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DESCRIPTION

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La Costa Rickford
Operator's Signature

10/6/03
Date

2003 HOUSE JUDICIARY

HB 1415

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Salvatore Riccardi
Operator's Signature

10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1415

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-11-03

Tape Number	Side A	Side B	Meter #
1	xx		30-end
1		xx	0-8.5
3		xx	9-10
Committee Clerk Signature <i>[Signature]</i>			

Minutes: 12 members present, 1 member absent (Rep. DeKrey).

Rep. Kretschmar: We will open the hearing on HB 1415.

Rep. Maragos: Introduced the bill, HB 1415.

Rep. Kretschmar: Thank you. Any testimony in support?

Reed Soderstrom, Attorney and bail bondsman: Support (#31-42). I have 18 agents working part-time for me, and we work with the court statewide. This is a very essential part of the system.

Rep. Delmore: How many bondsmen are in North Dakota.

Mr. Soderstrom: Between 35-40, not all are practicing.

Rep. Delmore: What are the most common reasons for bail.

Mr. Soderstrom: Usually DUI, small misdemeanors, etc.

Rep. Delmore: Is 5% for court costs enough?

Mr. Soderstrom: That 5% is in the original law.

Page 2
House Judiciary Committee
Bill/Resolution Number HB 1415
Hearing Date 2-11-03

Rep. Delmore: If this bill passes, will it make more people decide that they don't need to show up for court cases.

Mr. Soderstrom: I don't think so, because the minute they're not there, the judge immediately issues a bench warrant for that person's arrest.

Rep. Bernstein: You say, up to six months to bring an individual back, by what authority do you do that, are you deputized or something.

Mr. Soderstrom: We are not deputized per se, we have a right to revoke the bond. We have the power to bring them in.

Rep. Klemin: So you are wanting to establish a uniform time across the state, how much time you have to return a defendant to court after you receive the notice that he failed to appear.

Mr. Soderstrom: Yes.

Rep. Klemin: The amount of time varies - is six months on the outside of what you get now.

Mr. Soderstrom: Yes, it is not the longest. Georgia gets six months, which is what we modeled this bill on.

Rep. Klemin: How much time do you realistically need.

Mr. Soderstrom: Realistically need three months at a minimum.

Rep. Klemin: Time runs when you get notice.

Mr. Soderstrom: If district judges only meet once a week or less, we don't always get notified immediately when the time starts to run, so three months is a minimum.

Rep. Klemin: But it doesn't begin to run until you get the notice.

Mr. Soderstrom: That is my position, but it doesn't always work like that, try to explain that to the judge and have him see it that way.

Salvatore Riccio
Operator's Signature

10/16/03
Date

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House Judiciary Committee
Bill/Resolution Number HB 1415
Hearing Date 2-11-03

Rep. Onstad: What is the charge for bonding, how do you secure your part of it.

Mr. Soderstrom: That is a good question, we get 10% or \$50, whichever is more. No money other than the 10% or \$50 changes hand. We sign the papers at the court, and if he skips, we are on the line for the amount of the bond. We try to get collateral.

Rep. Boehning: What are the time lines in Montana, SD, Minnesota under the scenario you are asking for 6 months, what are they doing?

Mr. Soderstrom: I don't know.

Rep. Kretschmar: If bail is at \$5,000, do you put cash with court.

Mr. Soderstrom: No, just our signature at the court gets them out of jail.

Rep. Kretschmar: You are bonded by insurance company.

Mr. Soderstrom: Yes, my underwriter is Ceneca. If a person skips, the court can come after the bail bondsman personally for the entire bail amount. Only if a bail bondsman files bankruptcy, would the insurance company come up with the money.

Rep. Delmore: If the person fails to appear, you track them down, do you then get the complete bond money from that person.

Mr. Soderstrom: Sometimes we will hire bounty hunters around the state that do it part-time, and they charge 10% plus expenses, so I will usually lose money. You can sue the defendant to get back your costs, but it's not going to be quick, and that is the reason for the six month time period, to give the bonding agent plenty of time to go get the collateral, resell it and take care of all the necessary work with the court. No we're out that money.

Vice Chair Maragos: Thank you. Any further testimony in support?

Mike Larson, Bonding Agent: Support (tape 1, side b, #1.7-8).

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House Judiciary Committee
Bill/Resolution Number HB 1415
Hearing Date 2-11-03

Vice Chair Maragos: Thank you. Any testimony in opposition? We will close the hearing.

(Reopened later in the afternoon, tape 3, side A, 9-10)

Chairman DeKrey: What are the committee's wishes in regard to HB 1415.

Rep. Delmore: I move a Do Pass motion.

Rep. Grande: Seconded.

13 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Rep. Boehning

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Y. Costa Rickford
Operator's Signature

10/6/03
Date

Date: 2/11/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1415

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Grande

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemmin	✓				
Rep. Kretschmar	✓				
Rep. Wrantham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Boehning

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

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Yolanda Richardson
Operator's Signature

10/16/03
Date

REPORT OF STANDING COMMITTEE (410)
February 12, 2003 1:14 p.m.

Module No: HR-27-2403
Carrier: Boehning
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1415: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1415 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-27-2403

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Operator's Signature

Yolanda Richardson

Date

10/6/03

2003 SENATE JUDICIARY

HB 1415

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Richard Costa
Operator's Signature

10/16/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1415

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/25/03

Tape Number	Side A	Side B	Meter #
1	X		28 - 44
Committee Clerk Signature <i>Maria L Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony in Support of HB 1415

Rep. Maragos - Dist #3, Introduced the bill (meter 28) at the request of the bonding industry

Reed Soderstrom - Attorney Running the Bail Bond Agency and Instructor - two years teaching course. 19 agents in ND. Discussed the variety of bonding across ND. There is no uniformity across ND-some judges require bond money six minuts after the "no show" one allowed us 1 year. Two sides of bonding are an economic factor-this is a small business-most expensive hotel in the state is jail, the other side is the constitutional right of innocent until proven guilty.

Discussed liability of bonding. Discussed a bond recently written. This bill can give us time to liquidate assests to pay for the bond.

Adriana Richardson
Operator's Signature

10/16/03
Date

Page 2
Senate Judiciary Committee
Bill/Resolution Number HB 1415
Hearing Date 03/25/03

Sen. Lyson discussed the word "may" along with Sen. Trenbeath on how they could give the bill more substance to be able to collect or find the bond jumper. Sen. Trenbeath will provide an amendment. These people help the court to get the criminal back!

Senator John T. Traynor, Chairman closed the hearing.

Yolanda Rickford
Operator's Signature

10/6/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1415

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/26/03

Tape Number	Side A	Side B	Meter #
1	X		28.6 - 33.0
Committee Clerk Signature <i>Maria L Solberg</i>			

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with committee work on the bill:

Sen. Trenbeath presented an amendment 30625.0102 - Discussed the 5% court fees.

Motion Made to Amend HB 1415 by Sen. Trenbeath and seconded by Senator Stanley W.

Lyson, Vice Chairman

Roll Call Vote: 5 Yes. 0 No. 1 Absent

Motion Passed

Move to Do Pass HB 1415 as Amended by Sen. Trenbeath and seconded by Sen. Lyson

Roll Call Vote: 5 Yes. 0 No. 1 Absent

Motion Passed

Floor Assignment: Sen. Trenbeath

Senator John T. Traynor, Chairman closed the hearing.

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Jo Costa Richardson
Operator's Signature

10/16/03
Date

30625.0101
Title.

Prepared by the Legislative Council staff for
Senator Trenbeath
March 26, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1415

Page 1, line 8, remove "within six months of receiving notice of the failure to"

Page 1, line 9, remove "appear" and after "forfeiture" insert ". If the bondsman returns the defendant to the jurisdiction of the court within six months of receiving notice of the failure to appear, the court shall return the forfeiture upon petition by the bondsman, less five percent for court costs. If the bondsman returns the defendant to the jurisdiction of the court beyond six months of receiving notice of the failure to appear, the court may return the forfeiture upon receipt of a petition from the bondsman, less 5%
for Court Cost

Renumber accordingly

Salvatore Riccardi
Operator's Signature

10/6/03
Date

30625.0102
Title.0200

Adopted by the Judiciary Committee
March 26, 2003

3-24-03

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1415

Page 1, line 8, remove "within six months of receiving notice of the failure to"

Page 1, line 9, remove "appear" and after "forfeiture" insert ". If the bondsman returns the defendant to the jurisdiction of the court within six months of receiving notice of the failure to appear, the court shall return the forfeiture upon petition by the bondsman, less five percent for court costs. If the bondsman returns the defendant to the jurisdiction of the court beyond six months of receiving notice of the failure to appear, the court may return the forfeiture upon receipt of a petition from the bondsman"

Renumber accordingly

Page No. 1

30625.0102

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Lo Costa Richard
Operator's Signature

10/16/03
Date

Date: March 26, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1415

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30625.0102

Action Taken MOVE TO AMEND

Motion Made By Sen. Trenbeath Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	A	A
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) FIVE (5) No ZERO (0)

Absent ONE (1)

Floor Assignment _____

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

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Y. Costa Richardson
Operator's Signature

10/6/03
Date

12

Date: March 26, 2003
Roll Call Vote #: 2

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1415**

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30625.0102

Action Taken DO PASS AS AMENDED

Motion Made By Sen. Trenbeath Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	A	A
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) FIVE (5) No ZERO (0)

Absent ONE (1)

Floor Assignment SEN. TRENBETH

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

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Richard Costa
Operator's Signature

10/16/03
Date

REPORT OF STANDING COMMITTEE (410)
March 27, 2003 8:25 a.m.

Module No: SR-55-5863
Carrier: Trenbeath
Insert LC: 30625.0102 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1415: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1415 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "within six months of receiving notice of the failure to"

Page 1, line 9, remove "appear" and after "forfeiture" insert ". If the bondsman returns the defendant to the jurisdiction of the court within six months of receiving notice of the failure to appear, the court shall return the forfeiture upon petition by the bondsman, less five percent for court costs. If the bondsman returns the defendant to the jurisdiction of the court beyond six months of receiving notice of the failure to appear, the court may return the forfeiture upon receipt of a petition from the bondsman"

Renumber accordingly

Richard Costa
Operator's Signature

10/6/03
Date

30598.0100

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1416

Introduced by

Representatives R. Kelsch, Carlisle, Martinson

Senators Cook, Krauter, Nething

- 1 A BILL for an Act to amend and reenact subsection 6 of section 55-08-05 of the North Dakota
- 2 Century Code, relating to alcoholic beverage sales on state parks and recreation department
- 3 property.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 55-08-05 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 6. Allow the sale of beer and wine by concessionaires on property leased to the
- 8 department by the United States department of the army, corps of engineers or on
- 9 property under the management of the director which borders the Missouri river,
- 10 provided the concessionaire also obtains the appropriate local and state licenses
- 11 required by section 5-02-01.