

2009 SENATE JUDICIARY

SB 2028

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2028

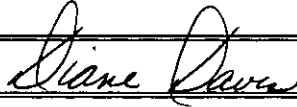
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 01/07/09

Recorder Job Number: 6640 & 6642

Committee Clerk Signature



Minutes: Welcome and introductions by Senator Nething.

Bill 2028 starts 19 minutes & 29 seconds into recording.

A Bill relating to repeal of the community service supervision fee.

John Bjornson from Legislative Council introduces the bill. He explains that during last session there was legislation passed to provide for a Community Service Supervision team. There is a \$50.00 fee for service imposed on people who are sentenced to community service.

The idea of the fee was to fund the program with agencies. During the last session there was \$100,000 directed from the budget of the Dept. of Corrections & Rehabilitations to go to providing assistance and matching grants to community service programs. There is also \$125,000 from these community service fees that would be collected to fund these programs. During the interim it was found out that the fee had low priority and wasn't imposed regularly. The judges also suggested that some of the people sentenced to community service were unable to pay. Only \$14,000 had actually been collected by last March. The Commission on Alternatives to Incarceration came to the conclusion that the fee was not working and it would be best to fund community service programs through a general fund appropriation. This bill would eliminate the fee instituted at the last legislative session. The Commission also

encouraged the Governor to include in the budget of the Dept. of Corrections money to help fund community service programs.

Chairman Nething asked if it is in fact in the budget.

John Bjornson said the the Director of Corrections could answer that.

Senator Olafson asks what % of the defendants is unable to pay the fee.

John Bjornson said the percentage isn't known but in the bill it states that the Judge shall impose the fee. Many judges are not imposing the fee for a various reasons.

Senator Nelson asked if it came from the general fund.

John Bjornson said the legislation that set this up was SB2243, it gave the directive that the Dept. of Corrections and Rehabilitations shall use \$100,000 of the funds appropriated in the field services in the appropriations bill for the dept. to provide matching grants for community service supervision. \$100,000 was directed to be used from the Correction Field Services budget. There was \$125,000 appropriated to be used from the monies collected by the imposition of this fee.

There is discussion about the wording of the bill saying shall collect or may collect fees.

Senator Nething asks for all those in favor of the bill to speak. No one appeared in favor of the bill. He then asks for those opposed to the bill. No one appeared opposed.

Charles Placek, DOCR, said he handled he handled the distribution of the community service grants. He discusses they had \$100,000 worth of general fund monies and \$120,000 of special funds coming out this fund 320. The collection of that money was done through the clerks of the court and the disbursement was done through the Dept. of Corrections.

The legislation mandated a two for one grant. When community service programs would spend a dollar we would reimburse two dollars up to the limits of appropriations. The

association decided in the fall of 2008 that the fairest way to distribute the funds that had been collected should go back to the programs that served the counties that collected the funds.

Through the fall of 2008 the fund had collected \$26,760.

Senator Nething asks if this money is in the Governors recommendation.

Placek responds there is \$200,000 from the general fund.

Senator Nething asks how much was requested.

Placek said he understands there is \$200,000 from the general fund and \$125,000 is still in the budget of special funds.

Senator Nething asks how much money is short this time.

Placek responds at the rate collecting probably \$90,000 short.

Discussion follows on what would happen to the programs.

Nancy Keating, Community Service Program Manager for Central Inc. Discusses why judges do not impose the fines. Sometimes it is being low on the list of collections. It also depends on what the crime. Some people cannot afford to pay.

Senator Nething asks what the impact has been on programs.

Keating responds it is her impression they are getting less referrals based upon the numbers they keep and what judges are using it.

Arron Birst, ND Association of Counties and Cities, his suggestion is to have a direct appropriation and let the Dept. of Corrections handle.

Senator Nething said if a due pass is recommended it would have to be re-referred to the appropriations committee because of the impact of the fiscal note.

Hearing closed on bill 2028

Recorder Job #6642

Discussion on Bill 2028

Senator Nething would like to have some more financial information on this bill. He asks the intern to put together a brief report.

Adjourned

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2028

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/7/09

Recorder Job Number: 7748

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Committee Work – Committee discusses the proposed budget amounts. Senator Lyson mentions there was \$200,000 in the Governors budget, but 125,000 goes to the Dept. of Corrections and the rest of it goes to the local group. They discuss this bill needs to be re-referred.

Motion for do pass by Senator Olafson, Senator Lyson seconds

Vote – 6 yes, 0 no

Senator Lyson will carry

FISCAL NOTE
Requested by Legislative Council
04/02/2009

Amendment to: SB 2028

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$40,000)		(\$40,000)
Expenditures						
Appropriations						

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill as amended would reduce the community service supervision fee from \$50 to \$25.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The community service supervision fee is deposited into the community service supervision fund for use by the Department of Corrections and Rehabilitation.

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.*

The community service supervision fee is collected by the court system. It is estimated that 2007-09 biennium revenues will be \$65,000. 2009-11 biennium estimated revenues are based on the most recent 8 month period of collections.

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 funds are used by the Department of Corrections and Rehabilitation to provide community service supervision grants.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Don Wolf	Agency:	ND Supreme Court
Phone Number:	328-3509	Date Prepared:	04/02/2009

FISCAL NOTE
Requested by Legislative Council
12/08/2008

Bill/Resolution No.: SB 2028

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$80,000)		(\$80,000)
Expenditures						
Appropriations						

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill would repeal the community service supervision fee.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The community service supervision fee is deposited into the community service supervision fund for use by the Department of Corrections and Rehabilitation. (Section 3 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.*

The \$50 community service supervision fee is collected by the court system. It is estimated that 2007-09 biennium revenues will be \$65,000. 2009-11 biennium estimated revenues are based on the most recent 8 month period of collections.

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 funds are used by the Department of Corrections and Rehabilitation to provide community service supervision grants.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

It is unknown whether the Department of Corrections and Rehabilitation intends to request a general fund appropriation to replace these revenues.

Name:	Don Wolf	Agency:	ND Supreme Court
Phone Number:	328-3509	Date Prepared:	12/09/2008

Date: 1/24/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES SB2028
BILL/RESOLUTION NO.

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Refer to Appco.

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Sen. Olafson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething – Chairman	X		Sen. Tom Fiebiger	X	
Sen. Curtis Olafson – V. Chair.	X		Sen. Carolyn Nelson	X	
Sen. Stanley W. Lyson	X		Sen. Mac Schneider	X	

Total (Yes) 6 (N) 6

Absent _____

Floor Assignment Sen. Lyson

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

REPORT OF STANDING COMMITTEE

SB 2028: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2028 was rereferred to the Appropriations Committee.

2009 SENATE APPROPRIATIONS

SB 2028

2009 SENATE STANDING COMMITTEE MINUTES

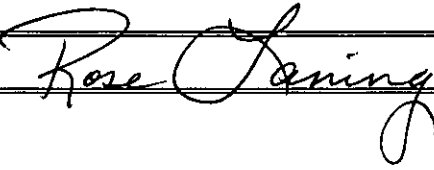
Bill/Resolution No. SB 2028

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 2, 2009

Recorder Job Number: 8315

Committee Clerk Signature 

Minutes:

Chairman Holmberg called the committee hearing to order at 11:00 am in regards to SB 2028 relating to the repeal of the community service supervision fee.

Roll call was taken. All committee members were present.

John Bjornson, Legislative Council Staff

I'm here neither for nor against bill, but I'm here to try and explain it to you. This bill is a recommendation from the commission on incarceration. It was an interim committee set up by and does exactly what its title suggests. It was supposed to find ways keep people from being incarcerated. The issues that came up the last two interims since this commission has been in existence, is the community service programs. Since the early 1990s, the community service programs have been in place and they have state funding as well a level of local funding. In June of 2006, the community service programs were notified by the department of corrections that they would no longer be receiving some of the state funding that they were receiving due to a lack of money in the field services division budget. So the community service programs came to the commission on incarcerations during the last interim and said they need some more money to keep operating. During the last interim, the commission on incarceration made a recommendation that provided \$200,000 on a cost share basis to help support the community service programs. The recommendation was to actually have this money put in the

department of corrections budget and that didn't happen. What happened in the 2007 legislative session was that the assembly imposed a \$50 community service supervision fee that you have in the bill in front of you. It goes into a special fund to help support these programs. This special fund to be used on a matching basis. There was also an appropriation in the department of corrections budget. It was in the field services division and was to be used for community service programs. During this last interim, there was about \$14,000 collected under this \$50.00 supervision fee. Many times the fees weren't being imposed by the judges. On line 24 on the bottom of the bill, "The court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of fifty dollars." The commission was told that the judges weren't imposing these fees because they are so far down on their list of fees and is not likely to be a great deal of money generated.

(Inaudible) The commission just felt that this idea wasn't working and felt many couldn't pay the \$50 fee and they recommended this bill which would repeal the \$50 fee. The commission also separately recommended that there be \$500,000 included in the Department of Corrections budget for the biennium to address community service programs. This is all I have to provide unless there are other questions.

Senator Christmann: I need a better understanding of what you mean by this hierarchy of fees that this is on the bottom of that is never collected.

John Bjornson: The assembly has drafted laws that require certain fees to be imposed by courts. I don't have a list of them now. SB 2069 is probably going to address that as well. But there are a number of fees that the courts are required to impose. There were 10-12 fees and this was at the bottom of that list.

Senator Christmann: Would this be the only one that affects these people who are given community service or do you mean there are four or five others and so they are already paying hundreds of dollars and the judges don't feel they have \$50 left after all these other fees?

John Bjornson: The latter is more likely the case. There could be number of fees that apply to a particular defendant and this would be tacked on to that amount. It just wasn't working. If people didn't have the ability to pay that fee on top of some of the other fees as well and judges weren't in some cases even asking them to pay.

Senator Christmann: Are there some others on that hierarchy that the judges ignore?

John Bjornson: I can't answer as I was not part of that discussion in the interim.

Chairman Holmberg: That might be a term that someone from the court might disagree with about that, but at the same time, this language here is quite clear, is it not, that it shall be imposed.

John Bjornson: That is right. It is mandatory. The question was asked, "why aren't judges doing it?" The answer is "They are judges."

Chairman Holmberg: They can waive it by finding the person can't afford it? Impose it and then waive it?

John Bjornson: Yes.

Senator Christmann asked a question about the numbers. The green sheet says this would lower revenue by \$80,000 but as I understand, we took in \$14,000 in the first half of the biennium, so that would indicate that it's only about \$28,000 in revenue loss. But on other hand, did he say there is another bill that would provide \$500,000 to do what this \$14,000 would do in this biennium? What's funding the supervision now since the money is not coming in?

John Bjornson: In first year of biennium the appropriations put in the Department of Corrections budget was helping to fund the program. The idea was that once the fees started to roll in, they would fund it through this fee.

Dell Horn, Director, Jamestown Community Corrections

Testified in favor of SB 2028. (No written testimony, but handed out Community Service Fee Collected by Region)

Said he is in favor of repealing the \$50 community service fee. We collected information from the Department of Treasury and they gave us figures of what they've collected from October 2008. They've collected roughly \$38,000 dollars, so it has gone up. The bill is not working the way it was intended.

Chairman Holmberg: Either Jamestown has more criminals or the judiciary is imposing those fines. You make up half the money statewide that is collected and you are to be commended.

Dell Horn: I talked and worked with judges and sat down with them explaining why I felt they should impose that fee and why they shouldn't impact my program by not ordering community service. In some areas there is a decrease in the number of fees they've gotten because of judges not ordering the fees, they still order community service. They don't use it as an alternative.

Chairman Holmberg: Would some construe as having that fee there as a possible incentive for the judge not to impose community service?

Dell Horn: I'd be reaching to answer the judges on their philosophy on why or why not they are doing that. Most of their defenders are indigent and that would predispose them not to collect it.

Senator Wardner: The community action agency itself charges an administration fee. Is it the same for all of you or different?

Dell Horn: Each region has a different fee schedule set up. There are four regions that are county run and their fees are a little over our. Fee structure is different for each region.

Senator Robinson: A friend of mine was concerned when we reduced funding. The program not only works, but they develop mentorship with these young men and women. It is an alternative to incarceration and it does work. The problem is that other fees are collected where there are parents and they pay most or all of that fee. Many of these clients end up overwhelmed. They are trying to get a job and they made a mistake. It's tough getting a job that pays anything in the first place. Then you've got several hundred or thousand dollars worth of fees on top of that. In the end, they just throw up their hands. This is a great program, and it should be able to work, but there are a number of other fees and past experience tells us that it certainly doesn't work well at best. I'm supportive of what they're proposing here.

Senator Wardner, District 37

Testified in favor of SB 2028. (No written testimony)

He chaired the conference committee last year and I was led to believe that #1 the bill that came in originally was for \$300,000. When we got to the conference committee and dealing with the House, they carved \$100,000 out of the corrections budget to have it come out of their budget. Also the \$125,000 was to come from fees with the idea that they estimated it would be \$250,000 and they cut it in half so they would surely get it. And Yes I believe that. And Yes I signed off on it and I have had a guilty conscience ever since because it does not work.

They're starving to death out there. I'll stop there and leave my comments for this afternoon because I am the prime sponsor of SB 2178.

Chairman Holmberg thanked **Senator Wardner** and asked for anyone to testify on this bill. If not we will close the hearing on SB 2028. We have a couple choices here. If the committee

and the subcommittee feel that this is something that we can pass right now, we can or we can wait until the other bills come out today and then pass it out. I'm leaving it into the hands of the subcommittee. If they want to hold onto it until we hear the other bills, we certainly can.

V. Chair Bowman: For the subcommittee, this isn't working if the fees don't cover the cost, is that what I understood? The ones that go to court are assessed a fee and some can pay it and some couldn't evidently. So do I understand it right saying somebody else has to take the money to fund the program – this community service? Where does that money come from if it doesn't come from fees collected?

Senator Wardner: First of all, the correction handles this part of it, and yes, you do know because I and several others have come to your county commission asking for dollars to support the program. You have approved dollars to support community services in the SW region.

V. Chair Bowman: A follow-up to that then, this money that's collected will no longer be collected. Does that mean the counties are going to have to divvy up a little more to run the program?

Senator Wardner: If we pass SB 2178 which will be heard this afternoon, they will still have to come up with a match. They will still be coming to the county commissioners asking for some dollars and they will survive. If the state doesn't help out, they will be gone because you will not be able to fund them with enough dollars from our area. The eight counties are not going to be able to fund enough dollars to sustain them.

V. Chair Bowman: That's why you support this bill.

Senator Wardner: I support passing this bill and getting rid of the statutes in it.

Senator Christmann: I know you don't want to hold onto this for a long time, but as a member of the judiciary subcommittee, I wouldn't mind having it for a little bit because I'm a

little disappointed, and I'm hoping there's a better explanation than we've heard so far, as to why the law is just being ignored on this subject. If we all get speeding tickets and chose to quit sending in our fines, I don't think the solution would be to eliminate the fines. How do we know this doesn't work if it really hasn't been tried?

Senator Wardner: I think the judges would apply it if it would work. First of all, it was mentioned that most of these people can't even pay half of the fines that are assessed them. So this one is way down on the list, so if they do it, it's never collected. Many people in this situation, they don't have any money and I think the judges just say what's the use. I'm not making excuses for the judges, but I think we're trying to get blood out of a turnip.

Chairman Holmberg: Any more discussion? We'll hold onto this bill and think about it.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2028

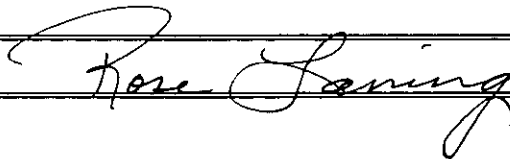
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 9, 2009

Recorder Job Number: 9050

Committee Clerk Signature



Minutes:

Chairman Holmberg opened discussion on SB 2028.

Senator Wardner moved Do Pass on SB 2028.

Senator Robinson seconded.

A Roll Call vote was taken. Yea: 9 Nay: 3 Absent: 2

Senator Wardner will carry the bill.

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

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2028

Senate _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken moved Do Pass

Motion Made By Sen. Wardner Seconded By Sen. Robinson

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

Total Yes 9 No 3

Absent 2

Floor Assignment Sen. Wardner

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2009 6:51 p.m.

Module No: SR-25-2209
Carrier: Wardner
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2028: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS**
(9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2028 was placed on the
Eleventh order on the calendar.

2009 HOUSE JUDICIARY

SB 2028

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2028

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 3/2/09

Recorder Job Number: 9882 & 9883

Committee Clerk Signature

Minutes:

Chairman DeKrey: We will open the hearing on SB 2028.

Jon Bjornson, Legislative Council staff: Neutral, explained the bill. I was the counsel for the interim committee Commission on Alternatives to Incarceration. We are bringing this bill forward from that commission. This bill is looking to repeal the community service supervision fee. These programs were set up to eventually become self-sustaining and wouldn't need further state funding. However, the state did continue to provide some funding for these programs, and for this bill, the legislative assembly appropriated some money within the Human Services division as well as the DOCR to provide some additional funding for these programs. The Commission discussed how these programs should be funded, and made a recommendation during the last interim to have something of a fund, and the Commission recommended that the Governor include a \$200,000 in the Executive Budget for the biennium that would be administered on a cost-sharing basis with the local governments. In the last session, the result was legislation that proposed to impose a \$50 community service supervision fee that would be placed upon each participant in these programs. The law actually provides in SB 2223 for the \$50 fee, and also provides that the DOCR get \$100,000 of the money that was provided to support or provide matching funds for community service

programs in the current biennium and sets aside \$125,000 to come from these fees. During this last interim, the Commission on Alternatives to Incarceration reviewed this, and over the last biennium the Commission was told that the fee had only brought in \$14,000. The Commission was informed that the judges were not imposing the fee in many cases, because the court has a hierarchy of fees and this is basically at the bottom of that list and there are probably about more than a dozen different fees that get imposed upon a criminal defendant. So the fee, once the budget is paid in full, based on the various organizations. Also, the Commission on Alternatives to Incarceration decided that they were not going to fill what we have before you, it would repeal the previous legislation from last session. The Commission had also recommended that the Governor include in his Executive budget \$500,00 to be used by the DOCR to provide active efforts community service programs that were delivered by the Department. That money was not provided in the Executive budget but there is a bill, SB 2178 that did pass the Senate, that would provide \$500,000 for the community service program and that bill basically broke down the services for the existing programs in the state. This bill would allow it to go back the way it had been before the last session.

Rep. Koppelman: This community service is in lieu of incarceration, is that essentially what it is used for.

Jon Bjornson: That's generally the case; it could be the law would make it clear for incarceration. The idea of the program is generally meant to have the defendant work off some of the debt.

Rep. Koppelman: So the other fact, I realize the logistics of these fees apparently not being imposed as was intended by the legislation passed this past session, the bottom line change would be that rather than the defendants paying a fee to fund this, the taxpayers would fund it if the other bill passes and this bill passes.

Jon Bjornson: I believe that is correct in part, the programs also are being supported at the local level, probably through taxpayers again or this bill may be some requirement that the court consider imposing some or all of this on the defendant.

Rep. Griffin: Aren't there other fees that are assessed besides this \$50 fee.

Jon Bjornson: I believe so, but not required by law specifically for this. The \$50 fee was required to support the program through the creation of a special fund. There may be additional fees imposed.

Chairman DeKrey: Thank you. Further testimony in support.

Nancy Keating, Centre, Inc.: Support (attachment). It is my understanding that the Supreme Court has come up with a figure, \$125,000 with the objective that we might be able to collect half of that. Not all of our programs in the community service association, of which I am a part of, collect the fees. We do charge people a fee every 30 days that their case is open. We are also in the surrounding counties and we get county support, some people get state support, some people have actual members of the county. The \$50 fee, and I do have the latest collections. We collected approx. \$39,000. Part of the problem is that the county clerks collect a different amount, as you can see that Jamestown collected a huge amount. Luckily they have the county clerk of their court on the community service program which has helped them quite a bit. We've asked the county clerks to collect this additional \$50 fee on top of any other number of fees that they already have to collect, which would include the maintenance court fees. The judges, some of them also give people community service, different kinds of classes that they have to take which they have to pay for, or treatment evaluations. So some of the judges are looking at the vast number of things that they are asking some of these defendants to pay. A lot of these defendants are college kids. We've tried to make a package system program that does put together the fees and the offenders and the state money. I think that

potentially some of the judges again, may have an issue with how many other fees that they have to pay on their sentence. But we're also asking the clerks to do more work but necessarily with more help. I think those are the concerns and I think we've collected maybe half of what they thought we would collect. So we collected the \$39,000 and we'll have to see how much was collected in the 2007-08 year. The association was made up of several community service association programs. It is also very confusing for the minors. They have no idea what is going on and why the judge didn't let them off and why were they charged for fees.

Rep. Klemin: Just to clarify a few points here, sometimes as part of a sentence a court will sentence an offender to community service. Then somebody has to take responsibility for supervising that person and assigning them to community service somewhere. That is the responsibility of your agency.

Ms. Keating: Yes.

Rep. Klemin: Then you supervise the individual, and assigns that person to go wherever to do that community service. Your office has to be compensated somehow in order to provide that supervision. Is that basically how it works.

Ms. Keating: Correct. We find a place for them to serve their time, such as non-profit organizations. We make a referral and the client does their hours and the organization reports back to us when they are finished.

Rep. Klemin: Then you have to report back to the clerk that they have completed their community service.

Ms. Keating: Yes, that's correct.

Rep. Koppelman: Regarding the amount collected, Mr. Bjornson indicated that not much has been collected. I did notice in the statute that it talks about the fact that fees that can be completed in installments. Are there many set up that way.

Ms. Keating: It is my understanding that the clerk of court collects on the entire balance and if they have more than one case, they apply the funds to the oldest case first. So it is conceivable that down the road some funds may be reimbursed.

Rep. Delmore: Are those just the \$50 fees.

Ms. Keating: Yes.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to SB 2028.

Rep. Delmore: I move a Do Pass with a rereferral to Appropriations.

Rep. Wolf: Second.

12 YES 1 NO 0 ABSENT

DO PASS WITH REREFERRAL TO APPROPRIATIONS

CARRIER: Rep. Klemin

Date: 3/2/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2028

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ DP ☐ DNP ☐ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Delmore Seconded By Rep. Wolf

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser	✓	
Rep. Kingsbury	✓				
Rep. Koppelman		✓			
Rep. Kretschmar	✓				

Total (Yes) 12 No 1

Absent 0

Floor Carrier: Rep. Klemin

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

w/ Rereferral to Approp.

REPORT OF STANDING COMMITTEE

SB 2028: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2028 was rereferred to the Appropriations Committee.

2009 HOUSE APPROPRIATIONS

SB 2028

2009 HOUSE STANDING COMMITTEE MINUTES

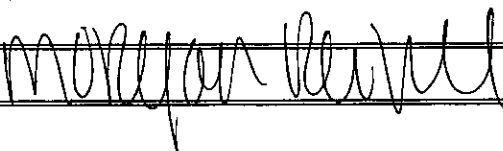
Bill/Resolution No. SB 2028

House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: 3/12/09

Recorder Job Number: 10854

Committee Clerk Signature 

Minutes:

Chairman Pollert: Opened the hearing on SB 2028.

Becky Keller: This bill came out of the commission on alternatives to incarceration. The intent of the bill is to repeal the community services supervision fee that was put in to code during the last session. I believe the reason for the repeal is they are not collecting the fee like they thought they would be. The money just isn't there. Then the next bill we will be hearing later on we will be putting in an appropriation to replace this money.

Chairman Pollert: That is why I scheduled both bills today since they are related.

Del Horn: I'm a representative here from Jamestown as a representative for the community corrections association. We are here in favor of this bill to repeal the community service supervision fee as collected by the court system. This is the amount that was collected through September of 2008. That amount collected was \$38,713.96. As you can see it is a figure that is roughly ¼ of what was to be collected in the 2 year biennium. This afternoon we were given some new numbers as to what was collected as of February 28, 2009. That total number that was in the bottom right hand corner should read \$52,344. That is just what we learned today.

We have 4 months left to collect for the last biennium. We are roughly sitting at collecting \$62,813 in this biennium which is half of what SB 2243 from 2007 is set to collect. We would

strongly urge you to repeal this bill and vote yes for SB 2028. It has a variety of reasons why it's not working. One of the reasons could be a philosophical reason by the judge to determine an offender is not capable of paying and they aren't giving them community service. Or it could be that the offender has not been able to pay his fee that he is required to pay. It could be that the clerk has not been able to collect the fee. There is a wide variety of reasons as to the alternatives to incarceration fee attempting to flush out and we are unable to do so and that is why they came up with this rebid of the bill.

Chairman Pollert: What was the total appropriation? Wasn't there \$200,000 plus this for the community supervision? I'm just going off of memory.

Dell Horn: There was \$100,000 that was put into the department of corrections budget for this. It was projected by Legislative Council that through the Supreme Court that \$125,000 would be collected in a biennium to come up with a total of the biennium of \$225,000.

Chairman Pollert: So you are saying right now that there is \$100,000 in the DOCR budget?

Dell Horn: No.

Chairman Pollert: Is it general funds? I want to know last biennium plus this \$125,000 that was in SB 2243 and then what is currently for this year? Was that a general fund appropriation? We were trying to get money last session that wasn't going to come out of the DOCR budget. That is why we did what we did.

Representative Wieland: You are exactly correct. I don't remember what the DOCR had in prior to last session. They had removed it from their budget and weren't going to contribute anything. This was a method by which we wanted to see if the offenders could be paying some of those costs.

Dell Horn: We do have some numbers available to you if you are interested in hearing about them before SB 2178 which would help you in this regard for the money that has been collected by the different regions for different funds and different fees.

Chairman Pollert: I was hoping to have the numbers. As long as it pertains to SB 2178 I want to hear it. Didn't we have a discussion last biennium because the DOCR said it wasn't a state issue that it was a local community issue and that is why they didn't want to fund it? I'm trying to find out if that is correct or not. If you can send me on the path so you can set us up.

Dell Horn: that is a slippery slope.

Chairman Pollert: You can give me your opinion, that's fine.

Dell Horn: There are 3 entities that have ownership in community service. The state has an interest because we do help keep people out of the state penitentiary and we give them alternatives to the judges for sentencing. The local counties have an interest in community service. It does keep people out of local jails and do the same sentencing. It also provides workers to those people in different capacities for different organizations in order to perform free labor. It gives the offender an opportunity to repay society what they have taken away in both their offense and keeping them out of jail and saving the rest of us a bit of money.

Representative Kerzman: I'm just wondering why the fiscal note doesn't coincide with what we are hearing about the \$200,000?

Chairman Pollert: It is for \$80,065.

Representative Wieland: I can explain the \$65,000 because they have here the amount that is collated by region. They are estimating that they are going to take in about \$66,372 a year. I'm assuming that they rounded that to \$65,000.

Chairman Pollert: The focus was to do \$125,000. Our numbers aren't adding up.

Becky Keller: The fiscal note is based on the judicial branch estimating they will receive \$60,000 for the 07-09 bienniums. They will only pick up the \$80,000 in 09-11 rather than the \$125,000 that they were supposed to.

Representative Nelson: I was the other person on work with this the other time. We knew this funding was soft. It came from a soft source. We really wanted to keep the community service program alive. I'm curious because we just have the DOCR in here a week ago. They talked about restructuring the divisions. In that restructuring they talk about the communication level has truly improved to a great degree because of this restructuring and they are working with entities like yours to create programs for transitional programs. What is your experience with the restructuring program and the communication level with the DOCR and community service?

Dell Horn: I have not notice a change in the local level. I have felt that my office has always had a good working relationship with a parole and probation officer. I haven't seen a change as far as an increase or decrease. I don't believe we had a bad relationship to begin with.

Representative Nelson: Is that why in looking at the chart that in Jamestown it looks to me that you are collecting more fees from the judges there than any other part of the state. Would that be one of the reasons as to why that is taking place?

Dell Horn: I don't believe those two are related. There are several factors. Jamestown is collecting more. I have a clerk in Stutsman County who sits on my board. I have talked to each judge in my district. I have talked to all the clerks in my region. I have let them know my feelings on how important this is with my program. I can't say how the other judges throughout the state are. Within my region I have a judge who does not order community service. It is not his philosophy. If it comes up on a case in which his philosophy is different than others, he

uses his. I don't believe that the relationship on how the DOCR changed is directly related to the collection.

Chairman Pollert: It says here that the funds are used by the DOCR to provide community service supervision grants. Would that tell me that all these fees plus the \$100,000 if we get that answered and all of that is run through the DOCR so it is basically a DOCR function. Am I correct by the way that the fiscal note reads?

Becky Keller: DOCR provides the funding for grants and then the community corrections agencies actually provide the service. It's indirectly a DOCR function.

Chairman Pollert: So the money is collected from the fees that are set through the DOCR and the agency which is then dispensed out to the regional centers?

Dell Horn: Yes that is what has been happening.

Chairman Pollert: So for the 07-09 biennium you worked on the budget of roughly \$162,000? So for the 07-09 biennium you got by with \$162,000 is that what this is telling me?

Dell Horn: Plus other funding sources for each additional region. Most regions are functioning off of that.

Chairman Pollert: I would need to know what that is too. Whoever comes up for testimony you will want to know those numbers too. SB 2178 you are asking for half a million.

Dell Horn: Yes SB 2178 is asking to increase the portion that is already in the Governor's Budget to half a million.

Becky Keller: For the 07-09 biennium the DOCR has in its appropriation authority \$100,000 from the general fund and \$125,000 from the supervision fees that were supposed to be collected. For the 09-11 biennium the executive recommendation included \$200,000 from the general fund and \$125,000 from the fees.

Chairman Pollert: So there is \$200,000 in the DOCR budget.

Becky Keller: There is \$325,000. \$200,000 is from the general fund and \$125,000 is from the fees.

Representative Wieland: Where does the \$500,000 come in?

Chairman Pollert: It will come in with SB 2178. I would suspect someone on the Senate side prime sponsored the bill and that is why it is in front of us.

Charles Placik: I handle and work with the members of the community service association. Some of the questions that you and others have raised I am going to testify neutral in this matter. (Attachment B).

Chairman Pollert: I might have heard you wrong but I thought you said that the 07-09 biennium that there was an agreement that there was expended \$100,000 general funds plus the \$125,000?

Charles Placik: The discussion was how would this be funded? One of the funding options I presented was \$50,000 of general funds and \$50,000 in the next. A decision was made to use all of the general funds in fiscal year 2008. They would wait until there was an accrual in the state special fund and expend it to \$125,000. If we raised the whole \$125,000 they wouldn't expend it at all. What I plan on doing is making the original grant award of 25,723 as you find on page 2 and as I have indicated to the association, we anticipate another grant award of the balance of the fund this biennium. So in time we can make the apply back to this biennium. The maximum funding authority is 100 general and 125 special.

Representative Bellew: Legislative Council told us in your upcoming budget that there is \$200,000 general and \$125,000 special for community service is that not correct?

Charles Placik: Correct.

Chairman Pollert: So if 2028 stays intact, it would be required to raise another \$125,000?

Charles Placik: What it would tell me is that there is \$200 of general and a spending authority of the \$125,000.

Chairman Pollert: So I will go back and when someone comes forward to talk in favor of SB 2028 that will be a discussion, if this biennium was expended I understand where the supervision fees will be for the second year of the biennium. That would be my thought. You are working on \$165,000 basically. In SB 2178 you are asking for half a million. They have mine at \$165,000 for this biennium. Could you get by for the \$200,000 that the DOCR has in the current budget?

Holly Neubauer: Attachment C

Chairman Pollert: You have been raising money for program fees. You were trying to raise fees from the guilty parties?

Holly Neubauer: Yes.

Representative Nelson: It should be pointed out that they weren't trying to do it, it was our decision.

Chairman Pollert: I understand that but we are trying to keep the program alive to at the same time. If not it would be dead and you would be working on \$100,000. That is what we were trying to do. That is what we are up against. Where do the program fees come from?

Holly Neubauer: The programs fees come from the clients that we serve. When they come from our agency or organization to complete community service, each organization has a fee that they charge the client. An example would be if you are ordered to do 240 hours of community service for driving under suspension, you contact an office, schedule an appointment and have to bring a \$50 fee to set up the community service and to monitor them completing the service. Each agency does that. They charge the program fee.

Chairman Pollert: Am I wrong by saying that we are trying to double fee?

Holly Neubauer: I would like to add that in response to Representative Nelson's comment that each organization does try to program fee. With the Fargo region, my judges had decided when this bill was implemented that I could not charge an additional \$50 community service fee. It was ordered through the court I couldn't charge the fee. I have lost money based on this bill because if the judges don't order the fee if I want to get the referrals I can't charge a fee. I have to do what the judges want me to.

Chairman Pollert: There was quite a bit of work done trying to get this thing worked out last session.

Representative Wieland: What judges do you deal with primarily in Cass County and did all of them to a person or was the decision made by the presiding judge?

Holly Neubauer: Judge Herman, Gerby, Dawson, Seeger, and Corwin. It depends on who is doing criminal and who is doing civil in their rotation. Ultimately when the bill was brought to the legislator I spoke to the judges and informed them that this is what we were looking at. This was the language that was going to be represented in this bill and what the thoughts were on it. Many didn't have comments simply because they weren't sure what was going to happen. This bill went back and forth and it was changed several times. I didn't think they wanted to be preemptive in making a decision on what they wanted to do. When the language was actually implemented and they were required to follow through with it, each judge was different as far as if they wanted to order community service. There isn't one particular judge in Cass County or is it more than the other. I would say across the board I have a large support of the community service program. I couldn't say why it was not being ordered or corrected other than they are forgetful or the clerks aren't checking it. Some of the same things that they had pointed out.

Representative Wieland: You just stated that they said they weren't going to let you collect it anymore because of this and they aren't going to collect it either? Is that their position?

Holly Neubauer: That is what has happened, yes.

Representative Wieland: I look at Jamestown who collected almost \$16,000 and they said they went and worked the judges. I know you go around and ask a lot of people for money. I would have worked those judges. I'm a little disappointed someone didn't call me and ask me to help them. I know these people and I know a couple really well. You should utilize those of us that pass the bills. If we did it we thought we had a good reason to do it. We could try to intervene in connection with that. For Fargo to only contribute \$3,600 so far is horrible. Taking away your fee beside that there is a lot of people that come before them that money is not a problem. I know there are some that can't afford it. There are a lot of people that have a lot of money that come before and they are happy to get out and do some community service. They are willing to pay what it takes. For them to let us off the hook that easy is not very good.

Representative Nelson: I will never say that I thought this was the best source of funding. What Representative Wieland and I did was went to the Supreme Court and met with the judges. We tried to figure out the number of people with delinquent payments. There was no expectation that everyone was going to pay this fee. We certainly didn't get indication from people in the Supreme Court that there were judges out there that were opposed. That was never part of the argument of non collection was the fact that they weren't ordering community service. This is totally new to me. I'm not real happy to hear that two years later. How do you exist?

Holly Neubauer: I write a lot of grants.

Representative Nelson: So you are able to write grants to stay afloat?

Holly Neubauer: Yes.

Representative Nelson: Are you spending at a deficit level in addition with the grants or are you above water?

Holly Neubauer: In 2008 we were above water. This year we don't have a grant. In response to Representative Wieland I don't believe it is not the judges being supportive of the community service program and the fee, I think the break down comes when the clients or the offenders just aren't paying. A lot of times when the clients or offenders are being brought back into court for various matters whether it will be for non compliance or treatment it is being reduced to a civil judgment and they have years to pay what they have remaining as far as fees returning the courts. That community service fee as far as collections. That is part of why we aren't seeing money from Fargo. It's just not being sent.

Representative Wieland: If we didn't do this then you are able to reinstitute the \$50 that you were collecting before. How much would that bring in?

Holly Neubauer: In 2008 we saw over 200 district court community service referrals. It would be about \$10,000.

Chairman Pollert: So you receive less money on what we did than if you would have kept the \$50 in place.

Holly Neubauer: Continued testimony.

Representative Wieland: The state of ND isn't totally immune from having funds dry up either as you well know. We are in a fortunate position this biennium but the way we are spending money I'm not sure we are going to be in great shape for the next one. If you go after general funds and don't have any way to have special funds and that source dries up, what do you do?

Chairman Pollert: This diagram is for all the regions?

Holly Neubauer: It would be totals for all community service organizations throughout the state. I do have each organization separated but it's extremely ugly to look at.

Chairman Pollert: If the \$50 would have stayed in place state wide what would that have meant?

Holly Neubauer: I don't want to speak entirely for everyone but I do know that the \$50 community service fee as well as the fees they are trying to collect have helped some of the smaller organizations. If the judges are ordering it and it has been collected. If it's not then it has a negative effect. It depends on each region and what judges are doing and what is being collected.

Chairman Pollert: I would hope someone from a smaller region would come forward and tell us what that \$50 would have meant for them. I will ask them the same question. Would you have been better off with the way this had been arranged in last biennium or better off with the \$50? Do you have increased case load?

Holly Neubauer: I do.

Chairman Pollert: By how much?

Holly Neubauer: In 2007 we saw 1,116 people. In 2008 we saw 2,124. I do have to say a positive to SB 2028 was that my judges increasing the ordered community service as an alternative to incarceration. We did see an increase in numbers to response to that bill. It did have a negative effect fiscally.

Nancy Keating: First of all don't think we don't appreciate the fact that there was a lot of work put on this with the special and general fund. We came very close to not getting any funding and we are very appreciative of that. I think what happened is there had been a termination of funding. This was worked out and it has helped people. As the \$50 fee per month we are at the bottom of the fees that the clerks collect. We also fight the fact that some people don't get around to paying. I think we have added some work for the clerks of court. I don't think it's not that people don't want to support us but we always have a problem before this \$50 fee and

having people actually take care of the court obligations. One of the big issues with it is it is not consistent. When you are running a nonprofit it is small and you are looking at different things. What you need is consistency of funding. That has been an issue for people. As for the \$500,000 even though the DOCR budget has things coming up at the last minute and we are probably at the bottom of their list of priorities. We just don't want to suddenly find out at the last minute that we are left without any kind of funding.

Chairman Pollert: what would have happened if we wouldn't have done that and you would have been on the \$50 community service supervision fee?

Nancy Keating: I can't answer that. We have a business department in Fargo that takes care of those kinds of things. I can tell you that when we lost the DOCR funding we went out and got money from Burleigh and Morton county. One of the things that they say is that as counties they always think the state has to do the shares for the counties and people themselves that are getting in trouble. Generally speaking the counties are just thinking as a philosophical issue that they are looking for state funding as well. Our numbers are down in the number of people that we have been referred to by the judges. I think there are some other programs that have seen fewer people that have been referred. They have to keep in mind that the judges are sending people out to get evaluations or treatments and classes. They might look at something and say that they would have given someone community service for this and now it is more important that they get treatments and evaluations.

Representative Wieland: You said your numbers are down?

Nancy Keating: Yes.

Representative Wieland: Is that your only source, referrals from courts?

Nancy Keating: Pretty much. We do get some referrals of people who are felony cases that go through probation and parole and are referred to us. We get a few people who are doing

supervision fees for probation but basically yes. If we don't get them from the district court, juvenile court, and after school suspension that is where our referrals come from.

Representative Kerzman: Has drug court affected your numbers?

Nancy Keating: That is really flexible. I have no control over that. I have no control over how many people come over. It has always been a lot of this. In fact our referrals have done this anyway. We get a lot of minors in possession. I honestly couldn't say one way or another.

Andy Horner: You are asking about a smaller program and I am one of those. On that we saw that we had \$60 collected for a whole year. That was all of the support I got from any of the other sources. I had the program fees and the fees I got from the counties. We have been using set aside money that we have collected over the years. We do some drug testing for the court for bond conditions and as a yearly program. We were able to set money aside.

Unfortunately that is running out fast. My program is on its last leg pretty much? I don't think the judge's attitude about the SB 2028 fees made a large difference. My case load is off and smaller. Some of the offenses that they did applied community service too. It was because they thought that the young people with MIC/MIP things are getting over taxed. They come in and pay the court fee and fine. It starts to pile up on them. They thought it was a bit in excess. They have a bit of an indigent population. I think they back up a bit on the amount they have committed.

Chairman Pollert: If we would have been on the \$50 supervision fee, you have \$60 here?

Andy Horner: As far as not having SB 2028 in there, that is how I existed with just what I collected.

Chairman Pollert: But the \$50 supervision fee, that is my question. If the old \$50 community supervision fee is still there what happens?

Andy Horner: I will still collect these.

Chairman Pollert: So that is just in Fargo that it was eliminated in?

Representative Nelson: Dave can explain how the bill actually works. You still get the \$50 fee that was charged before?

Holly Neubauer: I want to add that in response to Fargo and eliminating my \$50 fee the judges thought it was punitive on the offender to charge them \$100 to do community service. If they are paying the court the \$50 and my organization \$50 it is a lot of money. From their point of view it was too much to charge. That is why they are eliminating the collection of my fee. On top of that they are also being required to pay other things.

Representative Nelson: You still get the \$50 fee that was charged before?

Holly Neubauer: My program fee? I do not collect one for community service through district court?

Representative Nelson: There is no personal responsibility from the offender in Fargo from community service?

Holly Neubauer: No. They are supposed to pay a court but not my program directly.

Chairman Pollert: Is Fargo the only area that did that?

Holly Neubauer: Yes.

Dave Denich: Currently service counties of Bottineau, Pierce, and McHenry. That is with 2 different judges presiding. One of the judges serving Pierce and McHenry does believe in the state fee. He does implement that on a fairly regular basis. He will make an exception if he feels the person cannot afford to pay that extra fee. The other judge in Bottineau County does not believe in the state fee. I'm not sure what his reason is. We have tried to get him into that process. The States Attorney in Rugby has tried to talk to him in several occasions and we cannot change his mind as far as the state fee goes. We collected \$2,100 and that was from one judge's implementation of the fee. We couldn't get the other judge on board but we would

have more funding from that source if we could. In those two counties, the offenders are paying a \$40 local fee to our office plus they pay the \$50 state fee. In turn they are paying \$90 to be performing community service out of their pocket.

Representative Nelson: Can you tell me about the grant writing aspect that Holly has been doing to make up short falls. Have you tried to apply for grants? If there are some of the smaller community programs that I have, I'd like to know how that is working for them as well.

Representative Wieland: What is the cost of an ankle bracelet per day?

Chairman Pollert: It's \$5 or \$6?

Charles Placik: The current contract for the DOCR for the GPS is \$8.50. That is the GPS.

Representative Wieland: That is about \$240 a month to stay out of jail. I don't understand why this additional \$100 on top of the \$90 that they pay in most cases. I agree that someone can't afford that. That is one matter. For the people who can afford it, it's less to stay out of jail than if they would have an ankle bracelet.

Deb Schuler: There are two points that you asked about that I would like to address. That is with the DOCR Grand Forks has its first adult drug court. That is definitely increasing my community service by quite a large number. It just got started a few months ago that if her clients are not working or keeping them out of trouble. It's new but we are seeing it be utilized quite a bit. With the clients I'm serving our judges still support our program fee. The one positive it did for me is that I finally got my county to support me. I went to them and said here is a new bill and if we wanted local support. I went to them and said there was a new bill for local support and offender support. After many years of requesting funding I do have some support.

Joanie Anderson: I'm from Minot. I do Ward, Renville, and Burke Counties. I am in favor of a yes vote on this bill. We haven't gotten a lot of funding on this. I have judges that use my

program the most. The other judges is sporadically and if it is, it's for 10-15 hours of community service. We still do charge our \$40 fee. We have a \$15 monthly fee. That is kind of incentive to get their hours done quicker. I tried to explain to them to get it done the first month so it will only cost them \$40. We have had the luxury of having some of our clients be hired by our work sites. In your packet a probation client of mine had 300 hours of community service. First she wasn't doing what she was supposed to do so she got revoked, sent to treatment, and then had to do her community service. She did it with the thrift store which is a program from our agency called Restore. She did her \$300 of community service and she did such a well job that she was hired and was our store manager for over 3 years. We have some success stories that show that our community service programs do work. I explain to our clients to treat it like a real job because they can usually get a referral for another job.

Sometimes they get hired. We have had two more people hired just recently because they have done a good job and sometimes the economy right now isn't out there. They already have someone who has done 50 hours of community service and know what is going on in the business. Then if they hire them they don't have to train them too. We do the victim impact panel which we just had last night. That helps offset some of our loss recently. They have to pay for the panel when the courts say. We are seeing about 30-35 people which has been down. We are hoping it is because people aren't getting busted for drugs. I had the Attorney General's office call and get our numbers to see if the judges are really ordering them to do this. They come in twice a week and have to be tested. We send the results every Friday to our state attorney's office.

Representative Kerzman: I was wondering if we could find out the percentage of people who have had the ability to pay and those that don't. The number of people that I have bumped in to can't really pay. A lot of them don't have the means to pay. Is there any way we can get a

percentage?

Charles Placik: That's a tough number of percentages. It depends on the program. You received some of the numbers from Dave Krabbenhofft regarding our supervision fee. Off the top of my head it was right around 64%. That is cash collected on debit. We do waive internally if we have someone on SSI or a mother on TANF. We do waive those. I'm not sure if we can get the percentage. It really depends on programs. I'm not sure how I would do that.

Representative Kerzman: What does a court look at as far as setting a precedence? Can they pay their child support or anything else for court fees? If they can't pay rent or child support what happens?

Charles Placik: As testified and it is true, the court does have a higher level of fees. I believe there are about 10 fees that are on the restitution court fees. I believe that this particular fee ends up or was placed on the bottom. As far as child support of course, the fees that I'm referring to as well are criminally imposed fees, child support would be over here. That is true. There is a hierarchy of fees in the collection. If they pay \$100 they apply it to the hierarchy until it's paid.

Representative Kerzman: With child support there is a wage assignment and you will have someone get out and do community service and has a little part time service job and take child support out. That limits that persons means to pay that.

Charles Placik: That is correct.

Representative Wieland: I think this is still optional for the court. They don't have to impose a fee every time they have community service. When we talk with the judge with the Supreme Court they said they would only impose it if they could afford it. I guess to continue here I don't know why you would want us to kill what was in SB 2028 which provides you with some money. I don't know what is going to happen with the other bill. Why would you want to do

that? There are people that can afford it. I know there are young people driving cars as new as mine and get picked up for a DUI and the old man will write a check for whatever it pays. They should pay. Those that have child support and all that don't earn very much I wouldn't care if they would ever collect that.

Charles Placik: Here is a scenario on how long it takes to collect some money. When I send my cases back when they have them completed and there is a fee collected, I just got a check from the City of Minot bond fund for \$46. That case was closed on April 28, 2004. That just shows how long it has been for municipal court to collect that money. They aren't as high as district court.

Representative Nelson: That reminds me of a question we had two years ago. The mix of court cases that you administer community service for, in your case do you have a city, county, state type of situation? What is of your approximate mix? You probably don't have that on hand.

Joanie Anderson: They are working off their fine because they can't afford to pay their fine to court. They will come and work community service.

Representative Nelson: That is not truly community service then. From what we are talking about is it?

Joanie Anderson: The bill doesn't affect municipal courts at all. What I have done lately is not release the hours until the fees are paid. They are more apt to get the money into us. That has helped. Now with the new alcohol class out for an MIC they will have them go to that and maybe the second time they will get community service. We just started drug court two months ago in Minot and I just had my first case on Tuesday. I got the call at four and he needed 20 hours done.

Chairman Pollert: We will close the hearing on SB 2028.

2009 HOUSE STANDING COMMITTEE MINUTES

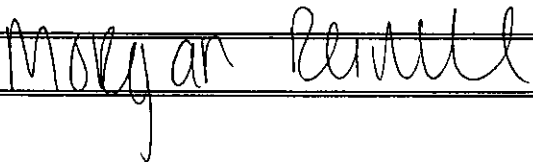
Bill/Resolution No. SB 2028

House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: 3/23/09

Recorder Job Number: 11416

Committee Clerk Signature 

Minutes:

Chairman Pollert: Opened the hearing on SB 2028. It originally came to us to repeal the community supervision service fees.

Representative Wieland: We discussed this and decided that Fargo has a more severe problem than anyone. We decided to keep this bill together to provide some funding for the agencies. Our amendment states we will remove the wording 'repeal of' on line 2, remove the overstrike from community service, remove the overstrike of supervision fee, and remove the overstrike over lines 23, 24. Page 2 removes the overstrike over line 1. On page 2 line 2 after 50, insert 25 and remove the overstrike over dollars, community service supervision fee must be deposited in them. Basically what we are doing here is keeping this alive and reducing that fee from \$50 to \$25 for those. It would be in direct from the region that the agency is in. The courts in that would just fund directly to the community service agency. In the case of Fargo which we are going to leave it as is. It's not fair to Fargo that the courts there have decided that they removed the \$50 fee. I personally am going to visit with them as is the Chief Justice of the Supreme Court. He didn't feel that they should have that either. He isn't going to force or mandate them to do it. It still is an optional thing. It is optional for the courts to decide if they can afford the \$25 or can't. I realize that this is not law. I just feel that we will visit with the

courts in Fargo and see if they don't want to institute this. They shouldn't penalize the agency because of this bill. This is just additional funding that should be provided. Basically we have left the bill intact but changed it from \$50 to \$25. That is basically what the amendments do.

Chairman Pollert: Is it your hope that the \$60,000 that they were collecting that it still will be collected?

Representative Wieland: I think we talked about the fact that we would be looking at \$50,000 because we cut it some. It gives the agencies the opportunity to work on the courts a bit and encourage it where the individual can afford it. We talked about the fact that we did not want to have someone who is overburdened with fees and could not afford it that they should have to pay it. Even though they reduced it some, there are still people who can afford this and will pay for it. They should have a say in their supervision fees. It also allows each agency to contact their community and county and to get grants. They still have all those other options. We have increased their funding.

Chairman Pollert: They had \$100,000 plus the \$60,000.

Representative Wieland: They are at \$250,000 up from the \$100,000.

Chairman Pollert: Plus what they collect in the supervision fee. They are going to have \$300,000 to work with. It is still an incentive for them to try to collect the supervision.

Representative Bellew: I have two things. The first thing is that I did speak with one of our district judges in Minot. He said the Minot judges are assessing this fee. They have no problem with the \$50 fee. They do review the cases. If they can't afford that it is not assessed. They do assess the \$50 fee where appropriate. I think the people should pay for their community supervision. The other question I have is where do the fees go. Who collects them and who distributes them?

Representative Wieland: I think the fees are collected and remanded by the courts. That was

our intent. Basically we have taken the DOCR out of one job which they probably object to. I move the amendment .0201.

Representative Kerzman: I will second that.

Chairman Pollert: Is there discussion?

Representative Bellew: I will offer a substitution to keep the fee at \$50.

Chairman Pollert: Is there a second?

Representative Wieland: I'm not going to second the motion only because we did spend some time discussing it and we have come to an agreement between us to reduce it to \$25.

Chairman Pollert: If I don't get a second the motion fails. Amendment .0201 is at \$25. This is an increase to the community supervisions compared to last session. We will take a voice vote. The motion passes. We have the adoption of the amendment.

Representative Nelson: I will move a do pass as amended.

Representative Wieland: I second that.

Chairman Pollert: Is there any discussion?

Representative Kerzman: I still don't like the fees but I will support it. We will see what happens in the next biennium.

Representative Bellew: I have a disagreement and I won't support this.

Chairman Pollert: We will call the roll for a do pass as amended on SB 2028. The motion passes 6-1-1.

Representative Nelson: I will carry this bill.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2028

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: March 25, 2009

Recorder Job Number: 11529

Committee Clerk Signature

Nancy L. Gerhardt

Minutes:

Rep. Nelson explained amendment .0201 (Attachment A). Move the amendment.

Rep. Wieland: 2nd.

Chm. Svedjan: Is there any discussion on the amendment? Seeing none I'll take this on a voice vote – All in favor of adopting 0201 to SB 2028 say Yea – Unanimous voice vote – opposed say Nay – none. Motion carries the amendments are adopted.

Rep. Nelson: This bill allows the courts to continue to levee that fee. I move a Do Pass As Amended.

Rep. Kreidt: 2nd.

Chm. Svedjan: Do Pass As Amended, 2nd by Rep. Kreidt. Is there any discussion?

Rep. Bellew: they lowered the fee from \$50 to \$25. The Minot judges had no problem collecting this fee.

Chm. Svedjan: If there is no further discussion I'll take a roll call vote on a Do Pass As Amended for SB 2028.

Vote: 19 Yes 2 No 4 Absent Carrier: Rep. Nelson Motion carries.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2028

Page 1, line 2, remove "repeal of"

Page 1, line 6, remove the overstrike over "~~Community service~~"

Page 1, line 7, remove the overstrike over "~~supervision fee~~"

Page 1, remove the overstrike over lines 23 and 24

Page 2, remove the overstrike over line 1

Page 2, line 2, after "fifty" insert "twenty-five" and remove the overstrike over "dollars. The
~~community service supervision fee must be deposited in the~~"

Page 2, remove the overstrike over lines 3 through 5

Page 2, line 6, remove the overstrike over "4." and remove the overstrike over "~~or community
service supervision fee~~"

Page 2, line 14, remove the overstrike over "~~or community service supervision fee~~"

Page 2, line 15, remove the overstrike over "~~or a community service supervision fee~~"

Renumber accordingly

Date: 5/2/11
Roll Call Vote #:

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

House Appropriations Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number SB 2028 2028

Action Taken move amendments 0201

Motion Made By Rep. Wireland Seconded By Rep. Kerzman

[illegible]

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice vote
motion passes

Date: 5/25/11
Roll Call Vote #:

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

House Appropriations Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number SB 2028

Action Taken DO pass as amended

Motion Made By Rep. Nelson Seconded By Rep. Witland

[illegible]

Total (Yes) 6 No

Absent

Floor Assignment

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

VR
3/31/09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2028

Page 1, line 2, remove "repeal of"

Page 1, line 6, remove the overstrike over "~~Community servlee~~"

Page 1, line 7, remove the overstrike over "~~supervision fee~~"

Page 1, line 23, remove the overstrike over "~~In addition to any court administration fees that may be imposed under~~"

Page 1, remove the overstrike over line 24

Page 2, remove the overstrike over line 1

Page 2, line 2, after "fifty" insert "twenty-five" and remove the overstrike over "dollars. The community service supervision fee must be deposited in the"

Page 2, remove the overstrike over lines 3 through 5

Page 2, line 6, remove the overstrike over "4." and remove the overstrike over "~~or community service supervision fee~~"

Page 2, line 14, remove the overstrike over "~~or community service supervision fee~~"

Page 2, line 15, remove the overstrike over "~~or a community service supervision fee~~"

Renumber accordingly

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

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2028

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 90232.0201

Action Taken adopt amendment .0201

Motion Made By Nelson Seconded By Wieland

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment Voice Vote - carries

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

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

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2028

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number • 0201

Action Taken Do Pass as Amended

Motion Made By Nelson Seconded By Richard Kreidt

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

Total (Yes) 19 No 2

Absent 4

Floor Assignment Rep. Nelson

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

REPORT OF STANDING COMMITTEE

SB 2028: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). SB 2028 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "repeal of"

Page 1, line 6, remove the overstrike over "~~Community service~~"

Page 1, line 7, remove the overstrike over "~~supervision fee~~"

Page 1, line 23, remove the overstrike over "~~In addition to any court administration fees that may be imposed under~~"

Page 1, remove the overstrike over line 24

Page 2, remove the overstrike over line 1

Page 2, line 2, after "~~fifty~~" insert "twenty-five" and remove the overstrike over "~~dollars. The community service supervision fee must be deposited in the~~"

Page 2, remove the overstrike over lines 3 through 5

Page 2, line 6, remove the overstrike over "~~4.~~" and remove the overstrike over "~~or community service supervision fee~~"

Page 2, line 14, remove the overstrike over "~~or community service supervision fee~~"

Page 2, line 15, remove the overstrike over "~~or a community service supervision fee~~"

Renumber accordingly

2009 SENATE JUDICIARY

CONFERENCE COMMITTEE

SB 2028

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB2028

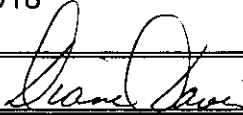
Senate Judiciary Committee

☒ Check here for Conference Committee

Hearing Date: 4/16/09

Recorder Job Number: 11918

Committee Clerk Signature



Minutes:

Conference Committee

Senator Lyson, Chairman

Representative Nelson

Senator Olafson

Representative Wieland

Senator Nelson

Representative Kerzman

Senator Lyson asks Representative Nelson to explain the amendments the House put on the bill. Rep. Nelson says they reduced the community service supervision fee from \$50 to \$25. He relates in the testimony they heard the fee is being implemented sporadically across the state and some areas that are collecting it are very supportive of the fee. He said in the Fargo area the judges refuse to impose the fee, so there is no support coming from them. They feel this bill would be a tool to sustain and implement the programs. They thought the \$50 fee might be an impediment to some judges so they reduced it to \$25. Senator Lyson asks if they know how much money was put in from the general fund to keep the program going. Rep. Wieland responds that currently there is \$200,000 in the DOCR budget which was removed and they put \$250,000 into 2178. This bill had no general fund money in it, before or now. He said it brought in \$62,000 in the last biennium. He thinks if they get Fargo to work on this they

could bring in between \$40,000 and \$50,000. Senator Lyson said he worries that by lowering the fee we put the burden back on the county. Rep. Kerzman said the bill came to the House with no fee on it. Senator Nelson relates that the fees were taken off because the no one was doing it anyway. Rep. Wieland said he had some discussion with the Chief Justice of the Supreme Court in regards to this and the other bill and he was disappointed that the other judges didn't enforce this. It is optional and gives the judge the option if he feels the individual can't come up with the money. The House committee felt that the people who can afford it should pay something and not put the burden on the public and the counties. He said he intends to have conversation with the judges in Fargo. Rep. Nelson said when they reduced the funding in the other bill they thought it was necessary the community service programs had another source to draw from. He believes this is a good mix.

Senator Nelson motions for the Senate accede to the House Amendments

Senator Olafson seconds

Roll call vote – 6 yes, 0 no

Senator Lyson will carry

Date: 4/16/09

Roll Call Vote #: 1

2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. **SB2028** as (re) engrossed

Senate _____ Judiciary _____ Committee _____

☒ Check here for **Conference Committee**

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

Senate/House Amendments on SJ/HJ pages(s) 1166 -- _____

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

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

Motion Made By Sen. Nelson Seconded By Sen. Olafson

Senators				Y e s	N o	Representatives				Y e s	N o
Senator Lyson -Chair	☒	☐	☐	☒	☐	Rep. Nelson	☒	☐	☐	☒	☐
Senator Olafson	☒	☐	☐	☒	☐	Rep. Wieland	☒	☐	☐	☒	☐
Senator Nelson	☒	☐	☐	☒	☐	Rep. Kerzman	☒	☐	☐	☒	☐

Vote Count 10 Yes 0 No _____ Absent

Senate Carrier Sen. Lyson House Carrier Rep. Nelson

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

REPORT OF CONFERENCE COMMITTEE

SB 2028: Your conference committee (Sens. Lyson, Olafson, Nelson and Reps. Nelson, Wieland, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1166-1167 and place SB 2028 on the Seventh order.

SB 2028 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

SB 2028

COMMUNITY SERVICE FEE COLLECTED BY REGION
FROM SENATE BILL 2243

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

		August-February	March-June	July-Oct.	Total
1	Willison	\$0.00	\$0.00	\$0.00	\$0.00
2	Minot	\$50.00	\$150.00	\$730.00	\$930.00
3	Rugby	\$1,050.00	\$1,050.00	\$700.00	\$2,800.00
4	Devils Lake	\$20.00	\$40.00	\$0.00	\$60.00
5	Cavalier County	\$0.00	\$0.00	\$0.00	\$0.00
6	Pembina County	\$39.00	\$0.00	\$0.00	\$39.00
7	Grand Forks	\$1,158.74	\$491.26	\$650.00	\$2,300.00
8	Dickinson	\$605.00	\$350.00	\$300.00	\$1,255.00
9	Bismarck(Rural)	\$220.00	\$200.00	\$800.00	\$1,220.00
10	Bismarck (Urban)	\$1,490.00	\$1,580.00	\$1,250.00	\$4,320.00
11	Wells County	\$200.00	\$250.00	\$375.00	\$825.00
12	Jamestown	\$6,635.00	\$4,140.00	\$5,204.96	\$15,979.96
12	Barnes County	\$0.00	\$100.00	\$0.00	\$100.00
13	Fargo	\$850.00	\$1,858.00	\$917.00	\$3,625.00
14	Sargent County	\$350.00	\$200.00	\$500.00	\$1,050.00
15	Richland County	\$1,475.00	\$1,760.00	\$975.00	\$4,210.00
Total:		\$14,142.74	\$12,169.26	\$12,401.96	\$38,713.96

38,716.96 divided by 14 months averages **\$2,765.50**

2 year projection **\$ 66,372.00**

I Included the income from Mercer County(\$275.00) in Rural Bismarck

Maintain regional offices to provide:

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



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

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

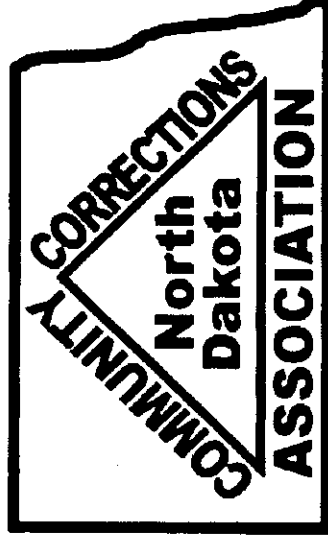
Community service provides a way for offenders to give back to the community for the crimes they committed. Individuals who have repaid the community by giving of themselves through their labor have experienced a stronger, more positive sense of self-esteem, while developing an appreciation for their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



Community Service

★★★

Giving Back To The Community



Established 1995

www.ndcommunityservice.org

Community Service Offices

Bismarck – Region 7 & 8

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

Devils Lake – Region 4

Lake Region Community Service
(701) 662-0722

Dickinson – Region 6

SW Community Service
(701) 483-8500

Fargo – Region 12

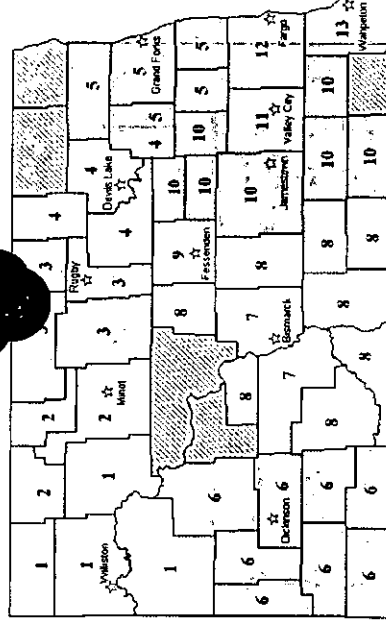
R.E.S.T.O.R.E. Inc.
(701) 239-0078

Grand Forks – Region 5

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

Wells County – Region 9

Wells County Community Service
(701) 547-3319



North Dakota Community Corrections Association

Purpose Statement:

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

Mission Statement:

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

Community Service Offices

Jamestown – Region 10

Community Service
(701) 952-2038

Minot – Region 2

Rehab Service/Community Service
(701) 839-4240

Rugby – Region 3

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

VC/Barnes County – Region 11

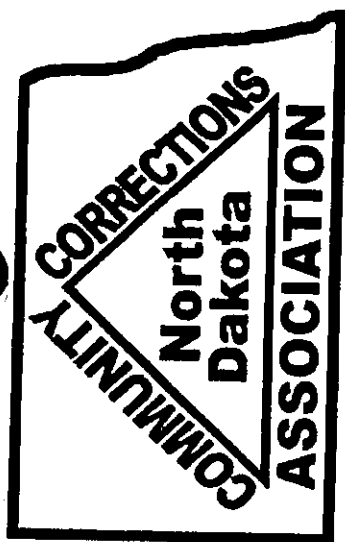
Community Service
(701) 840-2582

Richland County – Region 13

Richland County Community Service
(701) 642-7721

Williston – Region 1

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



Fiscal Year

2007-2008

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

www.ndcommunityservice.org

NORTH DAKOTA COMMUNITY CORRECTION PROGRAMS

BISMARCK SOUTH CENTRAL RURAL

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

BISMARCK SOUTH CENTRAL URBAN (Burleigh, Morton)

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

DEVILS LAKE (Towner, Benson, Ramsey, Western 1/2 of Nelson & Northern 10% of Eddy)

Andy Horner -(Member)
Lake Region Community Service & Restitution Program
222 Walnut Street, Devils Lake, ND 58301
Phone: 662-0722 Fax: 662-0707
lrcs@gondtc.com

DICKINSON (Bowman, Billings, Adams, Slope, Stark, Billings, Eileen Pfau- (Member) Dunn, and Golden Valley)

Toni Morasko -Juveniles
Southwest Community Service & Restitution Program
1173 3rd Avenue West, Suite # 9, Dickinson, ND 58601
Phone: 483-8500 Fax: 483-8501
scsrp@ndsupernet.com

FARGO (Cass County)

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

GRAND FORKS (Walsh, Steele, Grand Forks, Traill, Nelson)

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

Fessenden (Wells)

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

NDCCA officers 2007 to 2009

Pre. Andy Horner Vice Pres. Dell Horn
Sec. Eileen Pfau Treas. Janelle Pepple

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

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

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

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

WAHPETON (Richland County)

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

FORMAN (SARGENT COUNTY)

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

WILLISTON (Williams, Divide, McKenzie, Mountrail, Burke) **Kati Gendreau** Coordinator- (member)

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

ND COMMUNITY CORRECTIONS ASSOCIATION DATABASE

WEBSITE:
<http://www.ndcommunityservice.org/program/database.htm>

2007 Disbursement of General Funds

Community Service Agency	# Offenders	Funding Request at \$17.01 per Offender
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Barnes County	200	\$ 3,402.00
Bismarck Rural	451	\$ 7,671.51
Bismarck Urban	550	\$ 9,355.50
Devils Lake	297	\$ 5,051.97
Dickinson	411	\$ 6,991.11
Fargo	1,162	\$ 19,763.83
Grand Forks	350	\$ 5,953.50
Jamestown	588	\$ 10,001.88
Minot	625	\$ 10,631.25
Richland County	472	\$ 8,028.72
Rugby	183	\$ 3,112.83
Sargent County	24	\$ 408.24
Wells County	19	\$ 323.19
Williston	547	\$ 9,304.47
TOTALS	5,879	\$ 100,000.00

ESTIMATE FOR POSSIBLE FUNDING DISBURSEMENT

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

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

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

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

Community Service Agency

Offenders

Funding Request
at \$17.01 per Offender

Barnes County	200	\$	3,402.00
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TOTALS	5,879	\$	100,000.00

January 19, 2009

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

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

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

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

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

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

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

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

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

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

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

Thank you for listening

Deanne Markle



COMMUNITY HOMES OF BISMARCK, INC.

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

September 25, 2008

To Whom It May Concern:

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

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

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

Sincerely,

Les Beitelspacher
Maintenance Supervisor



Missouri Slope Areawide United Way

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

September 24, 2008

To whom it may concern,

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

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

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

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

Sincerely,

Brenda Stone
Marketing Director
MSA United Way

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



Community Action Program Region VII, Inc.

September 22, 2008

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

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

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

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

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

Sincerely,

Mandy Reinhart *Mandy Reinhart*
Youth Program Coordinator

Karen Jans *Karen J.*
Program Coordinator



Equal Opportunity
Housing and Employment

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



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

September 23, 2008

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

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

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

Sincerely,
Kathy Puklich
Store Manager

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

September 19, 2008

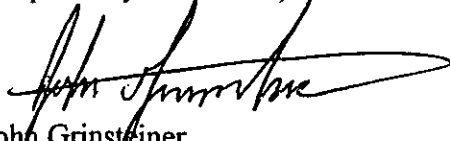
Dear Burleigh County Commissioners:

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

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

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

Respectfully Submitted,



John Grinsteiner
Judicial Referee



Southwest Community Service & Restitution Program

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

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

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

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

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

(Juvenile folder)

701-775-3403 p.2

**GRAND FORKS COUNTY
STATES ATTORNEY**

**PETER D. WELTE
GRAND FORKS COUNTY COURTHOUSE**

Thomas H. Falck, Jr.
Jacqueline A. Gaddie
Chris Griffin
Faye A. Jasmer
David T. Jones
Meredith H. Larson

M. Jason McCarthy
Carmell F. Mattison
Dale Rivard
Haley L. Wamstad
Nancy D. Yon

June 9, 2008

Gary Malm
Grand Forks County Commission
151 South 4th Street, 6th Floor
Grand Forks, ND 58201

RE: Community Service and Restitution Program

Dear Commissioner Malm:

I would support any type of financial assistance that you could provide the Greater Grand Forks Community Service and Restitution Program. Our office makes extensive use of the services provided by Deb Schuler and her staff.

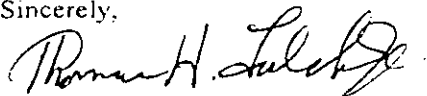
The Grand Forks County State's Attorney's Office usually requests two times per week drug screening services on each of our pending felony cases. Those services are provided by Ms. Schuler's office. If an offender tests positive, the Court is immediately notified of the positive test results. This is an invaluable service that can only be provided by the Community Service and Restitution Program.

Our office often recommends and the Courts often impose community service upon individuals as part of a criminal sentence. The defendant's are monitored by the Community Service and Restitution Program relative to where they are completing the community service and the number of hours that are actually completed.

The Community Service and Restitution Program provides an invaluable service to our community and should be supported. I would encourage you to provide any monetary or similar assistance that you can to the Greater Grand Forks Community Service and Restitution Program during your budget considerations.

Thank you for your time on this matter.

Sincerely,



Thomas H. Falck, Jr.
Assistant State's Attorney

THF/sv

pc: Deb Schuler



STATE OF NORTH DAKOTA
NORTHEAST JUDICIAL DISTRICT
524 4th Avenue NE, Unit 10
DEVILS LAKE, NORTH DAKOTA 58301



Chambers of:

The Hon. Donovan Foughty, District Judge
Wendy Asperheim, Court Recorder
(701) 662-1308 Phone
(701) 662-1318 Fax

Dennis Herbeck, Court Administrator
Courthouse, 124 S 4th Street
Grand Forks, ND 58206-6347
(701) 787-2733 Phone

March 11, 2009

To Whom It May Concern:

RE: Support for SB 2178

I write in support of Senate Bill 2178. Our community service program in Devils Lake keeps people out of jail and prison. The State Court does a lot of drug screening in in our area along with community service. Those services would not be available without community service. Our community service worker has a good working relationship with the local probation office

We receive funding from offenders, counties, the city of Devils Lake and the regional correctional facility. An investment by the state of \$30,000.00 over the bienium would maintain our program.

Thank you for your consideration.

Sincerely,

Donovan Foughty
District Court Judge

DF:wa

Heart of America Community Service Program Anticipated Revenues for 2009

Ending Balance Dec. 31, 2008: \$5,849.62

Senate Bill 2243 Funds:\$2,100.00

\$50.00 State Fees collected from offenders. (August 2007 thru June 2008)

4th Qtr. 2008 Juvenile Billing: ... \$630.00

From ND Supreme Court (\$45.00 per case)

2009 City and County Contributions:

City of Towner.....\$900.00

City of Rugby.....\$6,000.00

City of Bottineau.....\$2,000.00

McHenry County.....\$3,600.00

Pierce County.....\$5,500.00

Bottineau County.....\$5,500.00

2009 Offender Local Program Fees...\$4,000.00 EST.
(Local Fees paid to program by offenders)

2009 Quarterly Juvenile Billing...\$2,000.00 EST.
From ND Supreme Court (\$45.00 per case)

Remaining Funds to be Collected from SB 2243:

\$50.00 State Fees collected from offenders

(July 2008 until bill is repealed).....\$\$ amount unknown

.....Total Anticipated Revenues.....\$38,079.62

.....Total Program Expenditures.....\$39,104.75

Totals for All	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	TOTAL
Program Fees	\$113,547.85	\$175,790.53	\$216,692.53	\$224,026.25	\$235,532.38	\$229,763.56	\$244,081.31	\$298,516.62	\$308,311.97	\$300,602.95	\$2,346,865.95
NDDOC	\$101,286.10	\$82,681.18	\$118,469.27	\$137,632.97	\$155,311.87	\$157,853.63	\$145,079.08	\$96,281.17	\$44,630.52	\$50,638.88	\$1,089,864.67
Grants	\$40,403.11	\$68,009.49	\$79,306.10	\$74,611.25	\$61,316.62	\$92,495.02	\$65,699.90	\$51,438.19	\$93,022.38	\$57,256.57	\$683,558.63
City	\$0.00	\$4,400.00	\$5,689.75	\$11,520.00	\$19,835.00	\$20,020.00	\$20,420.00	\$19,295.00	\$5,150.00	\$16,880.00	\$123,209.76
Donations	\$0.00	\$25.00	\$7,550.00	\$9,820.00	\$11,162.15	\$12,068.00	\$8,876.00	\$14,284.00	\$14,470.71	\$9,864.18	\$88,120.04
Misc.	\$6,195.00	\$3,310.70	\$5,833.89	\$13,522.47	\$19,450.59	\$13,883.00	\$23,303.00	\$34,369.77	\$13,745.90	\$17,254.89	\$150,869.21
Counties	\$7,008.00	\$31,309.00	\$33,600.00	\$52,686.00	\$71,671.01	\$68,803.50	\$74,977.52	\$88,714.38	\$127,651.76	\$131,038.50	\$687,459.67
TOTALS	\$268,440.06	\$365,525.90	\$467,141.54	\$523,818.94	\$574,279.62	\$594,886.71	\$582,436.81	\$602,899.13	\$606,983.24	\$583,535.97	\$5,169,947.93

Totals 1999-2008

