

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1270

2001 HOUSE JUDICIARY

HB 1270

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1270

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-06-01

Tape Number	Side A	Side B	Meter #
1	xx		1--end
1		xx	1--1578
Committee Clerk Signature <i>Joan D. [Signature]</i>			

Minutes: Chair DeKrey opened the joint hearing on HB1270 with the House and Senate in the Brynhild Haugland Room; to provide for an interstate compact for adult offender supervision and to provide an expiration date.

Sen Traynor called meeting to order and senate clerk did roll call for senate committee.

Chair DeKrey : The reason I requested a joint hearing is this particular bill is because I wanted someone from CSG here today to help. He had to fly to Bismarck and we'd save on the expense of a second trip.

Rep. DeKrey, Dist. 14 : here as prime sponsor and support HB1270. Under current law, we have a interstate compact for adult supervision that has been in place since 1937. States get together with other states and do interstate compacts on many things. The Dept. of Transportation has quite a few of them. There has been a movement nation wide to update the adult offender supervision compact. Various groups got together and came up with the bill that is before you. The compacts have to be identical state wide and passed in all the states. The

states want to keep it a state level and have their own self determination. The states will administer it themselves and keep it out of the realm of the federal government. That is the purpose of passing this bill. Rep. Warner and Rep. Koppelman attended a conference in Chicago last summer where it was brought up to them. Sen. Lyson and myself went to a conference this fall where we talked about it. We visited with other people in the legislature and department of corrections and decided we would bring the compact forward and let you decide. Part of the problem with the old one is in 1937 we did not have the types of crime that we have now. We did not have the number of convicts then like we have now. Today, they think there may be 250,000 prisoners looking for facilities. Some problems have arisen with the old compact for places of supervision. Some states have been ignoring the compact. The old compact can be amended, we felt that a new compact from scratch would be better. The first 35 states who pass it will write the rules for the compact. We thought ND should be at the table when the rules are written. The cost right now is \$3,000 to start up. The dues for the compact will be \$18,000 a year.

Rep. Klemin : If we adopt this, there is no repealer in here.

Rep. DeKrey : That's correct. Some states that have passed the compact have deviated from the language a bit. Once you join this compact, there are certain rights that we have in the state are will be turned over to the administration of the compact. We felt it was important to limit ND's liability by putting language in there that would be limited to the amount the legislature would appropriate to. I stuck the sunset clause on it. If we pass this we will be one of the 35 states, but if we don't like it the sunset clause will kick in. There will be a period of time when there will be two compacts for a time. As states come on board we will use the new compact with these.

Sen. Nelson : (806) I'm a bit confused because in section 1, article 4 and 12 seem to be the only ones that apply to ND. The rest seem to be setting down in statute rules for how the interstate compact will run. Yet, you say you will develop rules once the 35 states join. Seems to me the rules are already in all of these articles. Confusing. If we endorse these verbatim, it doesn't give you much latitude anywhere else to change the wording. It's written in stone.

Rep. Kim Koppelman, Dist 13 : support this bill. I do see the need for the existing compact to be improved. The states need to get together and do something and set some standards.

Rep. John Warner, Dist. 4 : (1040) here in support of HB1270. It's important to sit at the table with other states and be an equal player.

Richard Masters, general council for Council of States Government : This is a mechanism that is not new. Article 1, section 10, of our federal constitution provides specifically for states to enter into compacts. ND is a member of 16 different compacts including this one. Nine states have adopted the revised compact. 15 states, including ND, that are introducing this legislation. We think 14 additional states will be introducing this legislation, also. You will want to be at the table when the rules are written. Under the existing compact, enforcement is just about impossible. There is also no enforcement procedure or provision for enforcement in the existing compact. There are states that are not complying with this compact to the extent necessary. There have been extensive changes to the legal landscape since 1937. In 1937 there was no administrative procedure. Now we set out procedure. This is the machinery which will be in place to make the rules. There was no accountability in the existing compact. We need to bring this compact into the 20th Century in terms on privacy laws and open meeting laws. The existing says nothing about these issues. This new compact will provide for more accountability

and better supervision for offenders going from state to state. Need to keep track where those people are.

Rep. Klemin : You said that one remedy the new compact would do is addressing that some states do not comply. How would this change? Why would those states want to be a part of this compact?

Mr. Masters : The provisions would say that the 35 states who adopt this will be the only ones sending offenders to each other. The states not adopting will not be included. Some states have repealed the language on the effectiveness of the 35 states adopting. If you think there is a concern, you may want to keep a relationship with the other 15 states. They would not be able to send offenders to you under the new language. You would have problems arising if you did not repeal the old compact.

Sen. Traynor : In your Colorado example, what was deficient in the old compact that did not bring about the enforcement?

Mr. Masters : Maryland officials did not register this offender and report this offender's presence to Colorado authorities. Both states were members of this compact. This new compact provides some sanctions for a state who doesn't comply. Generally, it was ignorance as noncompliance. In article 9 and article 12 are where the sanctions are set forth.

Sen. Watne : (2580) At the present time, does a state have the right to refuse acceptance of a parolee or probation person.

Mr. Masters : Technically, no, but there is no meaningful way to force the issue with states that say no. No meaningful tool to enforce.

Rep. Klemin : (2744) This bill contains language limiting liability, as stated by Rep. DeKrey. Do you know where that is in this bill?

Sen. Trenbeath : On page 8, it seems to deal with it. Subsection 4 a.

Rep. Delmore : How will the board be commissioned and how many will be on it?

Mr. Masters : All 50 states are eligible. The commission will be 50 states plus the territory and will act as the administrative body.

Sen. Traynor : Looking at the liability section on page 9, will the commission take out a bond to finance?

Mr. Masters : That's primarily an insurance protection right there.

Sen. Nelson : (3383) In article 4, as pertains to ND, Ms. Little would be the state's commissioner to the commission, and she would also be the chairman of ND state council; and the governor would appoint three and the chief justice, president of the senate, and the speaker of the house would be the others.

Mr. Masters : Yes. All three branches are represented.

Warren Emmer, Director for Department of Corrections : (3700) here to give general information so we are neutral. (SEE ATTACHED)

Rep. Kretschmar : (5156) Is there an interstate commission under the new compact?

Warren : Yes, there is one in existence.

Rep. Klemin : Under the fiscal part, this doesn't become effective until the 35th state adopts. When do you pay the dues? Is there resistance by other states on this compact?

Warren : Good question. To the second question, we have found that the resistance has come because they did not ask for our input and information that lessens the confusion. The ones that attended our meetings, are on board.

Sen. Traynor : (5606) The new commission may develop a new data base. Are we set up for this in ND?

Warren : It is very easy to tie into what you already have.

Sen. Trayner : You seem to be lukewarm for HB1270. Do you think it exposes ND to any further liability then the present compact?

Warren : Risk management people are better able to answer that question. Might want to ask Attorney General Office.

Sen. Dever : (5833) I think one of the questions we may have is does this justify the increase in dues we will have to pay for this new compact. On page 1, items 5,6, and 8. Would this be a difference in the new compact that might justify?

Warren : Those are clearly good things.

Rep. Mahoney : Could the current compact be fixed?

Warren : Yes, but think of 1937 as an old car. Do you think it needs lots of work?

**End Tape 1, slide A. Begin Tape 1, slide B.**

Rep. Disrud : (150) Why has this not been looked at since 1937? Seems like a long time.

Warren : We've all been very cavalier with interstate compact matter for many years as a nation. We have delegated as a nation a lot of the duties to those who weren't in the best position to really consider the best interests of the state. Seems until there is a big problem, nothing is done. Public safety seemed to be a driving force.

Rep. Klemin : With regard to the state council, is it necessary to the bill or can we do it the way we do it now?

Warren : You have to adopt it with, but it can be advisory only.

Charles Placek, Dept of Corrections, Field Services : I was asked to explain the fiscal note.

**(SEE ATTACHED SPREADSHEET)** If passed, it will become law somewhere in the fall of



2001. The bill does not provide compensation for the members appointed by the governor. There may be an amendment dealing with that.

Rep. Klemin : (690) When do we have to pay the dues?

Charles : Sometime in the fall of 2001. I assume shortly after that.

Rep. Klemin : I noticed that most of the ND probationers going out of the state and of them coming in are SD, MN, and MT. Where do those states fit in with the new compact?

Charles : (805) As of 2/2/01, MN has not introduced any legislation. MT has passed the bill in the senate. SD has introduced legislation and it's in the senate right now.

Rep. Kretschmar : Our dues are \$18,000 annually. Do you see as time goes by that the interstate commission may have to raise dues for states?

Charles : I believe the Council of State Government came up with that figure. Your guess is as good as mine as to whether that will increase.

Rep. Klemin : What is the reason for having a separate state council in the state to advise the compact administration?

Mr. Masters : (1055) One of the difficulties was implementation of this compact. The state council was a way to institutionalize something within the new compact where there will be an incentive for that to happen. If you have the three branches represented, that will give visibility to improve the procedure.

Rep. Klemin : To what extent, if we adopt this without the state council, will this preclude us from being a member of the new compact?

Mr. Masters : I think it is a material provision. Most states have made the state council an advisory body.

Sen. Traynor : I'd like to ask Kent Sorenson a question. Do you see any greater liability under HB1270 then the existing compact?

Kent Sorenson, General Council to the Dept. Of Corrections : No, I do not. Article 10, section 5 limits our liability. This is the Oregon language. On page 8, article 6, subsection 4.a.

Sen. Lyson : Don't you think we have some liability as a county to bring the probationers back rather than a state obligation?

Kent : I suppose there is a potential.

Rep. DeKrey : I think Sen. Lyson had a rather unique resolve to that problem. With the bond, I think that is an issue we may want to push when we are at the table. Any further testimony on HB1270. Hearing is closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1270a

House Judiciary Committee

☐ Conference Committee

Hearing Date 02-07-01

Tape Number	Side A	Side B	Meter #
TAPE I		x	973 to 1489
Committee Clerk Signature <i>John DeKrey</i>			

Minutes: Chairman DeKrey we will take up HB 1270. This is the bill that we heard yesterday in a joint hearing with the Senate. I will need a motion on this bill

COMMITTEE ACTION

Rep Delmore moved a DO PASS motion on HB 1270 and to be referred to Appropriations. Rep Brekke seconded the motion.

DISCUSSION

The clerk will call the roll on a DO PASS and be referred to Appropriations.

The motion passed with 12YES, 0 NO, 3 ABSENT. Carrier Chairman DeKrey.

**FISCAL NOTE**  
Requested by Legislative Council  
03/22/2001

Bill/Resolution No.:

Amendment to: HB 1270

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures	\$2,400		\$40,313		\$40,313	
Appropriations	\$2,400		\$36,313		\$36,313	

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

The amendment to HB 1270 does not significantly change the fiscal impact of the bill.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The estimated expenditure amount reflects an increase in operating expenses to cover the travel and compensation of the newly created State Council and to fund the increase in dues from \$2,000 to \$18,000 per year.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The Executive Budget includes funding for the current \$4,000 biennial dues expenses.

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Name:	Elaine Little	Agency:	DOCR
Phone Number:	328-6390	Date Prepared:	03/23/2001

# FISCAL NOTE

Requested by Legislative Council  
01/16/2001

Bill/Resolution No.: HB 1270

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>	\$2,400		\$40,313		\$40,313	
<b>Appropriations</b>	\$2,400		\$36,313		\$36,313	

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

HB 1270 requires the creation of a special fund within the State treasury. The major increase in expenditures for the change from the present Interstate Compact to the new Interstate Compact would be the increase in dues from \$2,000 a year to \$18,000. The balance of the expenses is related to the travel and compensation of the newly created State Council.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

A new "State Fund" would need to be created pursuant to the bill. All of the proposed expenditures would be operating expenses to cover the activities of the State Council and to fund the new dues structure.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The Executive Budget includes the current \$4,000 biennial dues expenses.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	Dept. of Corrections & Rehabilitation
<b>Phone Number:</b>	701-328-6390	<b>Date Prepared:</b>	01/26/2001

Date: 02-07-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1270

House JUDICIARY Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass & re-referred to Appropriation

Motion Made By Rep Delmore Seconded By Rep Brekke

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield					
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney					
Rep Andrew G Maragos					
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Chr Dekey

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



**REPORT OF STANDING COMMITTEE (410)**  
**February 7, 2001 12:28 p.m.**

**Module No: HR-22-2577**  
**Carrier: DeKrey**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1270: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1270 was rereferred to the Appropriations Committee.**

2001 HOUSE APPROPRIATIONS

HB 1270

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1270

House Appropriations Committee  
Human Resources Division

☐ Conference Committee

Hearing Date Thursday, February 15th, 2001

Tape Number	Side A	Side B	Meter #
2-15-01 #1270	X		00 - 2592
Committee Clerk Signature			

Minutes: CHAIRMAN KEN SVEDJAN, VICE-CHAIRMAN JEFF DELZER,  
REP. KEITH KEMPENICH, REP. JAMES KERZMAN,  
REP. AMY KLINISKE, REP. JOHN M. WARNER

Chairman Svedjan: We will call this section to order.

Roll call: We have a quorum.

We will hear HB # 1270, Adult Offender Supervision.

Rep. Duane DeKrey: (refer to HB # 1270) This bill is a new interstate compact for parolees and probationers. It came about because there's a movement nationally to update and write a new interstate compact for parolees and probationers because they've had some problems with the one that's in place. It was written back in 1937, and there are a lot of different types of crimes happening now that didn't happen back in the 30's. Plus the fact that at any given time back in the 30's, we maybe had a maximum of about 2000 convicted people moving back and forth between states that needed supervision. Now it's about 250,000 of them moving between state lines.

There's a lot of problems seeing that they get properly supervised. In the old compact if another state would accept a Parolee or Probationer, they would be supervised under that states' rules and some states are ignoring that and some Judges aren't even aware of the compact and they've been sentencing people into other states because there'll be family there. The gaining state won't know this is happening. The new Interstate compact is an attempt to fix all of those problems. The reason I put this bill in now is the original committee which wrote the compact that's going before State Legislatures now came up with a formula that the first 35 states that join the compact will write the rules for the compact. So if a state wants a seat at the table to be able to write the rules for the compact they're going to have to be one of the 35 states to pass it. There's plenty in this compact to be uncomfortable with. 1. The compact we have right now, the dues to the state are \$2,000 a year. That will go to \$18,000 a year with this new compact plus the fact it sets up a board in the state, and we already have a compact administrator. 2. We looked at Oregon's', and they put some language in their compact that said that the state would only be liable up to what the legislature appropriated for the compact. 3. I put the Sunset clause on the bill. The reason for that was, let's pay our \$18,000, be there at the table to help write the rules and then step back and take a look at it next session and decide if it's the right thing to do or not.

**Rep. Kempenleh:** We got state council and the interstate commission. Why did we put the interstate commission language in the bill?

**Duane:** The reason for the interstate commission is that we can keep good track of our own people in the state, where if the system breaks down now, it's from other states when they start moving around. We haven't got any national place to link into and there's no central computer system so we can track these people.

**Rep. Kerzman:** Could you expand on the state liability with or without compact?

Duane: The compact itself is both of them, and for the purpose of protecting the state. If we follow the compact rules and administer as to what we've agreed to in the compact, we should be covered liability wise as a state.

Rep. Kerzman: Is the \$18,000 to write this compact go to underwriting or buy insurance?

Duane: No, that's just dues. They have 3 tiers of dues: small, medium and large states, and it's based on the prison population. We get in for the least amount of money which is \$18,000.

Chairman Svedjan: Because you put the sunset on this with this appropriation, we would become a member for the two years, during which time the 35 states would write the rules on this?

Duane: If 35 of them pass it. You're not going to pay those dues unless you get the 35 states.

Vice-Chairman Delzer: Where does the dues money come from? I don't see it anywhere in here.

Duane: That hasn't been addressed. I would imagine in the Dept. of Corrections budget.

Chairman Svedjan: In the fiscal note, the executive budget includes the current \$4,000 biennium dues. For 99'-01' it shows \$2,400 and appropriations \$2,400. What does that mean?

Duane: The \$2,400 comes from- the dues had been \$400 and it went up to \$2,000 this year.

Vice-Chairman Delzer: What would happen if in 2 years we would want to get out?

Duane: With the sunset clause on the bill, there would be no authority for us to be in the compact if we don't renew it in the next legislative session.

John Olson: Represents the ND States' Attorneys' Association and the ND Peace Officer's Association. (Opposed) Our legislative committee met, and instructed me to tell you that they are opposed to this bill.

**Rep. Kerzman:** Looking at the size of our state, say we were one of the 35, do you think we would the same weight at the table that a larger state has?

**Duane:** I don't know.

**Rep. Warner:** In the rule making phase, we are exactly equal partners.

**Chairman Svedjan:** Do you see any logic in this?

**John:** I really do. I think it's something that may be very helpful for ND and smaller states. It would be unfortunate if just the large states develop that process and the rules based upon their needs and their circumstances without the small states at the table and then the small states being forced into that compact.

**Warren Emmer; Director of the Dept. of Corrections Human Services Committee** (Neutral) We administer the current compact.

**Rep. Kempenich:** On p 16 of the bill, how to withdraw, how do you entail that?

**Warren:** Having a sunset clause is going to help us a lot.

**Rep. Kempenich:** What kind of obligation will we have?

**Warren:** Don't know yet. Historically, small states have always had the same voice as large states in the compact.

**Vice-Chairman Delzer:** In order to get a seat at the table, the bill has to be in effect, so we wouldn't get a seat at the table until after the 1st of August, unless it says emergency clause?

**Warren:** Yes.

**Vice-Chairman Delzer:** Can we pass it with the effective date, for future purpose, and word it such that it does not become effective without legislative approval after the rules are made?

**Warren:** I agree, I don't think that would work.

**Vice-Chairman Delzer:** Mr. Chairman, I move a do pass.

**Rep. Kliniske:** I second it.

**Vice-Chairman Delzer:** The reason I move the do pass is: I think this is worth doing. I think we should get a seat at the table. What we're here more to look at then anything is just the dollars. The question of whether or not it's worth obligating the state to \$40,000. I have some problems with the way this is done and the way the compact for the high speed rail is being done, and saying that they're going to charge us afterwards, and we're basically obligating the state in the future to some dollar figure that we don't know. I do think that it does have some real value to the state of ND to be at the table. If we don't get at the table, and all the other states adopt this, we're going to be stuck doing it anyway.

**Chairman Svedjan:** OK, we have a do pass motion. Is there any more discussion? If there's no other discussion, we'll go ahead and take a Roll Call Vote on the passage of HB # 1270.

Roll Call Vote: **Chairman Svedjan:** Yes. **Vice-Chairman Delzer:** Yes.

**Rep. Kempenich:** Yes. **Rep. Kerzman:** Yes.

**Rep. Kliniske:** Yes. **Rep. Warner:** Yes.

**Chairman Svedjan:** It passes unanimously. Rep. Warner will carry it. We stand adjourned.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1270

House Appropriations Committee

☐ Conference Committee

Hearing Date February 20, 2001

Tape Number	Side A	Side B	Meter #
02-20-01 tape #2	2050 -02470		
Committee Clerk Signature <i>Kathleen Hall</i>			

Minutes:

The committee was called to order, and opened committee work on HB 1270.

Rep. Warner: HB 1270 allows ND to participate in the rule making phase of a new interstate compact for adult offenders supervision. In November of 1999, Senator Wayne Stenehjem, Rep. Koppelman and myself attended a conference in Chicago, which dealt with problems in the current system that states use to notify each other of the movement of supervised offenders. Subsequently Rep. DeKrey and Senator Liesen attended a second conference on the process of the compact. The current pact was developed in the 1930's when the number of supervised offenders moving between states was about 20,000 per year. Currently there are about 250,000 transfers in a year, and this is complicated by new categories of supervision, such as sexual predator registration. The sponsors and the department of corrections still have serious concerns about the new compact but authorizing ND to participate in the rule making process will assure that the compact recognizes the needs and desires of small states. On page 18 of the



bill there is a sunset clause so that unless ND's participation in this compact is reauthorized by the next legislative assembly, this compact membership will die a natural death. The language will not obligate us to any further financial liability should we chose to withdraw.

Moves DO PASS. Seconded by Rep. Svedjan.

Rep. Delzer: Believes this bill should be passed. Thinks this is going to come whether we want it or not. Being at the table is a good thing. He does have a problem with the funding that CSG seems to be using for these things, starting compacts and we have to set up our share afterwards. Its not a direct appropriation so we don't know. The sunset clause should help.

Vote on Do Pass as Amended: 20 yes, 0 no, 1 absent and not voting. Motion passes.

Rep. Wald: Question for Rep. Svedjan or Delzer, the fund is set up in the Treasurer's office, shouldn't it be in the Attorney General's office?

Response, Rep. Delzer: The chairman of the judiciary committee asked us not to amend this, so that it can go to conference committee for final review.

Vote on Do Pass: 20 yes, 0 no, 1 absent and not voting (Rep. Kerzman). Motion passes.

Rep. Warner was assigned to carry the bill to the floor.

Date: 2-15-61  
Roll Call Vote #: 1

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1270**

House Appropriations Committee

☒ Subcommittee on Human Resources  
or  
☐ Conference Committee

Legislative Council Amendment Number 10462-0100

Action Taken Do pass

Motion Made By Rep. Delzer Seconded By Rep. Kliniske

Representatives	Yes	No	Representatives	Yes	No
Chairman Ken Svedjan	✓				
Vice-Chairman Jeff Delzer	✓				
Rep. Keith Kempenich	✓				
Rep. James Kerzman	✓				
Rep. Amy Kliniske	✓				
Rep. John M. Warner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Rep. Warner

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

Date: 2-20-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1270

House APPROPRIATIONS

Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By Rep. Warner Seconded By Rep. Svedjan

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓				
Wald - Vice Chairman	✓				
Rep - Aarsvold	✓		Rep - Koppelman	✓	
Rep - Boehm	✓		Rep - Martinson	✓	
Rep - Byerly	✓		Rep - Monson	✓	
Rep - Carlisle	✓		Rep - Skarphol	✓	
Rep - Delzer	✓		Rep - Svedjan	✓	
Rep - Glassheim	✓		Rep - Thoreson	✓	
Rep - Gulleason	✓		Rep - Warner	✓	
Rep - Huether	✓		Rep - Wentz	✓	
Rep - Kempenich	✓				
Rep - Kerzman	✓				
Rep - Kliniske	✓				

Total (Yes) 20 No 0

Absent 1

Floor Assignment Rep Warner

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

**REPORT OF STANDING COMMITTEE (410)**  
February 20, 2001 11:18 a.m.

Module No: HR-31-3974  
Carrier: Warner  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1270: Appropriations Committee (Rep. Timm, Chairman) recommends DO PASS**  
(20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1270 was placed on the  
Eleventh order on the calendar.

2001 SENATE JUDICIARY

HB 1270

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1270

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 2 February, and March 5th, 2001

Tape Number	Side A	Side B	Meter #
Committee Clerk Signature			

Minutes: There was a joint hearing between the house and senate. To hear the testimony on HB 1270 see minutes by the house clerk.

The Senator Trenbeath motioned to do pass, seconded by Senator Nelson. Vote indicated 7 yeas, 0 nays, and 0 absent and not voting. Senator Trenbeath volunteered to carry the bill.

Date: 3/5/01  
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 127.**

Senate	Judiciary	Committee
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☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Trenbath Seconded By Nelson

[illegible]

Total (Yes) 7 No 0

**Absent** \_\_\_\_\_

Floor Assignment Treboath

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

**REPORT OF STANDING COMMITTEE (410)**  
March 6, 2001 3:36 p.m.

Module No: SR-38-4947  
Carrier: Trenbeath  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1270: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1270 was rereferred to the Appropriations Committee.**



2001 SENATE APPROPRIATIONS

HB 1270

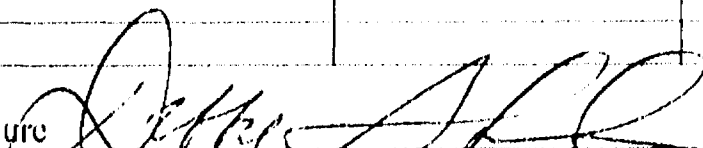
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1270

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 19, 2001

Tape Number	Side A	Side B	Meter #
1		X	22.0-34.6
Committee Clerk Signature 			

Minutes:

Senator Nothing opened the hearing on HB 1270.

Charles Placek, Deputy Compact Administrator, DOCR, stating that the fiscal note before you this morning on HB 1270 relates to the proposed new Interstate Compact that would be created in HB 1270. The spreadsheet handout (attached). The bill creates a state council and in the state council there would be a compact administrator, a representative of victims groups that would be appointed by the governor, two other citizens appointed by the Governor, a state senator, a state representative and a judge. The compensation will be for five meeting over the biennium and the related travel expenses, totaling \$43,112.00. The large increase in this bill in our dues structure, ND being a small state, our current dues under the current compact are \$2,000 per year, they would go up in this new compact to \$18,000 per year and that would represent the \$36,000. We currently have built into our budget \$4,000 for current dues so the appropriation would be \$36,313.

Senator Solberg: Who and where are these dues going? National and why from \$4,000 to \$36,000, that quite a jump?

Charles Placek: This is put together with the National institute of corrections and this is what they are projecting, the dues rate I have indicated that \$18,000 is the lowest dues and the larger states around \$50,000. The difference is in our current compact that we are currently members of there is no professional staff and when you meet twice a year to regulate the compact this would create a professional staff at a site yet to be named, there is some discussion probably from state government.

Senator Nething: The current dues for the biennium is it \$4,000 or \$8,000?

Charles Placek: It is \$4,000 biennium, \$2,000 per year.

Senator Nething: So it goes from \$2,000 to \$18,000 or \$4,000 to \$36,000.

Charles Placek: That is correct.

Senator Nething: You weren't getting many services for the \$4,000?

Charles Placek: That is correct; the new compact would create a very comprehensive compact.

Senator Nething: Tell me where we would be without it?

Charles Placek: If HB 1270 is not passed and this has been some of the discussion we have been having. All 50 states are members of the current compact. The new compact reads, that once on July 31 or when 35 states pass this new legislation, then this new compact is created. At that point in time we will have 35 states and new compact and 15 states will have the old compact. The concerns by members of both Senate and House that were sponsors of this legislation, were that within first year all of the rules of the new compact would be set and there is concerns that ND will not be at the table at the rewriting of the new compact or criminal offenders that are moved from state to the other and that is what this compact is about.

Senator Nething: I note that Representative DeKrey left me an amendment relating to the bill on page 5, line 22, and that the amendment he left me called for compensation at the rate of \$62.50 as opposed to the language that is in the bill. I like the language that is in the bill, but apparently we can't use that, is that the idea. This will be checked into by Legislative Council.

Charles Placek: For a point of clarification, when I prepared the assumptions for this fiscal note, I assumed the language in the bill addresses the senator and representative receiving the interim rate, the way I read the original bill is that the three electors that the governor would appoint would get no compensation. When I pointed that out Representative Dekrey indicated that there would be an amendment to address that. The fiscal note assumes that the interim rate would be increased to a \$100.00 per day. That is why you show five days of \$500.00.

Senator Nething: The current rate is \$75.00. I think we need an amendment that is going to make that in accord with whatever the current rate is to be.

Senator Heitkamp: Those individuals that are on council that aren't legislatures don't get paid. If they are members of the council they are entitled to expenses provided in the sections. Do they get paid per diem?

Charles Placek: I believe the sections that are for travel expenditures. They would receive the travel but there was some concerns on the compensation.

Senator Tallackson: Where is this commission going to be headquarters; where will they meet?  
The national?

Charles Placek: The council itself would meet in Bismarck about twice a year; probably three times the first fiscal year since it is new and then twice in the second fiscal years. Five meetings over the next biennium. National probably in Lexington.

Page 4  
Senate Appropriations Committee  
Bill/Resolution Number HB 1270  
Hearing Date March 19, 2001

Senator Nething: Representative DeKrey we are talking about your proposed amendment here, notice compensation \$62.50 per diem per day. Current rate of \$75.00.

Representative DeKrey: That would have to be changed. It was based on the legislative pay. The bottom line is \$18,000 per year. Explained the writing of the bill based off Oregon language, sunset clause which would give us a seat at the table of 35 states that are going to make the rules and we can take a look at it next session and see if we really want to be a member of it. The new compact is more extensive, the old compact is not working. You have a minimum of 250,000 probationers moving across statewide and we haven't been able to keep track of them and the crimes because of this. This new system they can be tracked better. This will keep us at the table and write the rules.

With no further testimony, the hearing was closed.

Tape #1, Side B, meter 34.6

March 20, 2001 Full Committee Action (Tape 2, Side A, Meter No. 5.5-50.7 - 5 of 6)

Senator Nething reopened the hearing on HB1270.

Senate Appropriations Committee members reviewed the bill; discussion followed. Senator Solberg moved the amendment - 10462.0102; Senator Tallackson seconded. Amendment adopted per voice roll count. Senator Tallackson moved DO PASS AS AMENDED; Senator Thane seconded the motion. Roll call vote: 10 yes; 4 no; 0 absent and not voting.

Floor assignment back to original committee, Senator Trenbeath.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1270

Page 5, line 23, replace "Any legislative" with "Legislative Assembly", after "members" insert "also", and replace the second "and" with "at the rate provided in section 54-35-10."

Page 5, remove lines 24 and 25

Renumber accordingly

Date: 5-26-01

Roll Call Vote #: \_\_\_\_\_

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 12127

Senate Appropriations Committee

☐ Subcommittee on \_\_\_\_\_

or

☐ Conference Committee

Legislative Council Amendment Number 10462.0102

Action Taken As Pass in Committee

Motion Made By Senator Tallackson Seconded By Senator Thane

Senators	Yes	No	Senators	Yes	No
Dave Nothing, Chairman	✓				
Ken Solberg, Vice-Chairman	✓				
Randy A. Schobinger		✓			
Elroy N. Lindaas	✓				
Harvey Tallackson	✓				
Larry J. Robinson	✓				
Steven W. Tomac	✓				
Joel C. Heitkamp	✓				
Tony Grindberg	✓				
Russell T. Thane	✓				
Ed Kringstad	✓				
Ray Holmberg		✓			
Bill Bowman		✓			
John M. Andrist		✓			

Total Yes 10 No 4

Absent 0

Floor Assignment Senator Trenbeath

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

✓  
Copy of Amendment & Bill  
sent 5-21

**REPORT OF STANDING COMMITTEE (410)**  
March 21, 2001 9:15 a.m.

Module No: SR-49-6232  
Carrier: Trenbeath  
Insert LC: 10462.0102 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1270: Appropriations Committee (Sen. Nething, Chairman)** recommends  
**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**  
(10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1270 was placed on the  
Sixth order on the calendar.

Page 5, line 23, replace "Any legislative" with "Legislative assembly", after "members" insert  
"also", and replace the second "and" with "at the rate provided in section 54-35-10."

Page 5, remove lines 24 and 25

Renumber accordingly



2001 TESTIMONY

HB 1270

**HOUSE JUDICIARY COMMITTEE**  
**Representative Duane L. Dekrey, Chairman**  
**February 6, 2001**

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**Warren R. Emmer, Director**  
**Department of Corrections and Rehabilitation**  
**Field Services Division**  
**Presenting Testimony Re: H.B.1270**

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**GOOD THINGS ABOUT THE CURRENT INTERSTATE COMPACT FOR ADULT PAROLEES AND PROBATIONERS:**

1. Everyone belongs to the existing compact
2. Compact rules are being updated (rule changes are about 2/3's complete)
3. Due structure is economical - \$2,000 per year
4. Current compact is a "known commodity"
5. Current compact compliance is improving
6. Grievance system is being put in place

**PROBLEMS WITH THE CURRENT INTERSTATE COMPACT FOR ADULT PAROLEES AND PROBATIONERS:**

1. States ignore sections of the compact, examples include:
  - Colorado won't accept Deferred Imposition/Prosecution cases
  - California won't accept cases of less than one year
  - Tennessee has residency requirements that are different than the compact
2. States do not return all of their state's probation/parole violators
3. No enforcement power, concerning disputes, exists between states
4. Resources dedicated to the compact aren't consistent, examples include:
  - Our staff does keep up with it's workload
  - Other states do not keep up with their workload
5. There isn't a central repository of information concerning interstate compact offenders
6. There isn't a funding source for a centralized data system
7. Antiquated language (1937) defining who is eligible for compact supervision is still used
8. The compact hasn't any professional, centralized, administrative staff available to troubleshoot problems

GOOD THINGS ABOUT THE NEW INTERSTATE COMPACT FOR ADULT  
PAROLEES AND PROBATIONERS:

1. Centralized professional, administrative staff may be available
2. The new compact may alleviate current compliance problems
3. The new compact may create a centralized database for offenders under interstate compact supervision
4. The new compact may develop a uniform compact application for states where more than one government entity administers compact work
5. Rule changes may occur quicker

PROBLEMS WITH THE NEW INTERSTATE COMPACT FOR ADULT PAROLEES  
AND PROBATIONERS:

1. Costly (\$40,000 increase for us in a biennium)
2. Doesn't solve the problem concerning a state's refusal to return probation/parole violators, and actually holds the state accountable for a *county decision*
3. Doesn't solve in-state staffing/resources problem that exist
4. State council may add another layer of bureaucracy
5. National commission will have the authority to implement compact rule changes that supercede state law
6. The unknown is *the unknown* (i.e. we are voting on a system that has not been developed)

H:\Legislature\HB1270.doc

	A	B	C	D	E	F	G	H	I	J
1	HB 1270 Fiscal Note 1/18/01									
2										
3	Assumptions in preparing the fiscal note. Five (5) members of the state council would be from out of Bismarck. Three meetings would be held in FY 02 and 2 meeting in FY 03.									
4										
5										
6	Member	Compensation	Expenses	Total						
7	Compact Administrator	0	0	0						
8	Victim Rep	500	0	500						
9	Gov. At Large	500	362.50	862.50						
10	Gov. At Large	500	362.50	862.50						
11	Senator	500	362.50	862.50						
12	Representative	500	362.50	862.50						
13	Judge	0	362.50	362.50						
14	Total			4,312.50						
15										
16	Dues			36,000.00						
17										
18	Grand Total			40,312.50						

Cell: C9

Comment: Chuck Placek

200 miles @ .24 + 5 days @ \$42.50 + 5 days @ \$20

## Active Interstate Compact Offenders by State on December 31, 2000

	ND Probationers going out of State	Other State's Probationers coming to North Dakota	ND Parolees going out of State	Other State's Parolees coming to North Dakota
Alabama	1	0	0	0
Alaska	2	1	1	0
Arizona	10	6	4	1
Arkansas	3	1	0	1
California	8	6	6	3
Colorado	14	12	2	7
Connecticut	0	0	0	0
Delaware	0	0	0	0
District of Columbia	0	0	0	0
Florida	8	1	3	1
Georgia	3	0	2	0
Guam	0	0	0	0
Hawaii	0	1	0	0
Idaho	1	5	0	1
Illinois	2	1	1	1
Indiana	2	2	0	0
Iowa	8	1	2	2
Kansas	3	1	0	0
Kentucky	0	0	0	0
Louisiana	0	1	0	1
Maine	1	0	0	0
Maryland	1	0	0	0
Massachusetts	0	0	0	0
Michigan	1	2	0	3
Minnesota	205	230	35	11
Mississippi	1	0	0	0
Missouri	4	3	2	0
Montana	18	39	0	4
Nebraska	0	1	0	0
Nevada	2	5	1	0
New Hampshire	0	0	0	0
New Jersey	1	0	0	1
New Mexico	2	3	2	0
New York	2	1	1	0
North Carolina	1	0	1	0
North Dakota	0	0	0	0
Ohio	2	0	0	0
Oklahoma	5	2	1	0
Oregon	4	1	1	0
Pennsylvania	1	0	0	0
Puerto Rico	0	0	0	0
Rhode Island	0	0	0	0
South Carolina	1	1	2	0
South Dakota	18	20	1	10
Tennessee	0	0	0	1
Texas	14	17	5	6
Utah	8	2	0	0
Vermont	0	0	0	0
Virginia	1	1	0	0
Virgin Island	0	0	0	0
Washington	8	2	1	1
West Virginia	2	0	0	0
Wisconsin	10	6	4	2
Wyoming	6	1	2	2
	378	378	80	59