

**2013 HOUSE APPROPRIATIONS**

**HB 1298**

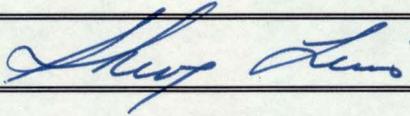
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division  
Medora Room, State Capitol

HB1298  
January 31, 2013  
Recording Job# 18059

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the board of university and school lands for a jail expansion grant program.

## Minutes:

**Chairman Thoreson:** Opened the hearing on HB1298.

**Representative Dan Ruby, District 38, ND Legislative Assembly:** Explained the bill that he is sponsoring to expand jails in the Ward County area.

4:18

**Chairman Thoreson:** The sales tax increase; do you know when that was enacted?

**Representative Ruby:** That was passed in the general election this last November and took effect January 1 at .5%.

**Representative Guggisberg:** Is the sales tax just for the jail?

**Representative Ruby:** That's earmarked for three different areas; some infrastructure, some expansion of offices for Ward County and also jail expansion.

**Jack Nybakken, Ward County Commissioner:** Made introductions of people that came in with him. He then explained the reasons why he is in support of HB1298.

7:45

**Chairman Thoreson:** Just to get those numbers correct; currently you're housing 117 people?

**Jack Nybakken:** We have housed up to 117.

**Chairman Thoreson:** Do you know what the average is that you're housing on a daily basis?

**Jack Nybakken:** I'll have Paul Olthoff answer that question.

Jack Nybakken continued with his testimony.

**Paul Olthoff, Lieutenant, Ward County Jail:** See testimony attachment 1.

11:12

**Chairman Thoreson:** The people that are being released on their own recognizance; have you had any issues with them not returning?

**Paul Olthoff:** Here and there we have.

**Chairman Thoreson:** Any situations where once they've been released; they've re-offended during that time?

**Paul Olthoff:** Yes. One of the crimes is driving under suspension. That's one we really can't hold them on; then they'll get out and they'll drive again.

12:45

**Chairman Thoreson:** Is there any way of submitting to the other areas for reimbursement for that?

**Paul Olthoff:** That's the way it is when someone's arrested for a Ward County charge.

**Chairman Thoreson:** What about anything if it were within the state? If someone is housed from Cass County is housed in your jail; do you have anyway of going back to the county where they're wanted?

**Paul Olthoff:** We have a mutual relationship with everyone around the state. We're not charging them and they're not charging us.

13:46

**Chairman Thoreson:** What do you get per day with the federal contract?

**Paul Olthoff:** Sixty dollars per day.

**Chairman Thoreson:** If you were to expand the number that was mentioned earlier would be 188 beds if this expansion were to go through. Would you then use some of those beds for federal prisoners?

**Paul Olthoff:** Before all this happened we had 10 beds designated. I could see us doing that again.

**Chairman Thoreson:** What's the situation at Rugby now? Are they at capacity yet?

**Paul Olthoff:** I don't think they're at actual capacity; but, right along with everybody.

15:03

**Vice Chairman Brandenburg:** In your facility, are you housing severe criminals or many medium criminals, light offenders? Or do you have a combination of all of them? How does it work in your facility?

**Paul Olthoff:** We have to keep the presentence inmates away from the sentenced inmates. Sometimes we can't do that because of our housing situation. We do have some high risk people there for attempted murder and murder; they're kept in a separate block. Every once in a while we do have to put someone with a lesser offense in that block.

**Vice Chairman Brandenburg:** Are there any other facilities that can deal with some of these prisoners? Are you the only place?

**Paul Olthoff:** We're pretty much the only place within an hour's drive.

**Vice Chairman Brandenburg:** I know Ward County has judgeship up there; so this would tie together with the judgeship to get them back and forth to court? Will this all work together?

**Paul Olthoff:** If this bill is approved it will all help.

17:30

**Chairman Thoreson:** So these inmates who are just in?

**Paul Olthoff:** Some of them have charges; and some of them are in for just detox.

**Chairman Thoreson:** Do you have a separate detox facility?

**Paul Olthoff:** No, this is all.

**Chairman Thoreson:** What are the majority of people you're housing? You said you release people on their own recognizance due to their charges. Are those mostly alcohol related?

**Paul Olthoff:** Those are mostly driving offenses; DUS and no liability insurance. If we had to do a DUI, we would wait until he was sober.

**Chairman Thoreson:** So the majority of these are people who are there for that type thing?

**Paul Olthoff:** We went down to petty thefts and stuff like that.

**Representative Glassheim:** Do the other entities reimburse you as a regional facility?

**Paul Olthoff:** We just went up to \$50.00/day.

**Representative Glassheim:** So you charge them?

**Paul Olthoff:** Yes we charge them daily for each inmate that's in there.

**Representative Glassheim:** Do you know how much the sales tax is supposed to bring?

**Jack Nybakken:** That does not take effect until April 1.

**Chairman Thoreson:** So it is not in effect yet. It was approved in November; but, begins on April 1.

**Jack Nybakken:** There was a lack of communication; there were some businesses that did start collecting early and that's been clarified. We returned the taxes to the individuals.

**Chairman Thoreson:** Do you have an idea of the projected amount the sales tax is going to raise?

**Devra Smestad, Ward County Auditor, Treasurer:** Our estimate is between an administrative building, the jail renovation, renovation of the current courthouse for court expansion duties and some of the infrastructure; we're looking at about \$40 million. To have that sales tax cover that it would be between 7 to 10 years; as soon as that \$40 million is generated, then we would terminate that.

**Chairman Thoreson:** So there's a sunset on it once it reaches that amount.

**Debra Smestad:** There is.

**Chairman Thoreson:** So you're basing that on a 10 year period; so maybe \$4 million a year.

**Devra Smestad:** Pretty close. We're kind of basing it on what Minot is doing. We've never had a sales tax for the entire county; so ours is all estimated. That's our estimated cost strictly for building purposes; any of the contingency administration, bond council is not included in this. Our goal is to have it collected for 10 years if we can pay that \$40 million off first within 7 or 8 years; we'll sunset it early.

**Chairman Thoreson:** This is a county sales tax?

**Devra Smestad:** Yes it is.

**Chairman Thoreson:** Do you know how much taxable sales were in Ward County for 2012?

**Devra Smestad:** I don't have those statistics with me.

**Representative Glassheim:** Are you eligible for other kinds of state money through impact grants?

**Devra Smestad:** We could be we're called a gas and oil producing county. However, our revenue from that production is very minimal. I think we saw right around \$80,000.00 this

year; and when you're talking about oil and gas producing counties, you're talking millions of dollars. What we're generating from oil and gas production is very minimal.

**Chairman Thoreson:** Your wells are up there on the top shelf.

**Devra Smestad:** They're very old wells that are producing small quantities on the far west; and that's why we're oil and gas producing.

**Representative Sanford:** Could you share with us what the revenue and expenses of the jail operation; how that comes out on annual basis?

**Devra Smestad:** We've been impacted pretty dramatically by not taking any of the federal prisoners; they're fund ended up in the red this past year. Normally we carry anywhere from \$20,000.00 to \$40,000.00 from year to year to help offset those costs. This year we're close to \$40,000.00 in the hole.

**Representative Sanford:** If the sales tax kicks in in April and essentially you have to wait an extended period of time before you can cash flow a bond or the process. Is a grant or access to cash flow dollars; would either do the job?

**Devra Smestad:** If we do a bond or tax revenue bond up front and wait a year before we have to start paying on that; a grant would be an immense help in paying some of those upfront costs.

**Representative Sanford:** If you had access to cash would it make a difference if it was a grant or a cash flow extension?

**Devra Smestad:** Having the grant up front would definitely help alleviate some of those issues.

**Representative Hawken:** Along that line with the match is that any problem or is there enough money within the county that the county commission can match it at this point? Or do you have to wait for the tax?

**Devra Smestad:** Before they can do the ground breaking, we're going to have to collect some of the half cent sales tax and have that come in. We assume that's going to happen within a month or the quarter; so maybe in July or August we'll start seeing that revenue from the sales tax.

**Vice Chairman Brandenburg:** Have you applied for any oil impact grants for this funding?

**Devra Smestad:** Yes we have. We've received \$200,000.00 and we have two years to spend that. But even if we want to move one cell block for our juvenile detention, for instance, into another location, it's going to cost us several million dollars.

**Vice Chairman Brandenburg:** This session we're trying to get some money out to the oil counties as well as the none oil counties as we've done in the past; has any of that money that goes to the cities and counties been figured out?

**Devra Smestad:** We have several millions of dollars of infrastructure repairs to do; three years of flooding hasn't helped. We still have roads that are under water in our county. A lot of that has been headed towards our road and infrastructure.

**Representative Glassheim:** What's the size of Ward County? Do you know of any other counties that are between 45,000 and 65,000?

**Devra Smestad:** I do not believe there are.

**Representative Glassheim:** What's your population?

**Devra Smestad:** We've been exploding in population; to have the official count, we're going to use the 2010 census.

**Vice Chairman Brandenburg:** Is there any money available for this jail?

**Gerry Fisher, Assistant Director, Energy Impact Office:** There have been funds in the oil and gas impact fund. Those funds have been directed mainly to those oil and gas producing counties. There was an open grant round that I believe they applied for. In that open grant round there were a limited amount of funds available.

**Representative Glassheim:** In the past has the legislature designated you to do something? Have you done something like this before?

**Gerry Fisher:** There is in law legislative intent that does direct us to go and apply those funds to primary impact areas. Those primary impact areas have been deemed as being those oil and gas producing counties; as well as those that have drilling rigs within them. Each grant round we look at a list provided by the industrial commission website that show the production that's happening in each county; as well as the rigs that are taking place in each county.

**Representative Glassheim:** As far as you know there hasn't been legislation in the past which has directed funds through from your fund to any particular county.

**Gerry Fisher:** No. They don't designate specifically that we were supposed to focus on cities or anything. The one thing that was changed last legislative session was infrastructure was added to our name. So, the infrastructure has been the focus for this past biennium for those funds. A large portion of those funds did get directed toward water and sewer infrastructure needs.

**Representative Glassheim:** For the higher producing counties have they ever gotten money from your fund for their jail needs?

**Gerry Fisher:** For this current biennium, I'm only aware of the award that was given to Ward County that was in relationship to jails. I think there were also some funds that went to a correctional center in the Dickinson area.

**Chairman Thoreson:** Jerry would you be able to get us a breakdown of that?

**Gerry Fisher:** I will do that.

**Representative Hawken:** How long has this been in existence?

**Gerry Fisher:** There has been a grant program for oil and gas producing for quite some time.

**Representative Hawken:** So it's not new.

**Gerry Fisher:** No it's not new. The funding for it in this last legislative session increased substantially. In the past, I think there was maybe \$8 million in a biennium.

**Brady Larson, Fiscal Analyst, ND Legislative Council:** It was 2007 or 2009; the funding was at about \$8 million. Then it was bumped up to \$100 million; then there's additional funding in the special session that was added.

**Representative Hawken:** What other things would be ahead of this in line?

**Gerry Fisher:** I think that the way the language is as I read through it; it would almost carve out this amount from the total fund. So it would reduce the amount that was available to other areas.

**Brady Larson:** That is standard language for an appropriation clause. However, this bill would essentially carve out a portion of the overall oil and gas fund.

**Representative Guggisberg:** This looks like it is definitely a need in Ward County and I'm wondering is your office or another department looking into what other impacts are out there that aren't necessarily in the heart of the Bakken that probably are affected by oil development that needs some assistance. Do we have a 5 or 10 year plan to look at some of those things?

**Gerry Fisher:** I don't know that there's been a study done to check on things like that. There are a number of applications that we receive that don't focus necessarily on infrastructure. We do see some of those; but, I don't think we have a real idea on the overall needs that would be existing outside of what we see.

**Representative Guggisberg:** I'm just wondering if anyone looked at strategic planning for these types of issues.

**Gerry Fisher:** I know there are some plans to address that this legislative session with the hope that maybe we would have some additional resources to do some of those things. At the moment, the resources aren't there.

**Vice Chairman Brandenburg:** Did you have any money that you turned back?

**Gerry Fisher:** It was pretty much fully awarded. There is a contingency fund of about \$200,000.00 for emergency requests that we receive; and we have received a few of those this biennium. We expect that we'll see a few more of those emergency requests coming in the next biennium.

**Vice Chairman Brandenburg:** What is your appropriation for this next biennium?

**Gerry Fisher:** It's my understanding that they're seeking a total of \$214 million; including a couple of other additions on. I believe that appropriation is seeking \$150 million for this fund on a more permanent basis.

**Vice Chairman Brandenburg:** So \$214 million for this biennium; and you're looking to bump the continuing appropriation to \$150 million?

**Gerry Fisher:** Correct.

**Chairman Thoreson:** \$214 million is that what you said?

**Gerry Fisher:** \$214 million includes \$60 million for the airports and \$4 million for higher education.

**Representative Sanford:** Right now you're dealing with grants. Is it possible in your office to deal with something that might make money available "loan basis" with the potential of forgiveness; depending upon comes down the road?

**Gerry Fisher:** We also oversee a coal loan program and it's under that same premise that you're talking about. It provides them a loan and through that loan, should say the oil and gas production go away, it does have a forgiveness clause in that case and in the case if coal would have gone away.

**Representative Sanford:** I'm thinking that this is not a primary oil impacted area right now; it may become. If it does become, this possibly could be "forgiven" or financed through that if that becomes one of the things that gets into the definition.

**Gerry Fisher:** Sure.

**Pat Heinert, Sheriff, Burleigh County Jail:** See testimony attachment 2

51:50

**Representative Hawken:** I hear what you're saying about the space. Does anyone ever talk about the kind of services you ought to be having for these people so that when they do get released they can become productive citizens?

**Pat Heinert:** Some detention centers are having programs. I can specifically speak about Burleigh County. Four years ago we hired a specialist to work on the cognitive part of rehabilitation. We have classes in our facility to try to get people to get their high school equivalency test taken. We have classes in basic financial management; where she teaches them how to manage a check book. In our facility we have AA programs; we have

AA every Sunday night. A lot of the facilities around the state are doing very much the same thing.

**Representative Guggisberg:** What percentage of your inmates are from out of state? How much has that increased?

**Pat Heinert:** I can't tell you an exact percentage. Until of July of this year we couldn't pull the data from the system that we use for booking; with the new booking software we now can. I can only tell you that we see a significant impact from out of state people coming in; just by looking at the locations. We're also seeing a significant impact of people utilizing the local address that they just obtained.

**Representative Guggisberg:** You're saying they have an apartment or are they homeless?

**Pat Heinert:** A lot of them have apartments in town. A lot of the impact we're seeing in Burleigh County seems to stem from their days off.

**Representative Guggisberg:** In Fargo we're seeing a dramatic increase in homeless people. I'm wondering if Burleigh County or Bismarck is doing anything to look at that or is there any plans for homeless shelters in Bismarck?

**Pat Heinert:** Bismarck is responding to some of those needs; we have the homeless coalition that the mayor started a couple of years ago. In October 2012 our local chamber of commerce sponsored an awareness day of growth summit; one of the topics was the unintended consequences. They brought people up from Sioux Falls and they talked about the population growth in that city. They pointed out the unintended consequences that are happening in your community dealing with the homeless.

**Representative Guggisberg:** So when you say homes is it a residential home converted into a shelter? Are there plans to actually build a shelter or remodel a building for a shelter for homeless people?

**Pat Heinert:** We have the Ruth Meier's house that is a commercial building changed over into a residential area; they can house 28 people. They also provide meals. We have another facility that doesn't provide housing; but provides meals. Our low income housing side of Burleigh County Housing Authority is constantly looking to buy houses; they're looking to expand their apartment complexes.

**Vice Chairman Brandenburg:** How big is this? It brings other counties into this also that have some concerns.

**Pat Heinert:** I can talk to Terry Traynor from the Association of Counties; I believe they have a lot of that information.

**Vice Chairman Brandenburg:** I think that would be good.

**Pat Heinert:** Last year on August 1, 2012 Burleigh and Morton County had a jail study done by a private corporation. I took our inmate population that day and broke it down by charges of what people were in our facility for. We had 171 inmates that day in our custody; of the 171 inmates, 130 were there on felony charges, there were 16 additional inmates there on the more serious misdemeanor charges, 16 were there on misdemeanor charges but also had a failure to appear in their background. We had about 90-95% of our inmate population either on felonies or already been through the system prior to being there that day.

**Representative Guggisberg:** Do you have the feeling that there are more felons in the state or is it that law enforcement isn't really dealing with misdemeanors; because they have enough to do trying to catch the felons?

**Pat Heinert:** It's the population base growing; so automatically crime is going to go up. Some of the people coming to our state have no funds; so they have to find a way of doing it. They're coming from another state because they're involved in crime in that state and they're looking at an option in this state. The other thing is we have more law enforcement in North Dakota; so you're going to have more arrests. We also provide much more training and we have many more laws of mandatory arrests.

**Representative Glassheim:** So the DUI's, they're going to the Bismarck City Jail or they're just not in the system at all?

**Pat Heinert:** We are the only jail in Burleigh County. The cities do not have jails; most cities in North Dakota don't have jails anymore. Last year we arrested approximately 1,300 DUI's in Burleigh County between all the law enforcement agencies. I don't think you're seeing 10% of them coming to jail; they're being released to a responsible party.

**Shelley Whippler, Commissioner, Ward County:** Testified in support of HB1298

**Chairman Thoreson:** Closed the hearing.

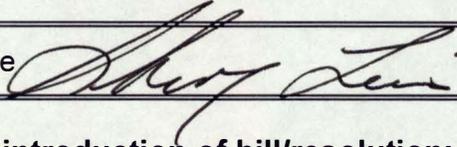
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division  
Medora Room, State Capitol

HB1298  
February 11, 2013  
Recording Job# 18666

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the board of university and school lands for a jail expansion grant program.

## Minutes:

**Vice Chairman Brandenburg:** Opened the discussion on HB1298.

**Vice Chairman Brandenburg:** This is where I thought the impact grant should come in and help out.

**Representative Kempenich:** The committee that's made up of oil impacted counties; I think they had \$30 million they gave out and there was over \$300 million requested. The biggest problem is that they're trying to play catch-up to stuff they should have done a few years ago.

**Vice Chairman Brandenburg:** This thing could turn into a big number where we don't know where it will end.

**Representative Guggisberg:** I don't think I want to see us going down this road either; but it will eventually be our problem. If we don't figure out a way to help these county jails out, they're going to be moving them to the pen and then it will be our problem. I think what Ward County is looking for is some security on the back end; so that if they do bond this out. They're worried what's going to happen in 10 years if something happens to the oil boom. While I don't like this bill, I'd like to see us come up with some kind of solution to make them more confident to take that bond out and take a chance.

**Vice Chairman Brandenburg:** Maybe a study would be in order.

**Representative Kempenich:** You look at other states and even if they did that; the state's going to be responsible at some point. I think that's why you don't want to do bills like this. If you make it so it isn't tough to do then they may overbuild. This doesn't benefit the state as a whole; it benefits one region. With cities like Minot, I think it depends on how the city itself wants to use that money; it's going to be a lot more than what they received this last biennium. If this jail is that important to them, I think that there are some funds coming that they could use it for.

**Representative Sanford:** When I look at this circumstance, they have a funding system in place and it's a county issue. The county has expenses related to roads from the flood; and that's probably a priority for them in terms of where a lot of their money has to go at this point. I do think they have a funding model in place to secure the payment of the jail. Everything could go south and you'd end up with a big facility without a lot of use. I don't know what kind of start- up monies they need; if they're using all of the money for roads.

**Vice Chairman Brandenburg:** This is just going to take some time to work itself out.

**Vice Chairman Brandenburg:** Closed the discussion.

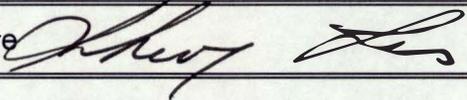
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division  
Medora Room, State Capitol

HB1298  
February 11, 2013  
Recording Job# 18731

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the board of university and school lands for a jail expansion grant program.

## Minutes:

**Chairman Thoreson:** Opened the discussion on HB1298.

**Representative Kempenich:** Made a motion for a "Do Not Pass".

**Vice Chairman Brandenburg:** Seconded the motion.

**Representative Kempenich:** This is an ongoing issue; but, that's the whole idea behind this impact money. I don't know what Minot will wind up getting but it's going to be substantially more than what they received last biennium.

**Representative Guggisberg:** Are there other counties out in the oil patch that are building jails or need jails? Are they sending them all to Minot?

**Representative Kempenich:** Williston, Watford City, McKenzie County has added on to theirs; Dickinson's upgraded theirs last year and that's a multi-county jail.

**Representative Guggisberg:** I'm wondering if we're seeing these people sent to Ward County. Maybe it is something we should be paying attention to; because, eventually it's going to affect the entire state if we don't stop it somewhere.

**Representative Kempenich:** This is what the results are and you're seeing the larger towns impacted more because some don't have the wherewithal to go back where they came from; so they go to the larger city.

**Chairman Thoreson:** In the testimony from Lt Olthoff with the Ward County Jail; he does note that it's a regional facility. They bring in people from Minot, Burlington, Surrey and Kenmare; then also from McHenry, Renville and Burke counties.

**Representative Sanford:** Refresh my memory if you would on the impact grants. Minot is a hub city but we're talking about the county. Is there a difference in how that is distributed?

**Representative Kempenich:** I'm not sure how they fit in the process; but, there's very little oil activity in Ward County, but Minot is a hub city. If they get classified as hub cities, they're not precluded from the oil impact grant. I think Minot is looking at \$7 million as a hub city.

**Representative Sanford:** What you're saying is if the county were to make it work with the impact grant; they would have to make nice with the city; because, that's going to be where the money is in that particular instance. How does it work in Watford City?

**Representative Kempenich:** Watford City came out very well compared to everyone this last biennium. They aren't hub cities so they're still in that mix for the \$150 million.

**Representative Glassheim:** I don't disagree with the motion. Should we either add in or hog house a study resolution? Do we want the state to help with county jail?

**Chairman Thoreson:** My thought is if we start studying it you're going to see all 53 counties coming in.

**Representative Glassheim:** If it's a serious need and they're being stretched beyond their local capacity; is this another issue?

**Representative Brandenburg:** The three hub cities get a pretty sizeable amount from the oil. That's really where I think that money should be split to go to those jails.

**Representative Kempenich:** Up to last biennium, there wasn't very much money in there; so it did go to pet projects. There's an advisory group that's made of the 17 oil and gas producing county members; and they advise the land commissioner of how to roll these grant funds out of that money. The last biennium it's been mainly geared at roads and culverts in the county.

**Vice Chairman Brandenburg:** One thing that's happening this session that address this issue; there's going to be more money going out to the counties, cities and townships in oil counties. That's where they can use some of that extra money to take care of some of these needs.

**Vice Chairman Brandenburg:** How much is going to those three hub cities in this biennium?

**Representative Kempenich:** The governor's bill does not have the hub cities in it. What's being proposed in HB1358; at one time it was \$75 million. I don't know if they increased or decreased it.

**Representative Sanford:** At some point in time this may level off and we could have a lot of jail space; because, this is all happening on a local level.

A roll call vote was made for a "Do Not Pass" 7 Yeas 0 Nays 0 Absent

**Representative Kempenich:** Carried the bill.

**Chairman Thoreson:** Closed the discussion.

## 2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee  
Roughrider Room, State Capitol

HB 1298  
2/14/13  
Job 19006

Conference Committee

Committee Clerk Signature

*Meredith Traubolt*

### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the board of university and school lands for a jail expansion grant program.

### Minutes:

You may make reference to "attached testimony."

**Chairman Delzer:** Let's take up HB 1298.

**Rep. Kempenich:** This is an appropriation out of university school lands for building a new jail. It came out of subsection as a Do Not Pass. The money was a direct appropriation out of the oil and gas impact grant fund. There is already an advisory board set up on that fund, and we did not want to start circumventing how these funds are being allocated out. When you get into this, there is probably some impact from oil and gas industry in Minot, but it was felt the impact was more of the events that happened in 2011. As much as we appreciated what they are looking at, we had this issue around the state a few years ago, and people could be housed at other locations if necessary. The state's not that big.

**Chairman Delzer:** How many people in other areas come in and say they want the same type of consideration?

**Rep. Kempenich:** Burleigh and Morton counties came in. I'll move Do Not Pass on HB 1298, motion seconded by **Rep. Thoreson**.

**Chairman Delzer:** Discussion? Seeing none, a roll call vote was done. The motion carried 20 Yes, 2 No, 0 Absent. **Rep. Kempenich** will be the carrier.

Date: February 11, 2013  
Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB1298**

House Appropriations - Government Operations Division Committee

Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Representative Kempenich Seconded By Representative Brandenburg

<b>Representatives</b>	<b>Yes</b>	<b>No</b>	<b>Representatives</b>	<b>Yes</b>	<b>No</b>
Chairman Thoreson	x		Representative Glassheim	x	
Vice Chairman Brandenburg	x		Representative Guggisberg	x	
Representative Kempenich	x				
Representative Hawken	x				
Representative Sanford	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Representative Kempenich

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

Date: 2/14/13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1298

House Appropriations Committee

Check here for Conference Committee

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

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By Rep. Kempenich Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Rep. Streyle		X
Vice Chairman Kempenich	X		Rep. Thoreson	X	
Rep. Bellew		X	Rep. Wieland	X	
Rep. Brandenburg	X				
Rep. Dosch	X				
Rep. Grande	X		Rep. Boe	X	
Rep. Hawken	X		Rep. Glasheim	X	
Rep. Kreidt	X		Rep. Guggisberg	X	
Rep. Martinson	X		Rep. Holman	X	
Rep. Monson	X		Rep. Williams	X	
Rep. Nelson	X				
Rep. Pollert	X				
Rep. Sanford	X				
Rep. Skarphol	X				

Total Yes 20 No 2

Absent 0

Floor Assignment Rep. Kempenich

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

**REPORT OF STANDING COMMITTEE**

**HB 1298: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO NOT PASS** (20 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1298 was placed on the Eleventh order on the calendar.

**2013 TESTIMONY**

**HB 1298**

HB 1298  
January 31, 2013  
Attachment 1

House Bill No.1298

Testimony of Paul Olthoff, Lieutenant, Ward County Jail

Good Morning Chairman and members of the committee. For the record my name is Paul Olthoff, Lieutenant with the Ward County Jail, Minot, North Dakota. I am testifying today in support of House Bill 1298. The bill is intended to gain financial support in expanding the jail facility.

Ward County Jail is located in Minot, North Dakota. The jail's housing capacity is 104 inmates. We are experiencing overcrowding on a daily basis creating a hostile and unsafe environment for those incarcerated and the staff working in the facility. Our population has been averaging 100-110 inmates during the week and will sometimes top 120 on the weekends. The overcrowding is due in large part to the increased number of people in the area due to the oil work in our county and surrounding counties.

Ward County Jail is a regional facility. We have contracts with four of the cities located within the county to house their prisoners. These cities are Minot, Burlington, Surrey, and Kenmare. We also house prisoners for the surrounding counties who do not have a jail of their own. Some of these counties include McHenry, Renville, and Burke County. The overcrowding of the jail is impacting them as well. The jail is forced to release some inmates on their own recognizance (depending on their charges) due to lack of bed space. Some of the arresting officers have commented that the prisoner beats them out the door before they can complete their paperwork. It is not an ideal way to run a facility, but bed space needs to be made by releasing those with lesser charges to make bed space for those with more serious charges that absolutely have to be held in jail. This certainly creates some liability for the county with these people being released without posting bond. It also creates more work for the courts if these people do not show up for their court date without a bond to assure their appearance.

Those individuals who are here in the area working in the oil industry and get arrested often times do not get bonded out of jail. They must remain in jail until they complete the court process. The reason for this is that they are high risk candidates for the bonding procedures. They are considered higher risk by the Bonding Agencies and the Courts due to the fact that they are not from the area, often times do not have family in the area, and have home residences that are out of state. This contributes to more inmates in the facility daily and for longer periods of time. Some of these inmates that get arrested here in Minot are found to have warrants pending from other states when they are arrested. This creates the need for an extradition hearing and the county responsible for the housing of these inmates until that State makes arrangements to come and pick the prisoner up (Sometimes this can be up to 30 days). This is all a cost to the county as there is no reimbursement for this housing.

Ward County Jail also has a Federal Contract to house the US Marshal prisoners. We have not had bed space to house their prisoners resulting in a loss of revenue to the jail.

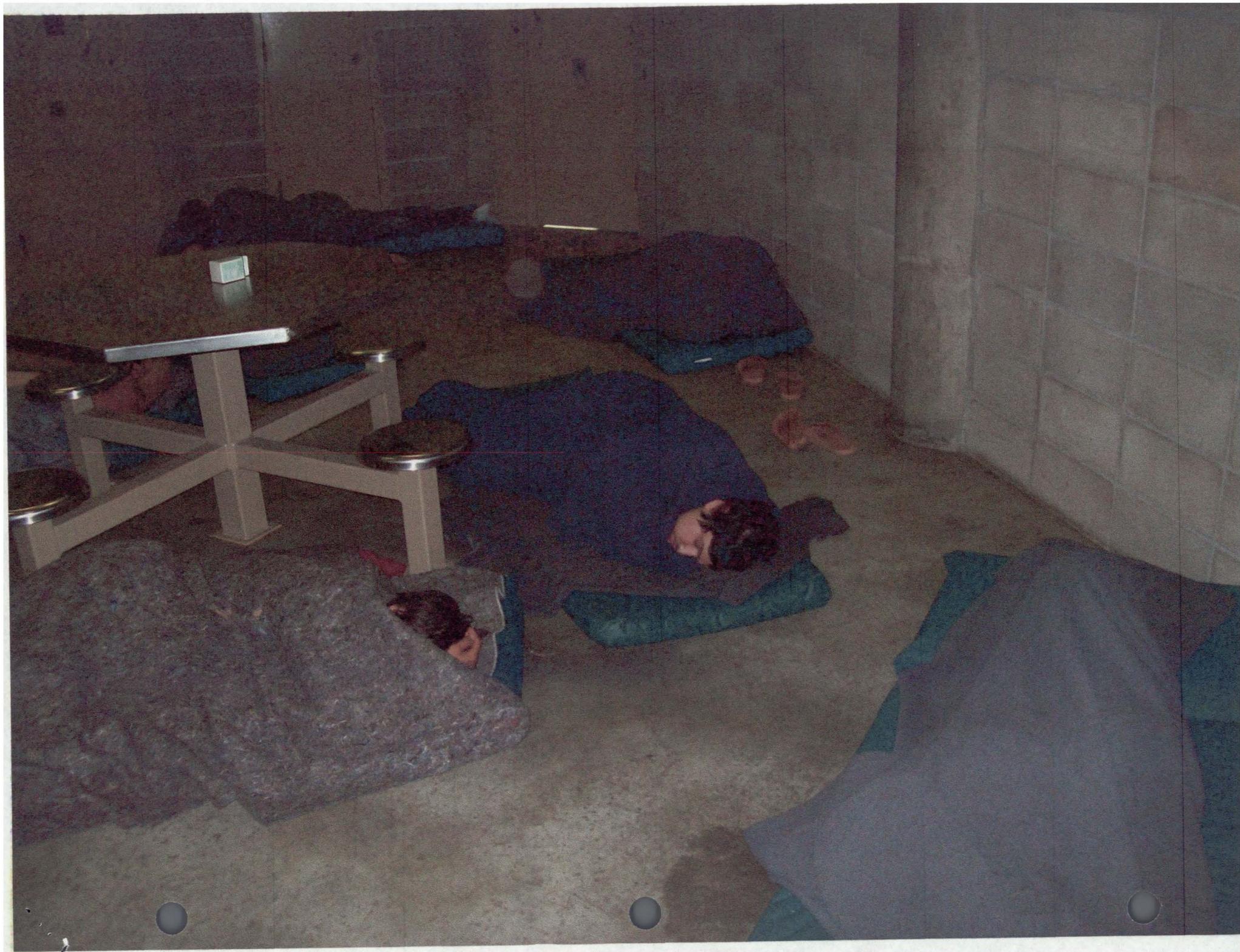
Thank You

**Mandays= Number of prisoners X the number of days incarcerated**

	2009	2010	2011	2012
Minot	3151	3415	3791	4850
Burlington	20	10	41	56
Surrey	29	36	106	197
Kenmare	52	6	4	6

Ward County	2012	36,274
	2011	32,321
	2010	26,824
	2009	25,253
	2008	29,626
	2007	23,584
	2006	26,369
	2005	29,313
	2004	23,256
	2003	23,197
	2002	18,864
	2001	18,210



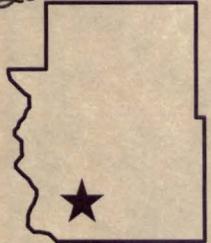




**BURLEIGH COUNTY SHERIFF'S DEPT.**

*PAT HEINERT, SHERIFF*

ND 1090  
January 31, 2013  
Attachment 2



514 E. Thayer  
P.O. BOX 1416  
BISMARCK, ND 58502-1416

TELEPHONE 701-222-6651  
FAX 701-221-6899

January 31, 2013

RE: HB 1298

Chair Delzer and members of the Appropriations Committee, Good Morning.

I am Pat Heinert, Sheriff and appointed Jail Administrator for Burleigh County.

I am here today to support HB 1298 to a point. I like the idea of creating a grant program for jail expansions in North Dakota. I know there are several jails in North Dakota who are in need of some form of expansion.

However, I would propose an amendment to the population base as stated in the bill. From the Counties I am aware of in western North Dakota who are in need of additional jail space, there is only One County who would qualify under the population parameters identified in HB 1298.

The Counties I am aware of in western North Dakota who are in need of jail space are as follows, along with the 2010 census data:

Burleigh County	81,308
McKenzie County	6,360
Mountrail County	7,673
Mercer County	8,424
Morton County	27,471
Ward County	61,675
Williams County	22,398

Thank you.