

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1478

2001 HOUSE JUDICIARY

HB 1478

## 2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1478

House Judiciary Committee

☐ Conference Committee

Hearing Date 02-12-01

Tape Number	Side A	Side B	Meter #
TAPE I		x	01 to 2280
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey opened the hearing on HB 1478. Relating to charging inmates for board and room at correctional facilities.

Rep D Monson: District 10, introduced the bill, relating to charging inmates for room and board at correctional facilities. The house bill that is before you, is a bill, that came out of a conference that I attended and talked to a State Senator of Iowa. This bill would only cover adults, convicted of a criminal offense. What we are purposing is that the correctional facility would be able to charge an inmate. All monies must be credited to the general fund of the governing body of correctional facility. I do have amendment, line 20 the last word shall should be may. He goes on to explain the bill. After the claim is approved by the court, the claim for the amount owed by the person has the effect of a judgment for the purposes of enforcement. However the judgment does not have priority over a claim for child support obligations owed by the inmate.

Rep Klemm: After the claim is approved by the court, this would be a new procedure, it would seem that the inmate has no opportunity to contest the claim.

Rep Monson: That is why we should have may instead of shall.

Rep Klemin: We do have some constitutional requirements that would have to be followed.

Rep Monson: You may be absolutely right and would want to correct that.

Rep Klemin: Another something that could be looked at and added to this about estates, maybe the procedure should be in this bill.

Rep Monson: I see no reason why it couldn't be, there is a provision already in place that allows where people are on work release, can be charged up to \$10.00 per day, there is no maximum or minimum in this bill. Iowa has a maximum of something like \$30.00 per day.

Rep Delmore: Are we setting up a two tier here, I don't see the state correctional facilities.

Rep Monson: This by definition is for correctional facilities and that does not include the state.

This was to address the smaller jails.

Rep Delmore: If we are setting the fee, are you looking at a sliding fee.

Rep Monson: The fee set would be the same. The fee would be set by the county and it would be reasonable. They should have limits for a guideline.

Rep Delmore: I see that you have child support taken out, might there be more to be taken out.

Rep Monson: The Legislative Council set this up in accordance with Iowa law. We have to be careful about what we put in there as other exemptions.

Rep Klemin: Any judgment that we have is subject to exemptions under state law. Lots of things would be exempt.

Rep Mahomey: The food was changed to \$15.00 or funds earned by the inmate while on work release. You might want to be careful what county you were picked up in, if you leave it up to the counties. Maybe we should set up a flat fee?

Rep Monson: I don't know how long it is on the books. I think that we should have some kind of maximum.

Rep Mahoney: I would like to know what Iowa has done, are there variables.

Rep Monson: I am not sure, I think that it is variable and it was capped out at a certain level.

Chairman DeKrey: Are there any further questions, if not thank you for appearing. Anyone else wishing to testify.

Wade Williams: North Dakota Association of Counties. We have not had a lot of time to look at this bill. The counties are somewhat favorable to the bill, with a cap. The cost would vary for each county.

Rep Mahoney: The problem would not be with assessing the cost, but we could run into constitutional problems without a standard fee.

Wade Williams: Yes, that is correct.

Chairman DeKrey: Doesn't the bill say that you have to be convicted?

Rep Mahoney: I think that is the way the bill reads.

Rep Klemm: Some of these correctional facilities house inmates from other states, how is will that dollar amount set?

Wade Williams: I don't know. I can find out for you.

Rep Wrangham: Would this be an additional tax on the bad people. Will we see a reduction in funds needed to run the institutions.

Wade Williams: I don't know how many inmates this will effect, it will make some difference but to what degree, it is hard to say

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House Judiciary Committee

Bill/Resolution Number HB 1478

Hearing Date 02-12-01

Chairman DeKrey: If there are no further questions, thank you for appearing. Is there anyone here wishing to testify in opposition?

Carol Two Eagles: I am neutral, but I have a question on line 1 and 2, it exempts child care, what about elder care. Also inmates that have been or are on welfare, how will you collect without effecting the family?

Chairman DeKrey: Are there any further questions, if not thank you for appearing. Anyone else wishing to testify, if not we will close the hearing on HB 1478.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1478a

House Judiciary Committee

☐ Conference Committee

Hearing Date 02-20-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		5337 to 5540
Committee Clerk Signature <i>Jean Reed</i>			

Minutes: Chairman DeKrey: the counties don't have their amendments read. This is a delay bill. I will check to see what we have to do on this one.

RepDelmore: Wayne is the one who had the amendments.

Rep Maragos: Who put this bill in.

Chairman DeKrey: The counties, I hate to do this. I have to find out what we have to work on.

Rep Delmore: Maybe we could meet at the end of the day or tomorrow?

Chairman DeKrey: I will announce on the floor, when we are going to meet. We are not going to meet tomorrow. I will announce it on the 17th order, I will talk to the counties.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1478b

House Judiciary Committee

☐ Conference Committee

Hearing Date 02-20-01

Tape Number	Side A	Side B	Meter #
TAPE I		x	01 to 634
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey called the committee to order on HB 1478.

COMMITTEE ACTION

Rep Delmore moved the amendments, Rep Maragos seconded the motion.

DISCUSSION

Rep Klemm: Had some questions on the amendments. He moved to further amend after the comma - and after the notice and the opportunity for hearing - should be the amendment. And the last word shall should be changed to may. Rep Maragos seconded the amendments

DISCUSSION

Chairman DeKrey called for a voice vote on the amendments. The motion carries. What are the wishes of the committee? Rep Maragos moved a DO PASS as amend, seconded by Rep Disrud. The clerk will call the roll on a DO PASS as amend. The motion passes with 10 YES, 3 NO and 2 ABSENT. Carrier Rep Brekke.



**FISCAL NOTE**  
Requested by Legislative Council  
02/09/2001

Bill/Resolution No.: HB 1478

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
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

**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
\$0	\$0	\$0		\$0	\$0		\$0	\$0

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

This bill would give jails and county correctional centers the authority to collect room and board costs from certain inmates who committed a "domestic" crime. Information is not available to calculate the potential increase in revenue that could be collected by jails and correctional centers.

**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.*

N/A

**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.*

N/A

Name:	Elaine Little	Agency:	Dept. of Corrections & Rehabilitation
Phone Number:	328-6390	Date Prepared:	02/09/2001

VR  
2/20/01

**HOUSE AMENDMENTS TO HB 1478 HOUSE JUDICIARY 02-21-01**

Page 1, line 10, after the period insert "The amount charged may not exceed twenty dollars per day."

Page 1, line 20, after "reimbursement" insert "and after notice to the inmate and opportunity for a hearing" and replace "shall" with "may"

Page 1, line 22, replace the third "the" with "a"

Renumber accordingly

Date: 02-20-01  
Roll Call Vote #: /

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB-1478

House JUDICIARY Committee

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

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

Action Taken Do Pass as amend

Motion Made By Rep Maragos Seconded By Rep Disrud

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) 10 No 3

Absent 2

Floor Assignment Rep Brekke

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

REPORT OF STANDING COMMITTEE (410)  
February 21, 2001 8:41 a.m.

Module No: HR-32-4155  
Carrier: Brekke  
Insert LC: 10809.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1478: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1478 was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert "The amount charged may not exceed twenty dollars per day."

Page 1, line 20, after "reimbursement" insert "and after notice to the inmate and opportunity for a hearing" and replace "shall" with "may"

Page 1, line 22, replace the third "the" with "a"

Renumber accordingly

2001 SENATE JUDICIARY

HB 1478

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1478

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 14th, 2001

Tape Number	Side A	Side B	Meter #
2	x		29.6-45.9
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened the hearing on HB 1478.

**Senator Lyson**, district 1, would like to enable correctional facilities to charge inmates room and board.

**Senator Trenbeath**, where does it say that?

**Senator Lyson**, I signed on with the impression it was different. What the bill says was not my intent. Not sure this does not include the state penitentiary. As it stands I would not be in favor.

**Wade Williams**, ND association of Counties. Is for inmates paying for their room and board.

Only designed for local correctional facilities.

**Senator Trenbeath**, when in doubt look in book.

**Senator Bercler**, what is cost for staying in the Penitentiary? What about County Jails.

Charging inmates is an interesting way to deter some crime.

**Senator Lyson**, doesn't say if they can afford or not.

**Wade Williams**, the language is permissive.

Page 2  
Senate Judiciary Committee  
Bill/Resolution Number 1478  
Hearing Date March 14th, 2001

**Senator Traynor**, I have testimony from Rep. Monson recommending positive consideration.

Does this clear up your concerns?

**Senator Nelson**, where does it say take priority over child support?

**Senator Lyson**, if the city operates their jail and a person has a violation in Williams County, what are the changes?

**Senator Traynor**, maybe we should hold the bill for Rep. Monson's repines?

**Senator Nelson**, Rep. Monson's original bill did not have the 20 dollar provision.

**Senator Lyson** motioned to move amendments proposed by Senator Lyson; .021, seconded by Senator Watne. Vote indicated 6 yeas, 0 nays and 1 absent and not voting. Senator Lyson motioned to do not pass, seconded by Senator Trenbeath. Vote indicated 6 yeas, 0 nays and 0 absent and not voting.



March 7, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1478

Page 2, line 6, after "equipment" insert ", correctional personnel costs,"

Renumber accordingly

Date: 3/24/01  
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1478**

<b>Senate</b>	<b>Judiciary</b>	<b>Committee</b>
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☐ Subcommittee on \_\_\_\_\_  
or \_\_\_\_\_

☐ Conference Committee

**Legislative Council Amendment Number**

Action Taken Move amendments proposed by Senator Hyun; 0201

Motion Made By Hyson Seconded By Watne

[illegible]

Total (Yes) 6 No 0

Absent 1

### Floor Assignment

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

Date: 3/20/01

**Roll Call Vote #: 2**

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1478**

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

☐ **Conference Committee**

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

Action Taken Do not pass as amended

Motion Made By Lysen Seconded By Trenbearth

[illegible]

Total (Yes) 6 No 0

**Absent** 1

Floor Assignment Tren beat 4

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

**REPORT OF STANDING COMMITTEE (410)**  
March 20, 2001 2:44 p.m.

Module No: SR-48-6185  
Carrier: Trenbeath  
Insert LC: 10809.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

**HB 1478, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1478 was placed on the Sixth order on the calendar.**

Page 2, line 6, after "equipment" insert ", correctional personnel costs,"

Renumber accordingly

2001 TESTIMONY

HB 1478

**Testimony on HB 1478**  
**Senate Judiciary Committee**

**Rep. David Monson**

**March 14, 2001**

Chairman Traynor and members of the Senate Judiciary Committee. I am unable to be at the hearing on HB 1478 today. I will submit this written testimony today, and I will be glad to meet with you or any of your committee members at your convenience at a later time to answer any questions you may have. I am sorry for any inconvenience that my absence may cause. I will be back on Thursday, Mar. 15.

This bill is modelled after legislation from Iowa. It is designed to help counties and cities and other non-state correctional facilities collect some of the costs associated with housing their inmates who are 18 years of age or older. In many cases these inmates do not have a great deal of money and there is no use even trying to get any costs out of them. However, in some cases the inmates have the means to pay their room and board, especially in the case of drug dealers or white collar crime. This bill would allow the administrators of these smaller facilities to file a room and board reimbursement claim with the district court. The maximum amount of \$20 per day was amended into this bill by the House Judiciary Committee since there were no limits in the original bill. My own feeling is that this is a little low, but I trust that your committee will discuss this and do what is proper and reasonable. I believe that these facilities can now collect \$15 per day in some instances, but this would expand that authority and increase the amount a little bit. My contact in Iowa says that this similar legislation has made a big positive difference to the county budgets in Iowa.

Subsection 2 indicates that the court may approve this claim along with any filing fees. However, the judgment does not take priority over a claim for child support obligations owed by the inmate.

The proceeds of this fee are to be used as specified in subsections 3 and 4 which are basically to improve the facility itself or for hiring enforcement personnel.

I would hope that you would give this bill your positive consideration. I have no problem if you would choose to make some minor amendments as you see fit, also. Thank you for your time.

### **Proposed Amendments to HB 1478**

On line 10 after facility insert " the sum not to exceed twenty dollars"

On line 18 after filed insert " with the opportunity for an administrative hearing"

Renumber the lines accordingly.