
Chief Operating Officer
Stutsman County
511 2nd Ave. SE
Jamestown, ND 58401

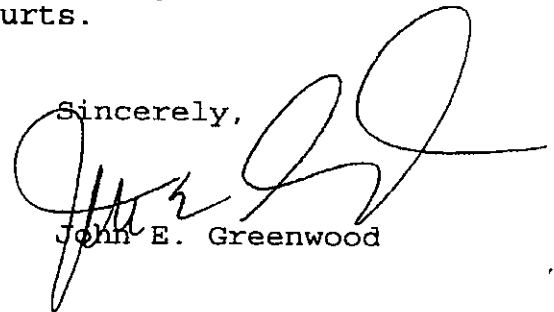
Dear Mr. Johnson:

I am writing on behalf of Jamestown Community Corrections, the local office that provides for the administration of community service in Stutsman County.

Community service is available to the courts as a sentencing component in criminal cases. It is an alternative to incarceration. Judges sentence defendants to perform community service as a complete alternative to incarceration, and in other cases, to an alternative to extended incarceration. In the latter, a judge would issue a sentence that included some time served in a correctional center with some hours of community service in lieu of a more extended jail commitment.

Community service is a valuable service to our community, and I urge Stutsman County to continue to fund the program so that it can continue to be a part of sentencing tools available to the courts.

Sincerely,



John E. Greenwood

JEG:aes
Copy: Mr. Dell Horn

Fessenden Park Board
Jeff Roehrich, President
338 Harriet Avenue
Fessenden ND 58438

February 2, 2009

Dear Senate Appropriations Committee Members:

I am writing to urge your "yes" vote on SB 2178 for monies to be appropriated to the Community Service programs across the State.

Fessenden Park Board uses community service on a regular basis during the spring, summer and fall months. We have a very small operating budget and welcome the help that the community service program gives to us. Without such a program, many projects would not get done due to lack of funding to pay for labor.

We feel that working in our park, at our pool, or our ball diamonds and cemetery is a great place for offenders to "give back" to the community. We are happy to utilize the services of both juveniles and adults.

We look forward continuing our partnership with Wells County Community Service. Please lend the support of the State of North Dakota on behalf of these most worthy programs.

Sincerely,



Dawn Beck
Park Board Member

WELLS/SHERIDAN COUNTY AGING COUNCIL, INC.
905 Lincoln Ave
Harvey, ND. 58341

Garnet .A. Lukenbach
Site Coordinator
Wells/Sheridan County Aging Council
Harvey, ND. 58341


January 30, 2009

To: Senate Appropriations Committee

Wells Sheridan County Aging Council is a non-profit organization. We do a lot of fundraising such as auctions etc. And have very limited workers. The Community Service Program helps us in these situations. They have been a great benefit to our non-profit organization. We depend of them greatly. I feel it would be a hard-ship on our organization if we didn't have help from the Community Service Program.

If any questions feel free to phone me @ 324-4032.

Thank you.

Sincerely,

Garnet .A. Lukenbach
Site Coordinator

RESTORE, Inc.
Fargo, ND
CS office

Jody Bowers

Community Service Essay

29 December 2008

Things I Have Learned from My Experience

My community service experience at Plymouth Church has been a completely positive one and I have really enjoyed my time here. I consider myself extremely lucky to have been placed in such a warm, friendly environment. What I have come away with as a result of my experience here is the importance of teamwork and a positive attitude. Indeed, an open mind and a willingness to work have proved invaluable during my service work here. Additionally, I have come into contact with a wide variety of people here. First and foremost in my mind are Pastor Aaron and Penny. I have enjoyed getting to know them as I have been working on a scanning project in the office. Penny is such a joy to work for as she has a fun, positive attitude, and her dedication to her family and work has really inspired me. Pastor Aaron is such a thoughtful man, and I consider it a privilege to know him on a personal level. I feel extremely

honored to have been mentioned in one of his sermons. Another bunch of people I will not soon forget are all the wonderful people who stop by the office from time to time. These people's experiences and dedication to the poor are so inspiring.

Another thing I would like to mention is the caring and concern the entire church has for the homeless. It is really inspiring to see an entire congregation devote themselves to the social problems of our day. I have always been a believer-and a DOER!- in the idea of helping those who need help, and I do not think it was an accident that I landed right into the arms of a church which shares my concern for social justice and poverty.

I feel so lucky to have had this experience and I would like to say "Thank you!" to the members of your congregation and especially Penny & Pastor Aaron for making me feel welcomed and appreciated for the help I have been able to give to this wonderful congregation.