

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1218

2001 HOUSE JUDICIARY

HB 1218

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1218

House Judiciary Committee

Conference Committee

Hearing Date 01-23-01

Tape Number	Side A	Side B	Meter #
Tape I	x		4460 to 6251
		x	01 to 781
Committee Clerk Signature <i>Juan Deeds</i>			

Minutes: Chr DeKrey opened the hearing on HB 1218. All present with the exception of Rep Onstad. The clerk will read the title. Relating to driving under the influence of intoxication liquor or any other drug or substance; to provide an expiration date and to declare an emergency.

Rep Carlisle: Here to introduce HB 1218. The main part of the bill, page 1 line 8 thr 13 and on page 2 line 9 thr 23. This will be the purpose of the sub section is a drug court program. We have two judges here to testify, it is their bill and their program so they will explain.

Judge Gail Hagerty: District Judge in Burleigh County (see attached testimony).

Judge Bruce Haskel: District Court in Bismarek. He is one of the judges on the Drug Court Program (see handout for more information and static's Studies that have gone into this program indicate that if there is immediate intervention and they have to go through the program, the possibility of pre-peat offenders goes down.

Rep Klemm: Under this bill, you would wait until after the third offense, the five years, why is that point picked rather than say after the second offense?

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Judge Haskel: For a number of reasons, your typical first offender, 90% of those never offend again. It also has to do with resources. It is a cut off where we think we can do the most good.

Rep Eckre: 70% of the people who complete this, never offend again. What is the figure otherwise?

Judge Haskel: If you are talking about the people who go to the penitentiary they have a residual rate of 30%. You have to keep in mind that you are spending 20 grand a year on those people. Where this program is 2 or 3 thousand a year. One of the things we are going to have is a pilot program is have a control group, that is going to do show us.

Chr DeKrey: Thank you your Honor for appearing. Is there anyone else wishing to appear?

Richard Riha: Burleigh County States Attorney: I am one of the members of the committee which established the drug court in Burleigh and Morton County. I have been on the committee for a year, and I am very impressed with it. This bill has the support of our office. We ask you to pass this bill.

Chr DeKrey: Thank you for testifying in front of our committee. Is there anyone else wishing to testify in favor, anyone in opposition?

Keith Magnusson: North Dakota Director of Drivers Vehicle Service For the Department of Transportation. I am not in opposition of this bill. There are some possible problems, but we think this is a good bill. We would ask the committee to hold this bill until next Tuesday OR Wednesday until we hear from the Federal Highway Administration and the National Highway Traffic Safety Administration. This would have to do with money moved to the safety program in the state.

TAPE 1 SIDE B

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Susan Beehler: (see attached testimony).

Rep Mahoney: Some people, you just don't be able to help, the idea behind this is to work on the treatment of the program. It is a step towards promoting the treatment portion rather than the punishment. Don't you think we should do this?

Susan Beehler: I think it should be a combination of both. I think the fines should be higher, and also I think they should pay for their own treatment. That is part of the problem, the court should be working with the family. Repeat offenders are cunning.

Chr DeKrey: Thank you for appearing in front of the committee. We will close the hearing on HB 1218.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1218a

House Judiciary Committee

Conference Committee

Hearing Date 02-06-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		1130 to 1500
Committee Clerk Signature <i>Joan DeKrey</i>			

Minutes: Chairman DeKrey called the committee to order and we will take up HB 1218.

COMMITTEE ACTION

Rep Mahoney moved a DO PASS, Rep Grande seconded the motion

The clerk will call the roll on a DO PASS motion on HB 1218.

The motion passes with 15 YES 0 NO 0 Absent

Carrier Rep Wrangham.

FISCAL NOTE
 Requested by Legislative Council
 03/09/2001

Bill/Resolution No.:

Amendment to: HB 1218

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

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$4,000	\$0	\$23,446	\$0	\$23,446
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

The Supreme Court indicates that the additional judge time required for the Burleigh/Morton pilot drug court program can be absorbed by the current assigned judges; thus there is no fiscal impact as far as the judiciary is concerned. However, the Court indicates that if drug court programs are expanded to other judicial districts, additional judge staffing may be required; appropriations could be necessary to fund this additional judge staffing. Drug Courts are labor-intensive as far as judge time is concerned.

The Department of Corrections and Rehabilitation estimates that the pilot Burleigh/Morton drug court program will require one probation officer to supervise the offenders placed in the drug court program. The Executive Budget recommendation for the DOCR Field Services Division includes funding for one FTE probation officer position and associated operating expenses for the pilot drug court program. The DOCR estimates that approximately one tenth of the officer's time will be required to supervise the DUI offenders placed in the program. The amounts listed for expenditures above reflect the costs associated with the DUI offenders.

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 amount included in the executive budget.*

No fiscal impact.

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.

Please refer to narrative above.

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

As stated in the narrative above, the Executive Recommendation for the DOCR includes funding for the pilot drug court program.

Name:	Elaine Little	Agency:	DOCR
Phone Number:	328-6390	Date Prepared:	03/12/2001

FISCAL NOTE

Requested by Legislative Council

01/15/2001

Bill/Resolution No.: HB 1218

Amendment to:

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

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$4,000	\$0	\$23,446	\$0	\$23,446
Appropriations	\$0	\$4,000	\$0	\$23,446	\$0	\$23,446

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

The Supreme Court indicates that the additional judge time required for the Burleigh/Morton pilot drug court program can be absorbed by the current assigned judges; thus there is no fiscal impact as far as the judiciary is concerned. However, the Court indicates that if drug court programs are expanded to other judicial districts, additional judge staffing may be required; appropriations could be necessary to fund this additional judge staffing. Drug Courts are labor-intensive as far as judge time is concerned.

The Department of Corrections and Rehabilitation estimates that the pilot Burleigh/Morton drug court program will require one probation officer to supervise the offenders placed in the drug court program. The Executive Budget recommendation for the DOCR Field Services Division includes funding for one FTE probation officer position and associated operating expenses for the this pilot drug court program. The DOCR estimates that approximately one tenth of the officer's time will be required to supervise the DUI offenders placed in the program. The amounts listed for expenditures and appropriations above reflect the costs associated with the DUI offenders.

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

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type*

and fund affected and any amounts included in the executive budget.

N/A

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

Please refer to narrative above.

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

Please refer to the narrative above.

Name:	Elaine Little	Agency:	DOCR
Phone Number:	328-6390	Date Prepared:	01/18/2001

FISCAL NOTE
 Requested by Legislative Council
 01/16/2001

Bill/Resolution No.: HB 1218

Amendment to:

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

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures	\$0	\$0				
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

As to the pilot program in Burleigh County, the additional judge time required can be absorbed by the current assigned judges; thus there is no fiscal impact as far as the judiciary is concerned. If the program is expanded, additional judge staffing may be required. Drug Courts are labor-intensive as far as judge time is concerned.

The impact on corrections, the originator of the legislation, should be addressed separately.

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

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

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

If the program expands, an additional judge or judges may be required.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the*

executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

This depends on whether the program is expanded.

Name:	Keith E. Nelson	Agency:	Supreme Court
Phone Number:	328-4216	Date Prepared:	01/15/2001

Date: 02-06-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-1218

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Mahoney Seconded By Rep Grande

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

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep Wrangham

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

