

2009 SENATE JUDICIARY

SB 2122

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2122

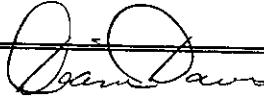
Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 01/12/09

Recorder Job Number: 6818

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Patrick Bohn- Deputy Director for Transitional Planning Services – Explains the bill, see written testimony.

Senator Nething mentions under the current structure you don't have a director of the division of parole and probation. The current law 155.105 says the director of the division of parole and probation shall serve as the pardon clerk. He asks how that can be done.

Bohn replies, said they would still have the figurative position and still can execute the duties and responsibilities as prescribed by the law. The change is to bring their current practices and bring the law into a duty.

Leann Bertsch, Director of the Department of Corrections and Rehabilitation – She tells of a performance audit done in 2004 in the Dept. of Correction and some of the recommendations from that audit have not yet been implemented. She explains how the department went through reorganization. Due to an audit they have made changes and made more efficient use of different units, and departments. One of the recommendations was that the director of the division of prisons should not also serve as the warden because of conflict. The audit also looked at how they managed inmates between the division of field services and the division of prisons. This meshed how they managed the adult offenders.

She said bill #2122 cleans up some of the language, only when it refers to the pardon and parole board do you actually see the division of parole and probation anywhere in law. The authorizing language in the Dept. Corrections really refers to two major divisions, the division of juvenile services and the division of adult services. All the major assets that need to function across the dept. are under the director of administration.

Senator Fiebiger - asks how she envisions the practical piece of this being implemented, how will it differ from what is being done now.

Bertsch – States that day to day operations will not change at all. Pat Bohn is the deputy clerk of the parole board at this time and he handles the bulk of the work.

FISCAL NOTE
Requested by Legislative Council
12/23/2008

Bill/Resolution No.: SB 2122

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 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Appropriations | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

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

| 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).*

No fiscal impact

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.*

n/a

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

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

n/a

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

n/a

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, 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.*

n/a

| | | | |
|----------------------|------------------|-----------------------|------------|
| Name: | Dave Krabbenhoft | Agency: | DOCR |
| Phone Number: | 328-6135 | Date Prepared: | 12/23/2008 |

PROPOSED AMENDMENTS TO SENATE BILL NO. 2122

Page 1, line 9, after "rehabilitation" insert "or the director's designee"

Page 2, line 12, after the first ^{OVERSTRUCK} ~~the~~ ^{comma} insert "department of corrections and rehabilitation" and
remove the overstrike over "~~or the director's~~"

Page 2, line 13, remove the overstrike over "~~designee~~" and
remove "department of corrections and rehabilitation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2122: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2122 was placed on the Sixth order on the calendar.

Page 1, line 9, after "rehabilitation" insert "or the director's designee"

Page 2, line 12, after the overstruck comma insert "department of corrections and rehabilitation" and remove the overstrike over "~~or the director's~~"

Page 2, line 13, remove the overstrike over "~~designee~~" and remove "department of corrections and rehabilitation"

Renumber accordingly

2009 HOUSE JUDICIARY

SB 2122

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2122

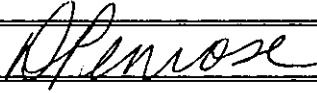
House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/4/09

Recorder Job Number: 10125

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on SB 2122.

Patrick Bohn, Deputy Director, Transitional Planning Services, ND DOCR: Sponsor, support (attachment). Explained the bill.

Chairman DeKrey: The chairpersons of the parole board and the pardon advisory board are John Olson and myself.

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 2122?

Rep. Delmore: I move a Do Pass.

Rep. Wolf: Second.

13 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Rep. Vig

Date: 3/4/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2122

HOUSE JUDICIARY COMMITTEE

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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 | ✓ | | | | |
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Total (Yes) 13 No 0

Absent 0

Floor Carrier: Rep. Vig

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

REPORT OF STANDING COMMITTEE (410)
March 4, 2009 9:37 a.m.

Module No: HR-39-4008
Carrier: Vig
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2122, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2122 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2122

SENATE JUDICIARY COMMITTEE
SENATOR DAVE NETHING, CHAIRMAN
JANUARY 12, 2009

PATRICK N. BOHN, DEPUTY DIRECTOR FOR TRANSITIONAL PLANNING
SERVICES, NORTH DAKOTA DEPARTMENT OF CORRECTIONS &
REHABILITATION
PRESENTING TESTIMONY RE: SB 2122

My name is Pat Bohn and I am the Deputy Director for Transitional Planning Services for the North Dakota Department of Corrections and Rehabilitation (DOCR). I serve as the deputy clerk for the North Dakota Parole Board, provide administrative support to the Pardon Advisory Board and I am here to testify in support of Senate Bill 2122.

Senate Bill 2122 proposes to place the responsibility for the clerking duties for the parole board and pardon advisory board with the director of the department of corrections and rehabilitation. During the Fall of 2007, the DOCR was reorganized, the Prisons and Field Services Divisions were disbanded and nine work units were created under the umbrella of the DOCR-Division of Adult Services. In our current organizational structure, we no longer have a director of the division of parole and probation. Parole and Probation Services are now managed by a deputy director and the clerk duties for either board do not fall under that person's duties. Our intention is bring these responsibilities under the authority of the director of the DOCR. This will allow the director to assign the execution of these responsibilities to the work unit within the DOCR that is best suited to meet the needs of either board and execute the boards' orders, regardless of the organizational structure.

The last section of the bill, Section 8, merely updates the language to be in line with current practices. Any legal transcript created under this section pertaining to an offender sentenced to the legal or physical custody of the DOCR will go to the DOCR for distribution and not just parole and probation. The legal information contained in the transcript may have some implications for inmates as well as parolees or probationers. This change will direct the information to the correct source and encompass all offenders under the authority of the DOCR.

In closing, we have spoke to the chairpersons of both the parole board and pardon advisory board and they both support the proposed changes presented in this bill as does the DOCR.

**HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE DUANE DEKREY, CHAIRMAN
March 4, 2009**

**PATRICK N. BOHN, DEPUTY DIRECTOR FOR TRANSITIONAL PLANNING
SERVICES, NORTH DAKOTA DEPARTMENT OF CORRECTIONS &
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