

2011 HOUSE JUDICIARY

HB 1168

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1168
January 17, 2011
12957

Conference Committee

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will take a look at HB 1168.

Rep. Matt Klein: Sponsor, support, to continue a program that has existed at Minot State University for a number of years. There are people here that are more knowledgeable about that program. There will be an amendment to this, but I hope the people behind me will be able to answer your questions.

Chairman DeKrey: Thank you. Further testimony in support.

Sen. Karen Krebsbach: Co-sponsor, support. I was totally impressed when I learned about this program. This is helping in the NW area but throughout the state. As you listen to the testimony, I'm sure you will understand why we feel it is important to continue this.

Rodney Hair, private citizen: Support (see attached 1).

Chairman DeKrey: Did you try to get Minot State University to put into their budget that goes through the Board of Higher Education.

Rodney Hair: Originally, we did look at Higher Ed program. It's a statewide program that includes other professionals outside of higher ed.

Chairman DeKrey: So basically, is this grant no longer available that was funding this program.

Rodney Hair: Yes, the grant is no longer available. We also, for this coming year, we have tried to secure funding under a soft grant from the State, which we received \$26,000. We are also looking for Bremer funding for this year.

Chairman DeKrey: You talked about a nominal cost to the participants taking the course. What is nominal.

Rodney Hair: We are trying to keep the cost at zero. Most agencies, throughout the state, law enforcement and advocates, they have little or no funding. Also, they have little or no time to attend the training, so we are trying to make the cost as beneficial as possible.

Rep. Delmore: I'm a little familiar with this program. Do you have a cost breakdown for the \$200,000. I think you provided it to the VOCA Board, and it might be helpful for the people here to take a look at it.

Rodney Hair: I can get you a cost breakdown.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. What are the committee's wishes.

Rep. Koppelman: I have no problem with the program at all. It may be very beneficial and a very fine thing to do. I really get troubled by two things. One, that this came up during the hearing, they did not apparently enter your question, Ch. DeKrey; they apparently didn't go to MSU and ask for this to be put into their budget. We heard some reasons why that didn't happen. I think the Appropriations Committee then could have scrutinized the expenditure. Also, I think we are going to see more and more of these kinds of things, since the stimulus dollars are coming to a close, where the federal government puts money out and the state is left holding the bag, either the program goes away or we replace it. I asked our Appropriations Chairman, what are the dollars here of what we've called one-time spending or what we've called "passing on of federal money" that we're now being asked to replace. He said they were working on that. I have a real concern about doing this, it's no different when the federal government years ago, bragged about putting more cops on the street; it was like a yo-yo. They put the money out there and everybody rejoiced because we had more cops on the street. Then a couple of years later our local political subdivisions are trying to figure out what should stay and what should go. I move a Do Not Pass.

Rep. Boehning: Second.

Rep. Maragos: If we were to pass this particular legislation, would it be automatically referred to Appropriations. Then, basically what we are doing is affirming the policy but not the money to go with the policy, is that correct.

Chairman DeKrey: My suggestion was that we strip the money out of it, pass it, and then goes down to Appropriations and then Minot State University's going to have to tell the Appropriations Committee if they are going to do it or not do it.

Rep. Maragos: With that idea, I am going to resist the Do Not Pass, so we can bring it back to further amend it.

Rep. Koppelman: If that's the intent of the committee, I would be happy to withdraw my motion; however, as I read the bill there's nothing in it but the appropriation.

Chairman DeKrey: We could hog-house it.

Rep. Koppelman: It references the program, and if we can say that we think the program's a good idea, but...

Rep. Klemin: The problem I have with the bill is that I didn't hear anybody from Minot State University testifying that they want to do this program. The money is to be appropriated to Minot State University. It seems like if this was something that MSU was supporting they would have been here.

Rep. Delmore: This program has been kind of a stand-alone project. I might point out that this is 2007, this wasn't the latest federal stimulus, it was federal dollars that we're always going to have a need for in the state of ND, whether we want to admit it or not. I would agree with you. I think there are probably grants they can pursue for this. It is worthy program, I've come before VOCA before. We're short of dollars there as well. So I think if Rep. Koppelman is amenable, take the money out and see what Appropriations can do. Of course, they won't be talking policy down there.

Rep. Koppelman: I am struggling with the decision. This is something that I know leadership in the Legislature has struggled with this session already. The chairmen have discussed it and there was a thought early on to put a \$250,000 threshold, it used to be \$50,000 has been the traditional dollar amount, where they would be rereferred to Appropriations. There was some discussion about increasing that to a \$125,000, then this fall only to this committee if we were to do that. The reason for that is because the Appropriation Committee, especially last session, was deluged with bills like this toward the end of the session. The difficulty is that they have already built their budgets, they have already decided what they're going to spend. So they were then criticized for dabbling in policy. They don't like us dabbling in money either. We are supposed to have this line of demarcation. The problem is all these bills would come down to Appropriations from committee's like ours. They killed the bills because they weren't part of the budget, they didn't the picture, they didn't fit the overall dollar directions and maybe some of them felt bad killing them, because they may have thought this or that was a good idea, when policy committees send those bills down, there is an implication that we think it's good policy, so we'd all get mad at them for killing what we thought were good expenditures. So my point is, we heard testimony that they want to make this a free program for the participants, that may or may not be okay; but everyone of us in our business or career have to go to programs sometimes that benefit us professionally that we have to pay something for, or maybe our employer pays for it. They want the taxpayers to pay for it. I will leave my motion as Do Not Pass.

Rep. Klemin: I agree, I don't see where we really have anything about the merits of the VAA in the bill. We heard from one person, who said he was here as a private

person, who actually must be the person running this academy. It seems to me that if Minot State University wanted to have this Academy as part of their curriculum, there is nothing to prevent them from doing it; regardless of what we do on this bill. I would support the Do Not Pass. I think we have enough problems with Appropriations without sending these types of bills.

Rep. Delmore: Maybe if it has a dollar amount, it should automatically go to Appropriations. I don't know the answer to it. But if we send it down there, that's probably what will happen, they will kill it.

Rep. Koppelman: A do not pass is not a statement, we're not killing the program when we do that, we're just saying find another way to fund it.

Chairman DeKrey: Not hearing a substitute motion and seeing no further discussion, the clerk will call the roll on a Do Not Pass on HB 1168.

9 YES 5 NO 0 ABSENT DO NOT PASS CARRIER: Rep. Koppelman

Date: 1/17/11
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1168

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Koppelman Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore		✓
Rep. Klemin	✓		Rep. Guggisberg		✓
Rep. Beadle	✓		Rep. Hogan	✓	
Rep. Boehning	✓		Rep. Onstad		✓
Rep. Brabandt	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar		✓			
Rep. Maragos		✓			
Rep. Steiner	✓				

Total (Yes) 9 No 5

Absent 0

Floor Assignment Rep. Koppelman

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

REPORT OF STANDING COMMITTEE

HB 1168: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO NOT PASS
(9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1168 was placed on the
Eleventh order on the calendar.

2011 TESTIMONY

HB 1168

Testimony on HB1168
Senate Judiciary Committee
January 17, 2011

Chairman DeKrey and Members of the Committee:

My name is Rodney Hair, and I am speaking this morning as private citizen in support of HB1168.

Overview: The Victim Assistance Academy for North Dakota (VAAND) offers a rare opportunity to live, work, study, and interact with allied professionals who routinely work with victims of all crimes.

Purpose: To provide comprehensive training to those professionals who interact with victims of crime in order to provide quality services in North Dakota. This is a week-long (40 hour) course on victimology, victims' rights, and victim services designed to meet the entry-level educational and training needs.

Vision: To provide consistent and quality services to victims of crime.

Mission: To develop, implement, and maintain a statewide structure to expand and enhance the level of skills and knowledge for those who interact with victims of crime.

In 2007, the Rural Crime and Justice Center (RCJC) applied for and was awarded a grant from the Office for Victims of Crime (DOJ/OVC), under the Department of Justice, to facilitate a State Victim Assistance Academy within North Dakota. The goal of the OVC State Victim Assistance Academy (SVAA) initiative is to assist states in developing effective strategies for establishing their own SVAAAs as a means to increase the knowledge of victim service personnel. VAAND was originally funded through a three year grant and this funding has been depleted. In order to offer the academy, state funding is needed to keep costs low for students.

As part of the requirement under the grant, awardees had to have support from an academic partner, as well as letters of support from allied agencies. Therefore, letters of support were obtained from Minot State University (MSU), the North Dakota Victims of Crime Act/Crime Victims Account (VOCA/CVA) Grants Program, and the North Dakota Victim's Assistance Association (NDVAA).

As part of the first year of the VAAND, a multidisciplinary steering committee was formed to advise and review all aspects of the academy development. The steering committee consists of professionals with diverse backgrounds from across the state. Its membership includes victim advocates, law enforcement, prosecution, judicial, victim assistance, victim compensation, social services, tribal services, members of higher education, and state representatives.

Some of the goals for the first year of the VAAND were to develop and conduct a training needs assessment survey, develop the curriculum design, develop a strategic plan, and develop a marketing plan.

The goal for both the second and third year of the VAAND was to host an annual state victim assistance academy in North Dakota. The third year of the VAAND included two additional goals: to determine the need to develop a curriculum for an advanced academy and to develop a sustainability plan. The development of a sound sustainability plan continues to be a goal of the VAAND that we wish to address with this funding as well.

The VAAND has had numerous accomplishments over the past three years. The VAAND has hosted two academies for professionals working with crime victims. As a result, there have been a total of 49 professionals from around the state of North Dakota who have completed the 40 hour training academy thus far. Comments provided by students from both the 2009 and 2010 academy classes indicate that the VAAND met their expectations. The majority of the 2009 VAAND students surveyed indicated that they are still using materials and information acquired at the academy in their job six months later. Additionally, there were 48 professionals who completed a Critical Incident Stress Management training conducted and funded by the Academy in October 2010.

The main challenge faced by the VAAND is to secure sustained funding in order to continue to host the academy annually for the state at little to no cost to attending professionals. All of these professionals are North Dakota residents, coming from all parts of the state for the training. That is why I urge you to support House Bill 1168. Thank You.