

2011 SENATE JUDICIARY

SB 2136

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB2136  
1/18/11  
Job #13038

Conference Committee

Committee Clerk Signature 

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

Relating to work release fees paid by offenders in a correctional facility

## Minutes:

There is attached testimony

**Senator Nething** – Chairman

**Senator Lyson** – Introduces the bill, explains the changes.

**Pat Heinert** – Sheriff for Burleigh County – see written testimony.

**Senator Nething** – Asks the Sheriff where the extra \$5 will go.

**Heinert** – Says that it will go into the general fund for the county.

**Senator Nething** – Asks if the inmates get any money.

**Heinert** – States that the inmates get whatever their jobs pay them.

**Senator Nelson** – Asks if the inmates have ever made less than the \$20 per day.

**Heinert** – Replies he doesn't know of any.

**Senator Sitte** – Asks if anyone makes less than minimum wage.

**Heinert** – Responds, waiters make less but get tips.

**Senator Nething** closes the hearing on SB2136

**Senator Lyson** motions a do pass

**Senator Sitte** seconds

Roll call vote

6 yes, 0 no

**Senator Sitte** will carry

## FISCAL NOTE STATEMENT

Senate Bill or Resolution No. 2136

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, or school districts. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Becky Keller  
Senior Fiscal Analyst

Date: 1-18-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2136

Senate Judiciary 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 Stanley Lyson Seconded By Senator Sitte

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Senator Sitte

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

**REPORT OF STANDING COMMITTEE**

**SB 2136: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2136 was placed on the  
Eleventh order on the calendar.

2011 HOUSE JUDICIARY

SB 2136

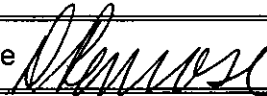
# 2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

SB 2136  
March 7, 2011  
14990

Conference Committee

Committee Clerk Signature



## Minutes:

Chairman DeKrey: We will open the hearing on SB 2136.

Pat Heinert, Burleigh County Sheriff, Jail Administrator: I am here in support of SB 2136. This is to raise the work release fees that we charge an individual from up to \$15/day to "not to exceed \$20/day".

Rep. Steiner: When was the last increase of the fees? When was the \$15/day instituted?

Pat Heinert: I believe it was six sessions ago that was changed from \$10 to \$15/day.

Rep. Delmore: I think it was the 1995 session because I think I carried the bill. How did you arrive at the not to exceed \$20/day figure. What do they usually make on their work release?

Pat Heinert: Typically the person we see in our facility here in Bismarck, who gets work release, an offender who's not been in the system very long; that's why they are getting work release. Typically they have a fairly respectable job, so they have to be making at least the \$7.25/hr. I think most of them are in the \$8-9 range. We arrived at the \$20 figure was to look back at the other law and it was \$10, then went to \$15 and now we're saying \$20. Then I did an analysis in our agency and it is taking us about 40 minutes a day to remove the person from the facility and bring the person back into the facility. Our salaries are about \$23/hr for the average detention officer in our facility. We provide lunch as well; provide a brown bag lunch for them as well. It is costing us about \$19/day now to administer the work release program.

Rep. Boehning: The way it looks, it looks like you charge them for meals too. What do meals and lodging cost, plus you charge them \$15 to let them out and come back after work.

Pat Heinert: We only charge \$15/day for work release. The lodging costs are covered by the county and the general fund budget. We don't have an additional charge for that.

Rep. Boehning: Do you know of any jails that do charge lodging costs, so to speak.

Pat Heinert: The only way that we charge for lodging, is when I charge other entities that house their inmates in our facility. We charge them a daily cost fee; the inmates are not charged with lodging costs.

Rep. Boehning: Are there any other fees that you charge work release inmates.

Pat Heinert: No there are not, this is the only fee that we charge.

Sen. Stan Lyson: Sponsor, support.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition.

Rep. Boehning: Do the inmates usually work an 8 hr shift.

Pat Heinert: I can't speak for every detention center in the state. In our facility, we have a policy that allows them to work five days out of the seven day work week, and up to 8 hours a day, but they are out of the facility for an hour prior to and an hour after, so they could be gone from the facility for 11 hours.

Rep. Boehning: So they can get an 8 hour work day.

Pat Heinert: We allow an 8 hour work day in our facility.

Rep. Brabandt: How do these people get to and from work?

Pat Heinert: There's a couple of way. First of all, we do not take or pick them up from our facility. Our facility is located downtown in the heart of the city, and we have the busing service in Bismarck, which they can jump on for \$1/ride and/or we have several employers that we work with in our facility that we actually find people work, to get them out of the facility if they are there too long, from sitting around. We try and talk them into getting a job. These employers will actually come and pick up the inmates because that way the inmate is at work on time and kind of sober.

Chairman DeKrey: Thank you. We will close the hearing.

Rep. Maragos: I move a Do Pass.

Rep. Delmore: Second the motion.

**13 YES 0 NO 1 ABSENT**

**DO PASS**

**CARRIER: Rep. Maragos**



Date: 3/7/11  
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2136

House JUDICIARY 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. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Guggisberg	✓	
Rep. Beadle	✓		Rep. Hogan	✓	
Rep. Boehning	✓		Rep. Onstad	✓	
Rep. Brabandt	✓				
Rep. Kingsbury	Absent				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Steiner	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Maragos

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

**REPORT OF STANDING COMMITTEE**

**SB 2136: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2136 was placed on the  
Fourteenth order on the calendar.

2011 TESTIMONY

SB 2136

**SENATE BILL 2136**

January 18, 2011

Senate Judiciary –Chairman: Sen. D. Nething

Testimony of Pat Heinert, Sheriff/Jail Administrator, Burleigh County

Good Morning Senate Judiciary Committee:

I am here today in support of SB 2136, which raises the daily fees for a work release inmate in local jails/detention centers from \$15 a day to \$ 20 per day.

In Burleigh County we strive to have inmate placed on work release. Our belief is that if an inmate can retain or gain employment while incarcerated they are going to be a more productive citizen once they have completed their sentence.

With this our costs to manage a work release system have increase. As we currently operate we have determined that we spend approximately 40 minutes a day in the releasing and re-entry of each work release inmate per day. Burleigh County also provides breakfast at an approximate cost of \$ 1.38 and we also offer a brown bag lunch for each worker. Our average Detention Officer is paid \$ 18.16 per hour. So considering 40 minutes of time from an Officer and two meals, our average daily cost to provide a work release is \$ 14.88.

So as you can see it would not take very much change to exceed our average daily cost per inmate to retain a work release program.

I thank you for your consideration of support on SB 2136.