

2001 SENATE POLITICAL SUBDIVISIONS

SB 2220

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2220

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 26, 2001

Tape Number	Side A	Side B	Meter #
1	x		0.0-20.0
Committee Clerk Signature <i>Mary Jo Wacker</i>			

Minutes:

The hearing was called to order on SB2220, relating to costs and expenses of transporting juveniles for medical care and treatment. Senator Lee Absent, Rest in attendance.

WADE WILLIAMS, Association of Counties, spoke in support of this bill .This bill does add \$.50 per mile per officer time and gives per diem in case there is an overnight stay for any type of juvenile transport. SENATOR POLOVITZ: Per diem, what exactly are you talking about? Is it state per diem, or are you talking about, over and above his salary? WADE WILLIAMS: Per diem would be his meals and lodging. JOHN OLSON, States Attorneys and Peace Officers, spoke in support of SB2220. PAT HEINERT: Deputy Sheriff in Burleigh County, Executive Board of the ND Peace Officers Association, representing ND Sheriffs Deputies, spoke in support of SB2220. The reason we ask for this, is at present when we transport juveniles for juvenile authorities, we receive mileage paid back to the county, and that is all that we receive. We do not get any money back for any per diem we may have to pay our deputies if they are on

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Senate Political Subdivisions Committee

Bill/Resolution Number SB2220

Hearing Date January 26, 2001

the road or if they end up staying overnight if the weather conditions are bad or if they have a long trip and we do not receive any salary pay back to the counties. SENATOR COOK: What pocket does this money come out of? PAT HEINERT: We get paid back through the Division of Juvenile Services when we complete a transport and we have to submit a bill for mileage. They pay us for the \$.25 state paid for mileage rate. The remainder of the money is funded by the counties through the sheriff's budget. SENATOR COOK: The \$.50 per mile, is it \$.50 to cover actual driving expenses plus the salary, is that why it's \$.50? PAT HEINERT: Yes, that's why we added the \$.50 plus the \$.25. That is to attempt to recoup some of the cost that some of the counties incur for salaries, and other expenses that may occur, to the vehicle while you're out driving. As most of you know the \$.25 right now per mile is not really covering the actual charges of the vehicle. SENATOR COOK: Pat, your getting \$.50 plus the \$.25? PAT HEINERT: That's my understanding. SENATOR WATNE: I am looking at this bill as going back to the reunification of courts where the acceptance of the juvenile expenses of the Clerk of Court has come through state coffers. So you are not putting some of these expenses of the transport, part of the salaries and all that, taking it out of the counties responsibility and asking for the Supreme Court to put it into the court of juvenile services. Correct? PAT HEINERT: That is correct. At the present time, we do not get paid back anything for mileage. SENATOR FLAKOLL: In the fiscal note it says \$.31. Are you all getting paid \$.25 now? PAT HEINERT: Yes, at the present time we are only getting paid \$.25, I believe there is a new bill in to raise the fees to \$.31 a mile, that came in after we introduced this bill. SENATOR FLAKOLL: Typically, what is the average distance traveled? Where do we land at \$.50, is it somewhat arbitrary in nature or how do we derive that? WADE WILLIAMS: The average trip across the state is 400 miles. We came up with that number I added the total mileage paid last year and divided it by the

number of trips and averaged them. SENATOR FLAKOLL: How many trips did we have last year? SENATOR WATNE: 159? WADE WILLIAMS: I don't recall, the number. SENATOR FLAKOLL: Approximately, 500 and some trips, does that sound reasonable? SENATOR MATHERN: Wade, I had done my own calculations before I even seen that, and I came up with 400 miles. For clarification, when it states on a bill per diem rate, is that talking about hotel lodging? WADE WILLIAMS: Yes, the state per diem rate. SENATOR FLAKOLL: Just to clarify now, on officers time, if you send multiple officers, do you only get \$.50 extra correct? Not \$.50 per person per mile? WADE WILLIAMS: That's the way I would interpret it. Generally, to come up with in figuring this out, it took a state wide average of a deputy sheriff with overtime, generally coming out of smaller counties that don't have a staff, so that when they make those trips there are generally made with the \$.50, covers about \$16 an hour, this is what this figures out average state wide. SENATOR WATNE: 119,050 miles that are being traveled on this type of delivery service, at \$.31 mile proposed by this bill plus \$.50 mile for officer time this bill is coming in with a fiscal note of \$205,304 per biennium, this is getting to be a costly bill. I'm wondering how your justifying that \$.81 a mile when legislators or anyone else is a state employee is still at \$.20 or whatever that is, why? WADE WILLIAMS: The \$.31 when they are figuring in that fiscal note, they are taking into consideration the bill's to increase from \$.25 to \$.31 are going to pass. This bill was introduced at \$.25. I believe that's how the fiscal note was made up for the officers time. It is the feeling of the Sheriff's Association that we are doing these transports for the state and we are not receiving any type of reimbursement for that time. The loss of the officer in the county for loss of vehicle in the county, the county is more or less subsidizing the department and Human Services for the transport of the juveniles. SENATOR LYSON: Pat, I think what I would to have you clear up for us, when you make out the schedule

for the Burleigh County Sheriffs Department, when you make the schedule out, you make sure that you have enough people to cover the incidentals that are going to happen in your county.

When you get something this, its normally overtime situation in your county. Can you explain to the committee, why this is that way? PAT HEINERT: We have a limited number of staff that we are dealing with, and everyone is on call 24-7. Plus we have to provide coverage for our warrants division, and our civil process division and our communication center. When these transports come in at a moments notice, typically, within a couple of hours we're expected to go on the road. Transport often come in, in the afternoon when juvenile courts have had session, and so therefore we send someone off to the Home of the Range for Boys, up in Minot, or to Jamestown, so, typically we often take warrants officer or civil officer who is scheduled Monday through Friday on a 8-5 schedule because that's when they work and we put them on the road, and so then the county is loosing that person who does a normal job during the day. We also need to pay them overtime, or if we don't pay them overtime, sometime that week we have to give then time off to accommodate the hours they worked overtime. It is an expense for the counties for manpower, hours and for meals. SENATOR LYSON: If you didn't take somebody off for budget purposes, full-time, overtime, would you have to pull somebody off in order to work this? PAT HEINERT: That is absolutely correct. If we did not pull somebody out of another area, it would be somebody who is off-duty. The county is trying to recoup the cost of the trip for the county. SENATOR MATHERN: Senator Watne mentioned the \$.81 fee, the IRS rate is minimum of \$.31 /\$.32 and that doesn't cover the cost of gasoline right now, and hour per diem at \$111 per diem is almost \$14 a hour and \$16 isn't really out of line. SENATOR WATNE: I see the same type of situation with juvenile. Don't you have the same situation with sexual predators or mental illness hearings when going to evaluations in Jamestown? Its not just a part

of the juvenile system is it? PAT HEINERT: Its most every transport that we do. There is not denying that. SENATOR WATNE: Is there another bill to cover those types of transports too?

PAT HEINERT: No, there is not. This bill was put in at the request of the Sheriff's Association because it causes us the most conflicts. SENATOR COOK: In any cases, do we have the US

Marshall Services transporting prisoners either for the county, or for the state, that you know of?

PAT HEINERT: Not, in juveniles, we do not do that. In other transports that cross state lines, at times, we do use the Marshall Service. SENATOR COOK: Is there a fee that you have to pay the

Marshall Services to transport a prisoner? PAT HEINERT: Yes, there is. They have a flat rate fee that they charge us plus a fee depended upon where were coming from. In other words the

prisoner is located and how low it will take them to get them transported and the associated costs that go with that and any additional meals, if they end staying at another jail in another county

for the night, we pick the fee to that other county. SENATOR COOK: Is that fee comparable to this fee?

PAT HEINERT: At the top of my head I think that it is higher. SENATOR COOK: What other type of, are there not many things that the counties are not expected to do, can we ask the state or

somebody else to pick up the cost for it? PAT HEINERT: Yes,sir. Basically any transport we do outside of the state of ND, is a felony type transport, a warrant of some type. So, they are all

basically state charges and the county resumes the responsibility for those. Any mental transport the state ordered , for almost anything we do in transporting, it comes from the Sheriffs

Department, it comes from the state District Courts. JOHN OLSON: The county assumes the most of those charges through civil commitment and felonies, misdemeanors transports and stuff

like that. This case deals with children who are in the custody of a state agency, when the state itself assumes full responsibility for the child. The county would also assume some responsibility

for that child that's not in the state agency. PAUL HENDRICKSON: spoke in favor of SB2220.

President of the Sheriffs Deputy Association. This is for an emergency. (Ex.Meter#15.8) Not abused by agencies. At \$.50 per mile, its only windshield time. SENATOR FLAKOLL: The title would lead us to believe that its essentially for medical care and treatment, but, essentially, the bulk of your transport problems are not related to medical care or treatment right, they are to transport from one court to another or Boys Ranch, so on and so forth? PHIL HENDRICKSON: My understanding is that the treatment would be, that would be part of the treatment. That particular center maybe Mandan, or can't deal with a particular item, we have to transport him over to Jamestown to a Mental Health Facility. Part of treatment to rehabilitate the child.

SENATOR FLAKOLL: Would it also include a transfer or reprimanded from one court to another? PHIL HENDRICKSON : Generally, this situation is they have already been committed in the court. They have been committed to the Department of Juvenile Services. SENATOR FLAKOLL: So, do they have to receive any kind of compensation if they have to perform any of these duties? PHIL HENDRICKSON: I'm unaware of that. SENATOR POLOVITZ: This basically, is a bill for transporting juveniles as it states? PHIL HENDRICKSON: Yes, that is correct. SENATOR POLOVITZ: Does this then lead to the same kind of situations where other transportation of prisoners,etc,etc., PHIL HENDRICKSON: Usually the Department of Corrections, as I understand it, those things were still in the custody of our particular county. We probably still have the jurisdiction of other types of transports that would be taking place. Once again the Department of Corrections, they to as well, provides transportation as I understand it. SENATOR COOK, closed the Hearing on SB2220.

**February 1, 2001 Tape 2, Side A Meter # 3.9-10.1**

Senator Cook opened discussion on this bill. SENATOR LYSON: This bill, so that you don't misunderstand what it says, it kind of gives you the impression when you look at it that the county sheriff is going to get paid every time they transport juveniles. That is not the case. This bill will only pay, the sheriff when he transports somebody in custody of the Department of Corrections Youth Juvenile Division. When your under the custody, the juvenile has two supervisors, two different kinds of probation officers, a county probation officer which is not part of the state problem, and then they have the Dept.of Juvenile Services. Their probation officers get a lot of these juveniles and these children when they get into situation and they have be transported for medical reasons or treatment reasons, they call the sheriff for transportation. Once in awhile they will take them, very seldom as most of these children are combative and hard to handle so they call the sheriff to do that. That's the reason for this bill, the sheriff should be getting paid not only the mileage, what they get out of the law now, but, also money enough to pay for some of the salary per diem. \$.31 a mile is not going to change but it will pay for the salary but it will help. It is an absolute necessity for these counties to get some of this money back to subsidize the payments they are making that take care of our juveniles. SENATOR WATNE: I am going to vote for this bill, but we also should be aware that this is a part of reunification in transferring some of those expenses to the state from the counties. I believe this is opening the box. You are going to see other agencies doing the same kind of things. Those juveniles are from that area, they originated in that court. But I believe we're going to see more of it. SENATOR POLOVITZ: Senator Lyson, where is the money come from now? SENATOR LYSON: It's coming out of the sheriffs budget. SENATOR POLOVITZ: So what happens if they get paid for this from another fund? What happens to their budget? SENATOR LYSON: The budget will stay the same. It will go into the general fund of the counties and when they



make out their budget of course they figure these trips into it. Its a guess work, when figuring out the budget. SENATOR COOK: Members of the committee, if you look at the fiscal note, on the bottom of Page 1, is shows that the executive recommendation for the Department of Corrections, Division of Juvenile Services, includes \$60,000 in general funds to pay mileage costs for transporting juveniles in their custody. The effect of this fiscal note, I believe, if we read the bold print down there, the counties will collect approximately \$145,304 in additional reimbursement dollars from the Department of Corrections. I don't know how they go to \$205,000 on their fiscal note, but it is. SENATOR WATNE: The HB 1197, in the bill for \$36,905 is in the bill that they sent, that they anticipate is going to pass. SENATOR LYSON: I see, that how they got to \$.31, that up an extra \$.06 per mileage for miles. SENATOR COOK: If this bill is passed, the motion will have to be re-referred to Appropriations.

Senator Mathern moved a Do Pass

Senator Christenson 2nd

Discussion: Senator Lee: I see this would be an reimbursement from the Department of Corrections and I know that we passed that budget, I believe out of the Senate. Senator Cook: \$60,000 is in the budget, and we have it ...Senator Lee: And this is higher, \$145,000. So Senator Lee what is that? It means that somebody has to find the money if we pass this and it goes through.

Senator WATNE, this needs to be referred to Appropriations. SENATOR COOK: Senator LYSON do you realize that if this goes to Appropriations, that it will come to the floor on believe with there recommendation, as far as a pass or do not pass. This is the way you want to send it down there? It's the motion of Senator Mother's that I agree to send it that way, yes. Well I noticed the Chairman of the Appropriations is the prime sponsor. SENATOR LYSON: I think

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Senate Political Subdivisions Committee  
Bill/Resolution Number SB2220  
Hearing Date January 26, 2001

this is a pretty good bet this will be passed.

Roll call vote taken. 7 Yes, 1 No, 0 Absent

Motion as a Do Pass and to be re-referred to Appropriations Carrier: Senator LYSON

**FISCAL NOTE**  
 Requested by Legislative Council  
 04/13/2001

Bill/Resolution No.:

Amendment to:           Engrossed  
                                   SB 2220

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
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$69,050	\$0	\$69,050	\$0
<b>Appropriations</b>	\$0	\$0	\$69,050	\$0	\$69,050	\$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.*

Engrossed SB 2220 with conference committee amendments increases the amount reimbursed to the county for transporting juveniles in State custody by twenty-nine cents per mile. Presently counties are only reimbursed for mileage at the state mileage reimbursement rate.

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.*

It is estimated that a twenty-nine cents per mile reimbursement would cost \$34,525 each year, or \$69,050 for the biennium.

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.*

A twenty-nine cents per mile reimbursement rate would cost an additional \$69,050 per biennium. The House Appropriations Committee reduced the amount for additional reimbursement to counties for transportation of juveniles in the Department of Correction's budget to \$59,525. Therefore an additional \$9,525 must be added to the Department of Correction's budget to provide adequate funding to cover this increased mileage reimbursement rate.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	DOCR
<b>Phone Number:</b>	328-6390	<b>Date Prepared:</b>	04/16/2001

**FISCAL NOTE**  
 Requested by Legislative Council  
 03/23/2001

Bill/Resolution No.:

Amendment to:           Engrossed  
                                   SB 2220

**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
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$59,525	\$0	\$59,525	\$0
<b>Appropriations</b>	\$0	\$0	\$59,525	\$0	\$59,525	\$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.*

Engrossed SB 2220 increases the amount reimbursed to the county for transporting juveniles in State custody by twenty-five cents per mile. Presently counties are only reimbursed for mileage at the state mileage reimbursement rate.

**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.*

It is estimated that the additional twenty-five cents per mile reimbursement would cost \$29,762 each year, or \$59, 525.

**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.*

An additional twenty-five cents per mile reimbursement would cost an additional \$59,525 per biennium. The Senate Appropriations Committee added \$101,000 to the Division of Juvenile Services budget in Engrossed SB 2016 to cover the Senate amendment of an additional mileage reimbursement at fifty cents per mile.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	DOCR
<b>Phone Number:</b>	328-6390	<b>Date Prepared:</b>	03/26/2001

**FISCAL NOTE**  
 Requested by Legislative Council  
 02/20/2001

Bill/Resolution No.:

Amendment to: SB 2220

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	\$0	\$119,050	\$0	\$119,050	\$0
Appropriations	\$0	\$0	\$119,050	\$0	\$119,050	\$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.*

As amended, SB2220 increases the amount reimbursed to the county for transporting juveniles in State custody by fifty cents per mile for officer time. Presently counties are only reimbursed for mileage at the state mileage reimbursement rate.

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.*

No 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.*

It is estimated that the additional fifty cents per mile reimbursement for officer time would cost \$59,525 each year, or \$119,050 per biennium.

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.*

The additional fifty cents per mile reimbursement for officer time would cost an additional \$119,050 per biennium. The Senate Appropriations Committee added \$101,000 to the Division of Juvenile Services budget in SB2016 to cover this additional cost.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	Dept. of Corrections & Rehabilitation
<b>Phone Number:</b>	328-6390	<b>Date Prepared:</b>	02/21/2001



**FISCAL NOTE**  
 Requested by Legislative Council  
 01/17/2001

Bill/Resolution No.: SB 2220

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
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$205,304	\$0	\$205,304	\$0
<b>Appropriations</b>	\$0	\$0	\$205,304	\$0	\$205,304	\$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.*

Senate Bill 2220 provides that state agencies reimburse the county for mileage and per diem expenses plus fifty cents per mile for officer time in transporting juveniles for court ordered medical and other examination and treatment. Pursuant to Section 2 of NDCC 27-20-49, the Department of Corrections, Division of Juvenile Services currently reimburses sheriff departments for only the mileage costs in the transporting of juveniles.

The amounts listed above for expenditures and appropriations reflect the department's projected costs associated with this proposed legislation. The amounts are based on the following information:

119,050 Miles Reimbursed to Sheriff Departments in FY2000; 288 Travel Days Reported in FY2000	
119,050 Miles x \$.31/mile (Proposed mileage reimb. -HB1197)	\$36,905
119,050 Miles x \$.50/mile (Officer time)	59,525
288 Days x \$20.00/Day (Meals Reimbursement)	5,760
10 Nights x \$46.20 (Lodging Reimbursement)	462
<b>Total Projected Annual Operating Costs</b>	<b>\$102,652</b>
2001-2003 Biennium - General Fund	\$205,304
2003-2005 Biennium - General Fund	\$205,304

The 2001-2003 executive recommendation for the Department of Corrections, Division of Juvenile Services

includes \$60,000 in general funds to pay mileage costs for transporting juveniles in their custody.

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.*

Additional revenue would be received by the counties for transporting juveniles pursuant to court orders. It is estimated that in total counties would collect approximately \$145,304 in additional reimbursement dollars from the Department of Corrections through each of the next two biennia under the provisions of SB 2220.

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.*

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 narrative above.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	DOCR
<b>Phone Number:</b>	328-6390	<b>Date Prepared:</b>	01/23/2001

Date: February 1, 2001  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. S.B. 2220

Senate Political Subdivisions Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

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

Action Taken No Pass & Referred to Appropriations

Motion Made By Sen. Mathern Seconded By Sen. Christenson

Senators	Yes	No	Senators	Yes	No
Senator Cook	✓		Senator Christenson	✓	
Senator Lyson	✓		Senator Mathern	✓	
Senator Flakoll		✓	Senator Polovitz	✓	
Senator Lee	✓				
Senator Watne	✓				

Total (Yes) 7 No 1

Absent 0

Floor Assignment Senator Lyson

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

**REPORT OF STANDING COMMITTEE (410)**  
February 5, 2001 9:18 a.m.

**Module No: SR-20-2331**  
**Carrier: Lyson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2220: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2220 was rereferred to the Appropriations Committee.**

2001 SENATE APPROPRIATIONS

SB 2220

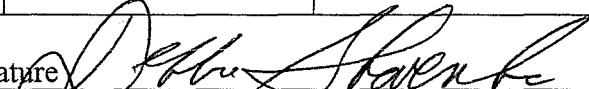
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2220

Senate Appropriations Committee

Conference Committee

Hearing Date February 13, 2001

Tape Number	Side A	Side B	Meter #
1	X		18.6-40.9
Committee Clerk Signature 			

Minutes:

Senator Nething opened the hearing on SB 2220.

Senator Stanley Lyson, District #1, appeared as a sponsor for SB 2220, stating this bill is long past due with county sheriff's transporting juveniles for the state. This bill is only for those juveniles awarded to a state agency by the courts. Asking for an additional 50 cents per mile for the sheriff. With mileage increase there is no way to cheat and is very fair transportation for the state and relief for the county. This is a worthwhile bill.

Senator Nething: Are you aware of the amendment being offered today.

Senator Lyson: Yes I am.

Senator Heitkamp: Fiscal note on this bill?

Senator Nething: Yes and it will be distributed.

Senator Bowman: The cost then is to the county where the juvenile is; aren't sheriff's paid anyway or someone special driving or policing; is this more costs?

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Senate Appropriations Committee

Bill/Resolution Number SB 2220

Hearing Date February 13, 2001

Senator Lyson: Schedules are made for all officers; if transportation is need for juvenile the someone is taken out of the schedule and they need to be covered. This is expensive and just can't have anyone replace them.

Senator Heitkamp: Fiscal note amount; can you reference the amount of these dollars.

Senator Lyson: \$205,304 total amount; state is getting a break.

Senator Heitkamp: Fiscal concerns when you look at the amendments?

Tape #1, side A, meter 29.15

Wade Williams, NDAC: The fiscal note shows \$205,304; the amendment would take out the per diem, a \$80,000 reduction for biennium. The average trip is 440 miles, about 6 ½ hours, overtime being around 2 hours, average 16 ½ dollar hours across the state. (copy amendment attached.)

Pat Heinert, NDPO and Deputy Sheriff, Burleigh County, spoke in support of the bill on behalf of sheriffs' of North Dakota. This bill recoups cost to the counties for transporting state juveniles.

Senator Nething: The bill amendment is limited to 50 cents per mile, which sheriff's don't get now as this is for state mileage.

Senator Schobinger: State mileage is now at 25 cents per mile; is this based on the increase for state mileage to 31 cents per mile?

Pat Heinert: Correct; the 50 cents per mile is for time driven outside of county.

Senator Heitkamp: In the past the county was paid, reimbursed back to counties; saving to the county?

Pat Heinert: Sheriff Harvey from Burleigh County shows trips and moneys to show 50 cents off; then back to county funds for next year.

Page 3

Senate Appropriations Committee

Bill/Resolution Number SB 2220

Hearing Date February 13, 2001

John Olson, ND State's Attorney & NDPO, testified favor of the bill. Haven't seen the amendments; sheriff's are probably comfortable with amendment but rural county's will be drained on their resources with additional travel; reimbursement to rural county's is needed money.

Jim Rice, Sheriff Stark County, testified in favor of the bill. Sheriff's will be doing all transporting of these juveniles and some of the worst juveniles which is a sore spot with the sheriff. This appropriation will alleviate a lot of that.

Senator Nething: Amendments remove per diem; do you support this bill with amendment?

Jim Rice: yes we do.

Senator Andrist: Looking at the amendment; how much less is this for the biennium; I see about \$12,000 for the biennium?

Wade Williams: That is right, \$12,400 per biennium not the \$80,000 as previously stated. About \$6,000 per year less.

Senator Heitkamp: These juveniles are an award to the state; the county is just transporting them; is this bill fair to the counties?

Wade Williams: That is what this bill does and it is fair.

With no opposition the hearing was closed. Tape #1, Side A, meter 40.9.

Senator Nething appointed this bill to the Corrections Subcommittee for further review.



Page 4

Senate Appropriations Committee

Bill/Resolution Number SB 2220

Hearing Date February 13, 2001

February 16, 2001 - Full Committee Action (Tape 1, Side A, Meter No. 31-2-39.9)

Senator Nething reopened the hearing on SB2220.

Senator Nething, Chair of the Corrections Subcommittee, distributed and explained the amendments (#10557.0101). Discussion. Senator Heitkamp moved the amendments be adopted.

Verbal vote approved the amendments. Discussion on the bill. Senator Heitkamp moved a DO PASS AS AMENDED; seconded by Senator Andrist. Roll Call Vote: 12 yes; 1 no; 1 absent and not voting. Senator Robinson accepted the floor assignment.

SB. 2220

**Proposed Amendment to SB 2220**

Page 1, line 15, remove the new language "and per diem"

Page 1, line 16, remove the overstrike from "~~excluding meals and lodging~~"

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2220

Page 1, line 15, remove "and per diem"

Page 1, line 16, remove the overstrike over "~~excluding meals and lodging~~"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 530 - Department of Corrections and Rehabilitation - Senate Action**

The bill as introduced required that county reimbursement for transporting juvenile offenders be determined based upon the state mileage rate, plus 50 cents per mile, plus the state per diem rate for meals and lodging. The bill as amended provides for reimbursement based on the state mileage rate plus 50 cents per mile. Current law provides for reimbursement at the state mileage rate.

Date: 2-16-01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2220

Senate Appropriations Committee

- Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 10557.0101

Action Taken Do Pass as Amended

Motion Made By Sen Heitkamp Seconded By Sen Andrist

Senators	Yes	No	Senators	Yes	No
Dave Nething, Chairman	✓				
Ken Solberg, Vice-Chairman		✓			
Randy A. Schobinger	✓				
Elroy N. Lindaas	✓				
Harvey Tallackson	✓				
Larry J. Robinson	✓				
Steven W. Tomac	✓				
Joel C. Heitkamp	✓				
Tony Grindberg	✓				
Russell T. Thane	✓				
Ed Kringstad	✓				
Ray Holmberg	✓				
Bill Bowman					
John M. Andrist	✓				

Total Yes 12 No 1

Absent 1

Floor Assignment Senator Robinson

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

**REPORT OF STANDING COMMITTEE**

**SB 2220: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2220 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "and per diem"

Page 1, line 16, after "rate" insert an underscored comma and remove the overstrike over "~~excluding meals and lodging~~" and insert immediately thereafter an underscored comma

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 530 - Department of Corrections and Rehabilitation - Senate Action**

The bill as introduced required that county reimbursement for transporting juvenile offenders be determined based upon the state mileage rate, plus 50 cents per mile, plus the state per diem rate for meals and lodging. The bill as amended provides for reimbursement based on the state mileage rate plus 50 cents per mile. Current law provides for reimbursement at the state mileage rate.

2001 HOUSE POLITICAL SUBDIVISIONS

SB 2220

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2220

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-09-01

Tape Number	Side A	Side B	Meter #
1		xx	138--2345
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: Vice-Chair Severson opened the hearing on SB2220 relating to costs and expenses of transporting juveniles for medical care and treatment.

Sen. Stan Lyson, Dist. 1 : testified in support of SB2220. I have fought for this bill for many years in Williams County. Several sessions ago we did get the state to pay mileage to the sheriffs that transport juveniles in the custody of the department of corrections juvenile services. We try to continue to get the state to do more. This bill will help cover the cost when sheriffs are called to transfer juveniles to and from facilities. It's \$.50 a mile to compensate the county for the time of their officer. The counties have been baring the cost and it's time for the state to help. This is really a good bill for the small counties.

Rep. Disrud : (600) Is this from the DJS budget?

Sen. Lyson : Dept. of Corrections. They have it in their budget to do this.

Rep. Disrud : Do they has a sense of what it will add to their budget? Is DJS totally separate as far as these transfers?

Sen. Lyson : I can't answer that. Sen. Nething is prime sponsor and he said he would make sure there was appropriations for it.

Rep. Niemeier : This seems like a curious way to pay instead of by the hour. I think this is rather a generous amount.

Vice-Chair Severson : The fiscal note is \$19,050 every 2 years.

Rep. Niemeier : Shouldn't that come out equally across the state regardless of how many miles we travel?

Vice-Chair Severson : Even though it's only a two hour drive to somewhere, it may take hours to process the juvenile. They are only getting the mileage, not the process time.

Sen. Dave Nething, Dist 48 : testified in to support this bill. I am prime sponsor of this bill at the request of my local sheriff. We did put this into the corrections budget. Please consider a DO PASS on this bill. It's important.

Wade Williams, ND Assoc. of Counties: (1220) testified in support of bill. **(SEE ATTACHED)**

With this bill, we are not changing any type of transportation. We get requests to graduations or confirmation hearing transfers, and we transport. We are not limiting what type of reason. Doesn't have to be only medical.

Rep. Maragos : (1550) Under the 413 miles at \$.25 per mile, you are currently getting that.

Will you still get that \$.25 over and above the \$.50 for the officer?

Wade : Yes, but it will be \$.31.

Rep. Maragos : With this bill, won't the counties be taken care of?

Wade : We believe so. If there is a lot of down time, it may cost the county more. This bill will help a lot, though.

Rep. Disrud : Are you actually getting \$.81 per mile? Does that go to the sheriff?



Wade : That's correct. No, to the second question. The money goes into the general fund. This bill will take effect only when the sheriffs department transports.

Jim Rice, Stark County Sheriff : testified in support of SB2220. I asked for this bill. This transportation thing has always been a sore spot between the sheriff's department and juvenile services department. We have to go when called. Sometimes it's within a few minutes of getting called. We are not making a bunch of money with this bill. Going from point A to point B is not all that is involved. You may be held over for hours, and we are not getting paid for that.

Rep. N. Johnson : (2165) Who gets the call to transport?

Jim : Wherever the residency of the juvenile is.

Vice-Chair Severson : Any further testimony for or against? Hearing none, we're closed. Does the committee wish to act?

Rep. Disrud : I move a **DO PASS**.

Rep. Gunter : I second.

**VOTE: 13 YES and 0 NO with 2 absent. PASSED and REFERRED TO**

**APPROPRIATIONS. Rep. Disrud will carry the bill.**

Date: 3-9-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2220

House POLITICAL SUBDIVISIONS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken DO PASS & Refer to Approp

Motion Made By Rep. Disrud Seconded By Rep. Gunter

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	/	
Vice-Chair Dale C. Severson	/				
Rep. Lois Delmore	AB				
Rep. Rachael Disrud	-				
Rep. Bruce Eckre	-				
Rep. Mary Ekstrom	/				
Rep. April Fairfield	AB				
Rep. Michael Grosz	/				
Rep. Jane Gunter	-				
Rep. Gil Herbel	-				
Rep. Nancy Johnson	/				
Rep. William E. Kretschmar	-				
Rep. Carol A. Niemeier	/				
Rep. Andrew G. Maragos	/				

Total (Yes) 13 No 0

Absent 2 ab.

Floor Assignment Rep. Disrud

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

**REPORT OF STANDING COMMITTEE (410)**  
March 9, 2001 10:56 a.m.

**Module No: HR-41-5192**  
**Carrier: Disrud**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2220, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2220 was rereferred to the Appropriations Committee.**

2001 HOUSE APPROPRIATIONS

SB 2220

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB2220**

House Appropriations Committee

Conference Committee

Hearing Date **March 20, 2001**

Tape Number	Side A	Side B	Meter #
1		x	786 - 2034
Committee Clerk Signature <i>L J Douhen</i>			

Minutes:

**HOUSE APPROPRIATIONS COMMITTEE HEARING ON SB2220.**

**Rep. Timm:** We will open the hearing on SB2220.

**Sen. Lyson:** I want to talk to you a little bit on SB2220 and the reason that it should be funded.

Before we get into this completely, I want you to understand the bill says that it is transportation for juveniles, this only partly the fact because there are different types of juveniles that are being transported. This is only for the ones that under the supervision of the Dept. Of Corrections of Juvenile Services is what were talking about here, not the ones that commit a violation within their community before they are adjudicated which is the counties responsibility, not the ones that ones that have been adjudicated are under the supervision of juvenile supervisors, they are also county responsibilities, this is only the ones that are under the ND State Dept. of Corrections Juvenile Services that we are talking about in transport. There are two different things in here, you have the mileage that the sheriff gets is already paid for under the law now

for transporting a juvenile and the mileage that they put on there vehicles, the other mileage of .50 cents is to reimburse the county for the expense of the sheriff's Dept. for transporting that juvenile. Now there are a couple of reasons for that and I will use my home county as an example. If we transport a juvenile to the state hospital in Jamestown that's a fourteen hour trip minimum for taking the juvenile to the state hospital and returning and you don't have a bunch of people waiting to check them in right away, sometimes it takes longer than one would like, To Bismarck and to the state industrial school that's about a nine hour trip, so when the sheriff's department is transporting that they have so many people that they have to put a schedule, they set the schedule out so that they have their county properly covered for law enforcement. These transports aren't set up two weeks in advance or something, they are very impromptu and can come at anytime. The reason its in mileage at .50 cents a mile is not to be able to rip off the state, if your taking somebody to Jamestown from Williston and returning and stopping and eating maybe stopping in and visiting the in laws or whatever else it could take a long time, if you put it in mileage that is all they get, and I can assure you it is not going to pay for that deputy to take this person down, it he is a combative person or if its a female you get two people.

**Rep. Timm:** The fifty cents a mile goes to the Department not to person who actually did the transporting. Answer : That is correct to some degree. It would not go into the Department but to the general fund of the county.

**Rep. Aarsvold:** Is it entirely clear to you that in the event that it requires two officers, that each gets .50 per mile the way the bill is written? Answer: Not its not, I think it is fifty cents a mile period.

**Rep. Delzer:** Going through the Department of Corrections budgets we see there are some areas in there where the Department of Corrections pays for county costs on such things as supervisory

training and things like that, how do you respond to the fact that here your wanting to have your costs covered, but how do you respond to the fact that should we then in fact require the counties to pay their costs whenever the department is picking it up.

**Sen. Lyson:** I'm not sure what costs that they are talking about to pick things up, now if they are putting on a school its probably the officers from the county that go there, they are not paying for them to go there, they are probably paying for the instructor and that school was probably put on because they need there own people trained and aren't enough to go there also.

**Rep. Timm:** Any questions of Sen. Lyson?

**Sen. Nething:** I introduced this bill at the request of our local sheriff and it has been explained I think. I just wanted the committee to know that we did provide the funding for this in the corrections budget and it does not need additional dollars, the dollars are in that particular budget at this time, so which ever way that bill is dealt with, why that would be where the dollars are.

**Rep. Timm:** How much money did you provide in the senate, do you remember?

**Sen. Nething:** The fiscal note shows I think \$119,000.

**Rep. Svedjan:** There is \$101,000 dollars in the corrections budget in response to this bill.

**Wade Williams, Association of Counties: (Passed out written testimony on juvenile transportation costs from July of 1999 to June of 2000) and answered questions after explaining his testimony sheet.)**

**Rep. Timm:** Do you know how the counties are reimbursed for transporting an adults.

**Mr. Williams:** When someone is incarcerated and sentenced to the State Penitentiary, there is a one time trip for that individual from the county to the penitentiary and after that the penitentiary is responsible for any type of transport after that.

**Rep. Skarphol:** I'm a little confused, you did 413 miles in 5 ½ hours that's 75 miles an hour, and how do they eat two meals while there doing that? (Joke)

**Pat Heinert, Deputy Sheriff:** Just a couple of points that I would like to make, first of all we travel 70 miles per hour and Wade travels 75 miles per hour. Secondly, I would like to point out once again that this bill only effects those juveniles that we transport that are under DJS authority, it does not effect any other juveniles that we transport on a daily or weekly basis that come through the county system.

**Rep. Timm:** Any questions? Any other testimony in support of SB2220? Any opposition to SB2220? Close the hearing on SB2220.

**House Appropriations closed the hearing on SB2220.**



2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2220A

House Appropriations Committee

Conference Committee

Hearing Date **March 21, 2001**

Tape Number	Side A	Side B	Meter #
1	x		2674 - 4550
Committee Clerk Signature <i>Z Z Dauler</i>			

Minutes:

**HOUSE APPROPRIATIONS COMMITTEE ACTION ON SB2220A.**

**Rep. Timm:** Let's take up action on SB2220. This is a bill that gives the sheriff's departments around the state an extra .50 cents a mile for transporting juveniles.

**Rep. Wald:** Moves a DO PASS, Seconded by Rep. Wentz.

**Rep. Timm:** Any discussion? Rep. Wald do you want to state your rationale for offering a do pass?

**Rep. Wald:** I think we all heard Sen. Lyson's explanation of it being a long way from western North Dakota to Jamestown and that's where a lot of these juvenile observations are done so there on the road for 8 to 14 hours as the sheriff said, there is additional costs involved obviously, and I guess that's the rationale.

**Rep. Timm:** The money comes out of the general fund doesn't it? Response was Yes.

**Rep. Glassheim:** I was just a little disturbed , isn't his part of there normal duties, I mean thew counties are the arm of the state and so if there doing the state's business I'm not sure why this one activity should be singled out for the state to reimburse them for enforcing of the state laws and it costs them money but I don't know , that's just the way it is, secondly, the average trip is 413 miles and were going to pay .50 a mile, that's \$206 and they say that the average cost is \$300 plus were bumping mileage anyway from .25 to .31 although the costs are increased, so there's an extra \$25 bucks more they are going to get anyway.

**Rep. Carlisle:** I thought it was said that it was off duty people who had to make these long trips especially from Williston, because you can't have a sheriff being gone all day out of his duties.

**Rep. Delzer:** There are a few things about this, yes it is off duty people and it is overtime but it's also something they have been doing for a long time, also when we take a look at the counties overall especially in the Department of Human Services the swap money I think the counties have done quite well on the swap money, if we take a look a the state aid distribution fund that's going to be up roughly \$ 3 to 4 million dollars this biennium because of what we have done in the past.

**Rep. Wald:** As Sen. Lyson said, if there is a female juvenile that need's to be transported they have to have two people, I guess the rationale is that women are feistier then men and therefore have a greater chance of escaping so you need two people, obviously, I'm being humorous, but that is an additional expense.

**Rep. Byerly:** I just want to remind everybody that these are state prisoner's, these are juveniles in the custody of the state, meaning that they are in the corrections system at this point and I don't know if they would do it but the alternative I suppose would be is that if this got to be to

ownerous the county commissioner's at least could say guys "they are your prisoners you come and haul them down to Jamestown for the evaluation or you haul them down to the YCC or something like that, I don't know, these are juveniles in the legal custody of the state and so they are technically our responsibility. Is .50 a mile too much? Well it probably is and its certainly in our domain if we want to lower that, but the bottom line is that they are our prisoners.

**Rep. Timm:** I noticed that the original bill also included per diem but they took that out. Any other discussion?

**Rep. Skarphol:** I'm not inclined to support this and I'm less inclined if we leave the last three words of the this in there. If you take out the "For Officer Time" I might be willing to vote for it but I just can see the situation where two officers do this and we pay them a \$1.00 a mile. I would move an amendment to this bill.

**Rep. Timm:** We have a substitute motion for an amendment, is there a second to that? Seconded by Rep. Koppleman.

**Rep. Gulleason:** I don't know that we would have to take this language out.

**Rep. Skarphol:** If we take the last three words out of it does it change anything? If it doesn't change anything then the words are superfluous to begin with.

**Rep. Timm:** There is a substitute motion to amend the bill to remove the words "for officer time" on line 16, it has been seconded.

**Rep. Kliniske:** Would it make sense to put in the words "for expenses"

**Rep. Aarsvold:** I have the same concern that Rep. Kliniske does, because the line previous, line 15 talks about reimbursement by the state mileage rate and then we remove the three words and we create some ambiguity in the process and I would support language much what like Rep. Kliniske suggested.

**Rep. Skarphol:** Based on what Rep. Aarsvold said I guess I have a question on whether we are going to pay them the state mileage rate plus .50 per mile. Do you think that is the intent?

Answer was YES.

**Rep. Timm:** All those in favor of adopting that amendment say AYE. Voice vote. Motion passes

**Rep. Monson:** I would move a further amendment if I would be in order to make that .25 cents per mile instead of .50 per mile. Seconded by Rep. Delzer.

**Rep. Timm:** Any discussion on that?

**Rep. Carlisle:** You heard the sheriff from Burleigh county say, if you have a problem kid, that's a long trip and they are going to earn there money when they do that. Some of these juveniles as Rep. Byerly said are already in the system, and some of the folks aren't going to be sweethearts in the car when you haul them. I think its worth .50 per mile.

**Rep. Wald:** Its 200 miles from Dickinson to Jamestown and so that's 400 miles round trip at .25 per mile would be \$100, that's pretty good.

**Rep. Glassheim:** They say the average is 6 ½ hours so if they are getting paid \$100 its about \$15 dollars an hour.

**Rep. Warner:** It isn't all drive time, there are going to be some fixed time costs at both ends and I would guess it would be close to an hour by the time they finish the paperwork at the beginning and an hour at the end, plus the mealtime and you days are going to get extended. I think the .50 per mile is an adequate compensation.

**Rep. Byerly:** Perhaps what we should do is make it .25 per mile on four lane and .50 on two lane. (Joke)

**Rep. Timm:** Any other discussion? Any other meaningful discussion? We have a substitute motion to amend? All those in favor of that amendment say AYE. Voice vote. Roll call vote wa

Page 5  
House Appropriations Committee  
Bill/Resolution Number SB2220  
Hearing Date March 21, 2001

taken on the adoption of the amendment .(11)YES (10) NO. Motion passes. That amendment is adopted where we changed it from .50 cents to .25 cents per mile.

**Rep. Wald:** Moves a do pass as amended. Seconded by Rep. Heuther.

**Rep. Timm:** The bill is .25 cents per mile and we have deleted "for Officer Time" We will call the roll for a DO PASS as amended. (19) YES (2) NO. Motion passes. Rep. Byerly will carry the bill to the floor.

**End House Appropriations Actions on SB2220.**

Date: 3/21/01  
 Roll Call Vote #: 1

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2220**

House APPROPRIATIONS Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number ALT MOTION TO AMEND "FOR OFFICE TIME"

Action Taken ADOPTED - VOICE VOTE

Motion Made By SKARPHOL Seconded By KOPPELMAN

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman					
Wald - Vice Chairman					
Rep - Aarsvold			Rep - Koppelman		
Rep - Boehm			Rep - Martinson		
Rep - Byerly			Rep - Monson		
Rep - Carlisle			Rep - Skarphol		
Rep - Delzer			Rep - Svedjan		
Rep - Glassheim			Rep - Thoreson		
Rep - Gulleson			Rep - Warner		
Rep - Huether			Rep - Wentz		
Rep - Kempenich					
Rep - Kerzman					
Rep - Kliniske					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 3/21/01  
 Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB2220

House APPROPRIATIONS Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number Amend (.50¢ TO .25¢ PER MILE)

Action Taken (ADOPTED)

Motion Made By MONSON Seconded By DELZER

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓				
Wald - Vice Chairman	✓				
Rep - Aarsvold		✓	Rep - Koppelman	✓	
Rep - Boehm	✓		Rep - Martinson		✓
Rep - Byerly		✓	Rep - Monson	✓	
Rep - Carlisle		✓	Rep - Skarphol	✓	
Rep - Delzer	✓		Rep - Svedjan	✓	
Rep - Glassheim	✓		Rep - Thoreson	✓	
Rep - Guleson		✓	Rep - Warner		✓
Rep - Huether		✓	Rep - Wentz		✓
Rep - Kempenich		✓			
Rep - Kerzman		✓			
Rep - Kliniske	✓				

Total (Yes) 11 No 10

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 3/21/01  
 Roll Call Vote #: 3

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB2220**

House APPROPRIATIONS Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

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

Action Taken DO PASS AS AMENDED

Motion Made By WALD Seconded By HUETHER

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓				
Wald - Vice Chairman	✓				
Rep - Aarsvold	✓		Rep - Koppelman	✓	
Rep - Boehm	✓		Rep - Martinson	✓	
Rep - Byerly	✓		Rep - Monson	✓	
Rep - Carlisle	✓		Rep - Skarphol	✓	
Rep - Delzer		✓	Rep - Svedjan	✓	
Rep - Glassheim		✓	Rep - Thoreson	✓	
Rep - Gulleeson	✓		Rep - Warner	✓	
Rep - Huether	✓		Rep - Wentz	✓	
Rep - Kempenich	✓				
Rep - Kerzman	✓				
Rep - Kliniske	✓				

Total (Yes) 19 No 2

Absent ϕ

Floor Assignment BYERLY

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



2001 SENATE POLITICAL SUBDIVISIONS

CONFERENCE COMMITTEE

SB 2220

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2220

Senate Political Subdivisions Committee

Conference Committee

Hearing Date April 10, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0-16.7
Committee Clerk Signature <i>Mary Jo Wocken</i>			

Minutes:

Senator Lyson, Chairman of the Conference Committee for SB2220. Senators Lyson, Cook and Christenson were present. Representatives Koppelman, Delzer and Kerzman were present.

REP. DELZER: Why is the Appropriations minutes not here? For the House? They are not present in the minutes. SENATOR LYSON: They are in mine. REP. DELZER: You've got the Political Subs. I've got the Political Subs but not the House Appropriations. Well, Mr. Chairman, you know the change was made in the Appropriations Committee. SENATOR LYSON: I understand that. Let the record show that Rep. Koppelman is present. Do you feel the minutes of your Appropriations Committee is necessary to continue? REP. DELZER: No, we can get going. SENATOR LYSON: I guess that we did not concur with amendments put on by the Appropriations pending from the House, mainly because we didn't feel it was, gave the counties enough money to recoup the funds that they spend by transporting juveniles that are under the

custody of the state of North Dakota. I look at that as and we talked about what it cost to take somebody and maybe I should go through it one more time so that everybody understands what I am talking about. When a sheriffs department puts their schedules out, they have so many people working that day. These people are put in their because they got also the responsibility of the safety of their county and there sector that they are working in. When these trips come up, they come up normally in a hurry, we can't get your people working, you've got to call somebody in to take the trip. I want to tell you that 70% of the time the trips are going to be overtime pay. Overtime pay by the Department of Labor, time and a half. So, that's where we are coming in. If you figure that from Williston to Jamestown and return, that is 610 miles, and its a fourteen hour trip. So if you figure those guys are going to feed the inmate and then feed themselves, \$.50 is right on the button for that. Actually it is a little bit lower than what per diem would be. One of the reasons for the mileage, putting it in mileage rather than on actual time is so there would be no cheating. If your going someplace and your returning and your doing it by mileage rather than time, and many times and this is the case that you run into. If you take somebody to the State Hospital or to the Youth Correctional Center, you can't just walk in and dump them off and leave. At the State Hospital it is going to take you at least one hour to check somebody in. REP. DELZER: We don't have the minutes for the Appropriation hearing, but, some of the views on the Appropriations. We don't argue the fact of the cost, you know that is fine. But some of the things that came out if I am not mistaken is and I don't necessarily have all the information to back me up but, personally, especially myself, and I can't speak for everybody on the House side certainly, I find it quite upsetting to look at this area strictly by itself. You know. When we take a look at the counties, I've got a sheet here, that's available to everybody that says the total wage of the political subdivisions is \$885 million dollars. Here we are in this bill, we're taking out one

area and we're saying, okay the state is not covering our costs in this area so we want them to cover it. Okay. When I look at this, I want to look at everything. When we look at the counties swap, we look at all the other things that the state does for counties and what not. I do not believe and that's the reason that I oppose the \$.50; some of us in our committee that probably would've liked to kill the whole thing, but we thought that \$.25 was a pretty good compromise. We also have I think, what we figured out, was the figures out to about \$15.00 an hour for driving time. I know it doesn't give you anything for the sitting time. I think that is one of the ways they come up with the \$.25. SENATOR LYSON: The problem is, and let me answer your question, the Labor Department doesn't care about it anyway. We pay it. When they are away from home they get paid for overtime. REP. KOPPELMAN: Just a comment, further Mr. Chairman. I think the thought was you know here, and I realize that you can probably talk about a scenario where this may not be adequate but I think there are probably others where it would. I know if its not as long a trip if your driving interstate all the way at 70mph, its \$18.50 hr you know. I think you told me earlier when we discussed this that deputies are making \$25, maybe I am in the wrong line of work, I don't know. But. SENATOR LYSON: In your county they do. In fact it is more than that. REP. KOPPELMAN: I believe it. SENATOR LYSON: Because I called today. REP. KOPPELMAN: Mr. Chairman, your probably more familiar with this particular area than the rest of us. How is this working now? Under current law as I read it, it is paid by the state agency at the state mileage rate. SENATOR LYSON: The only thing that they get right now is the \$.25 a mile. That is the only thing they get for the transportation of a juvenile right now. REP. DELZER: Well, Mr. Chairman. They do, that will go up to \$.31 now then plus we're going to give them the \$.25 on top of that which will be the \$.51. And again, I don't think its proper for us to look at this separate. I mean I understand in this particular case the counties might come up

short. But I think that should be looked at all the way through. If we take every and the problem I see with doing this is we start looking at everything strictly by itself. Well, then pretty soon we come to the next one, if the counties happen to be long on that we take some money away from them because they were there. I know. I don't think that is a good way for us to start doing business. SENATOR COOK: I had some of Rep. Delzer's concerns during the initial hearing. I recall asking some questions on I haven't looked back at the testimony but, that was some of my concerns, that same thing. How many other situations like this exists but, those concerns that I had I think were taken care of. But the real concern that I have with this and this is why I supported it, is you have got a particular state agency over here that can make a decision that is going to cost money to the taxpayers. But, okay, they are going to make a decision, and somewhere along the line the expense is gotta be born by taxpayers. But unfortunately these decisions that they make over here are going to be paid by the counties. Somebody that is not even involved in the decision, and to me that is. I look at this more as a bill for sound fiscal management because I think that if you've got the capabilities, if I can make a decision and you got to pay the bill, tell you what, get the checkbook out. That's what were having, you know.

REP. DELZER: The courts make that decision. The state agency doesn't. SENATOR LYSON: But, let me answer that question. The courts may make the decision, but, there is nothing in the Century Code that says a sheriff has to take these transports. REP. DELZER: Uhhuh. I understand that. SENATOR LYSON: Apparently nothing. They do have an amendment made up that maybe that is what we should slip in here. All juveniles should be transported by state agencies. That would probably double the fiscal note. REP. KERZMAN: What would happen if you would refuse to take them? Who is going to take them? SENATOR LYSON: I guess

somebody from the state would. Then they would be held someplace until they got somebody to take them. To me these cases are emergency cases and that is one of the reasons that the county commissions and the sheriffs simply says lets do it. SENATOR COOK: Well, Mr. Chairman, the most prudent way to do it, to transporting would be county sheriffs. Your in every county, your their, the car is there, the manpower is there, somebody might be off so that they can be called, if we were if I can understand why no were not going to do it. But then it would really cost taxpayers money, so, I think we got to look at a way here of trying to make it the most efficient way of doing it so it is not abused so, I hear the stories of going to YCC and pick up somebody that is sentenced to be their, and then you take them to Jamestown or someplace so that they can have Easter dinner with their family and then you wait while their having dinner. When they are done, then you take them back. These are the type of things I believe in some cases are. REP. DELZER: When your hearing that is that court ordered? SENATOR LYSON: Most of the time, yes. It would not do it unless it was court ordered. REP. DELZER: For Easter dinner? SENATOR LYSON: I am not saying for Easter dinner, but,. REP. DELZER: If it is something like that then we need to change the law so that the courts can't order something like that. SENATOR COOK: I think it was for a Confirmation. SENATOR LYSON: I know that situation for Confirmation thing, I know that situation. That is true. Those aren't the biggest things that is happening here and I think that we can hit a compromise here to try to get the proper money to reimburse the county back so that they can. You know, when we talk about raising our mileage to \$.32, gas has gone up \$.50 a gallon. SENATOR LYSON: I guess we could sit here and respond to each question about where the state gets paid by the county and where the county thinks they are getting ripped off by the state. I don't know if that is going to do it but goo because I think there is maybe both cases there that mandates toward the counties that, from the

state that hurts the state. REP. DELZER: Mr. Chairman, that is kind of my point though. I don't think that we want to start that. And that's what I see this bill starting. Now, I can live with the \$.25, the \$.50 I can't live with. SENATOR LYSON: What can you live with? REP. DELZER: \$.25. SENATOR LYSON: Well, let's split the difference. REP. DELZER: I can't do that. It doesn't mean you can't put somebody on the committee that might, but I can't. SENATOR LYSON: I hate to send an amendment back to the House or the Senate that is going to kill the bill. But I think that, you know, when you say you can't do that I, you know. REP. DELZER: Well, Mr. Chairman, have you guys took and voted on the \$.25? I know that you voted on \$.50 before but have you, or did you just did not concur? SENATOR LYSON: We did not concur. REP. DELZER: Mr. Chairman, another thing and I know this is this is something that has to be worked in the conference committee on corrections. What it is, it has been adjusted to corrections, the budget has been adjusted to fiscal notes. Just so everybody is aware of that. That's neither here nor there, just so that everybody is aware of that. The fiscal note is based on the \$.25 you say? We adjusted \$2,000 for that. SENATOR LYSON: The fiscal note was in the Senate Appropriations for there? REP. KOPPELMAN: No, for the \$.25. SENATOR LYSON: For the Senate one too? REP. KOPPELMAN: Yes, the Senate adjusted it for the \$.50 and we adjusted it for the \$.25. REP. KOPPELMAN: Mr. Chairman, how is this working in practical fashion now? Is the state handling all of this, or are all of our counties doing it and getting reimbursed the state mileage rate or what is happening? SENATOR LYSON: The state probably handles fifty per cent of the juveniles and the rest of them are kept under the supervision of their local juvenile supervisors. And those are the ones that are kept their under the supervision of the local supervisor, their the counties responsibilities. REP. KOPPELMAN: So right now, they aren't even being reimbursed for mileage? SENATOR LYSON: Not for those, no. These are

only the ones that are judicated under responsibility of the state. REP. KOPPELMAN: Okay, and those currently are transported by the state as well. SENATOR LYSON: No. The sheriff is transporting everybody. REP. KOPPELMAN: Okay, and how is the sheriff getting reimbursed right now for this? SENATOR LYSON: It is at \$.25 mile. REP. KOPPELMAN: Okay, just mileage alone. SENATOR LYSON: That's right. REP. KOPPELMAN: So even if we were, you know \$.25 a mile now which is about to go up to \$.31, and even at \$.25 it still a chunk of money if they are not getting it at all now. I understand that they might feel shorted now and I respect that, but. SENATOR LYSON: I guess what I am trying to do is to try and make everybody happy here, but if the county commissioners send a letter to the judges and say we're not transporting anybody anymore, the state and their fiscal note for transporting these people are going to go way up. REP. KOPPELMAN: Well, I would assume though that under the law if this bill were not, if this bill would die under the law, they would have to reimburse at the state mileage rate, which is going to be \$.31 a mile. So if the county commissioners did what you are describing the state would have to find some way to get those folks transported and it would be a mileage reimbursement situation. Now whether they would have to pay overtime. Sure, or whether they have to pay overtime or whether they have people that they can assign that kind of a task, I don't know. SENATOR COOK: Rep. Delzer, what are we, \$30,000 apart? \$.25 a mile. REP. DELZER: I think it is \$38,000. SENATOR COOK: \$38,000 for \$.25, or is that.. REP. DELZER: No I think that is the difference. But it was actually \$102,000, but I think when we adjusted it, we only adjusted it \$38,000. SENATOR COOK: Okay. REP. DELZER: The fiscal note, that is the original one, its not the current date on that one. The date on that one is the 17th. I think the last one was \$102,000 on the 23rd. On the Senate I think it was \$102,000 was it not per year? SENATOR COOK: For a year your talking about? Well, Mr. Chairman, again when



we look at this state and take a look at the state aid distribution that is going from \$62 to \$66 somewhere the last number I seen is \$66 after the revised revenue forecast you know. It not that many years ago that we were sitting in a situation where the counties where the counties would receive a flat number instead of the increasing number to follow the inflationary increases in state aid. That is part why this was done a few years back. It would allow the counties growth for costs that would come up like this that there like this. That is a pretty substantial increase. REP.

KERZMAN: To back that up a little bit. Representative Delzer. The initial agreement was six tenths and we backed off to four tenths so were looking at total dollars, it probably is an increase but we backed off some of that. SENATOR COOK: Just so that I understand the dollars we're talking here. The fiscal note I seen, of course it had a line in there for per diem and that's been removed, right? No per diem left? We're talking 120,000 miles, 119,050 miles? REP.

KERZMAN: I couldn't tell you Senator Cook. SENATOR COOK: But if all we're, if the two bills, one is \$.50 and the other is \$.25, one is \$60,000 and the other is \$ 30,000 roughly? REP.

DELZER: I thought, have we got a new fiscal note? SENATOR COOK: My question that could be is maybe the \$.31 is in this bill too then? Huh. SENATOR LYSON: I don't think so. The fiscal note was \$205,000. REP. DELZER: Well, Mr. Chairman, I think we had a updated fiscal note when we heard this in the House Appropriations and I think maybe we should get that and reschedule. SENATOR COOK: Yes. REP. DELZER: And get the testimony from the House Appropriations clerk. SENATOR LYSON: Can we do that. We will reschedule. REP. DELZER: Certainly, this is not a major breakers in the session. SENATOR LYSON: No it is not, but it is important too. REP. DELZER: Very much so. SENATOR COOK: We've got until April 27th, we might as well have some things to do and visit with the group.

Conference committee closed.

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2220- 2nd Session

Senate Political Subdivisions Committee

Conference Committee

Hearing Date April 12, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0-12.8
2	X		0.0-2.0
Committee Clerk Signature <i>Mary Jo Wocken</i>			

Minutes:

SENATOR LYSON continued the second conference committee on SB2220. SENATORS LYSON, COOK, and CHRISTENSON; REPRESENTATIVES KOPPELMAN, DELZER AND KERZMAN were present in attendance. SENATOR LYSON: We were just in recess. Everybody got copies I think of the new fiscal notes and minutes of the meetings that were available. I understand that the House Appropriation minutes were not available, is that right. The fiscal notes were from February 20, 2001 and March 23, 2001 is the House fiscal notes. My understanding of a conference committee is to try and come up with some ideas of what we should do to try to resolve our problems and get it in so that we can get the bill passed in both Houses. There is no reason I don't think there is any reason that we should bring something through that is going to get killed in one place or another. That is where we are coming from. I guess before we start I want to try and explain a little bit more and maybe I wasn't specific enough. I understand where some of you are coming from in talking about the time it takes to get

some place when your on the interstate. Not every place in the state of North Dakota got interstate. Secondly, if my people are going to take somebody that is mentally ill or disturbed children someplace and they drive on Highway 2 to Tioga, Minot, Bismarck, Jamestown or whatever, because of medical facilities along that place in case they have seizures, or whatever else. Another thing you've got to understand is these kids are not the run of the mill kids that were moving. These children are not somebody that you're taking to dinner at Grandma's house. These are disturbed kids that are scared, they got to go to the bathroom every time they see a building, its time consuming to travel with them and safety issue is the biggest issue you got in this whole thing. I guess Representative Delzer I did some checking on what the counties get also, and they get things as far as there population is concerned from the state. However, when we have a place, and I will just give you some examples, in Williston we have the Eckert Foundation and they home fourteen wayward children, fourteen wayward boys and thirteen girls. If one of those have a problem an emergency thing, and they are from Fargo, do you want the sheriff from Fargo to come and get them. I don't think so. What's that got to do with Williams County? So we take them anyway. Grand Forks has got the Ruth Meiers home, they do the same thing. Fargo has got I think three different places, two I know of and I think there is a third one.

REPRESENTATIVE KOPPELMAN: And you've been in both, just visiting I take it?

SENATOR LYSON: Just visiting. So, you know what we've done with this bill is just stripped out per diem and then we took half the mileage out. Anytime we leave Williston and go some place we had a per diem rate too. So, I will leave it up to somebody else. REPRESENTATIVE

KOPPELMAN: I really think the mood of the House on this whole measure has been that in offering \$.25 a mile we are moving considerably from the status quo. I think that demonstrates that we're not turning a deaf ear to the entire issue, but I know there are some who would just

assume see things stay the way they are. Some of us has said no you made a great case and a bill addresses a need and something ought to be there beyond just the mileage reimbursement. So I think their are probably more people in the House that feel that either this bill should be killed or we should stick with \$.25 than there are who would probably vote for \$.50. I am just telling you what my sense of the committee and the mood on the issue has been. SENATOR LYSON: But if you take a look at what the Senate did 49-0, they had a pretty good idea the other way.

REPRESENTATIVE KOPPELMAN: I understand and that's why we are here. I was a conference committee last session, Mr. Chairman, where we had two bills that had passed the House both House, both Chambers fairly handily, and unfortunately the conference committee had some struggles with it and we ended up agreeing to a conference committee report which the Senate took the bill back, accepted the report and killed the bill. Because it wanted to do what it wanted to do. So yes it is not uncertain..SENATOR LYSON: Certainly we can come out with something that you two don't like, we're going to get it killed in the House.

REPRESENTATIVE KOPPELMAN: Right. We don't want to see that either. SENATOR LYSON: We're not so dumb that we don't know how the thing works when we get on the floor people are going to say things. But I still think their should be some compromise.

REPRESENTATIVE KOPPELMAN: Well I know that in and I will tell you what I sense, its the mood of the folks that I've talked to about this is that the \$.25 was the House's attempt to compromise compared to what the status quo is and what the bill currently asks for. So I am not saying we won't do anymore than that, but I just think there is a sentiment out there that thinks that way. I don't know, maybe others have other thoughts. REPRESENTATIVE DELZER:

That's my sense on it, it is the compromise. REPRESENTATIVE KERZMAN: Don't you feel like this kind of a unfunded mandate. I mean you know, we all have a grind when the federal

government does that to the state and I mean it gets to be, and I think like Senator Cook said yesterday. I don't think the counties are trying to make a profit on this. I think we are just trying to recoup some of their costs and if they don't recoup those costs it goes back to the taxpayers in that county. You know. I think there should be some ground rules. REPRESENTATIVE

DELZER: Again, we get back to the point of do we want to start looking at everything dealing with the state and the county separate. And I think that is one of the underlying issues that we have here, is do we want to start down that road. I mean I don't. Well, I think counties do a good job, the state does a good job, we work well together. Even like on the transportation funding of the bill, you know, the highway match for the highway road money, theirs, my understanding is we're going to come out with something in the House that will match the counties share of that money. Even though we took the states share of that money and funded that by moving the highway patrol funding back to general fund dollars. Yet, my understanding is that were going to come out with something that is dedicated strictly for the counties and the cities to match their share of that money. And this is something that you know I think we need to look at a whole and I really personally have a real problem coming in and saying this issue we want kept separate.

That is not that I am against this issue or any other one, that is just in the general you know.

SENATOR LYSON: Yea, but we got a separate, we got a Department of Corrections that have got custody of somebody and your asking another organization then to do for them when they have custody of this person. Isn't that exactly what we're doing? REPRESENTATIVE

DELZER: Might be? REPRESENTATIVE KOPPELMAN: I was just going to say that, you know, I think when we look at and I spent three sessions on the Judiciary and Political subdivisions committees in the House so I've dealt with a lot of issues relating to both law enforcement and relating to counties and so on, I've always been a supporter of the counties. I

mean we need to keep their interests in mind when we do things on the state level. But I also understand that there are some tradeoffs there. We do things as a state for the counties too. I mean not every person that is arrested in a county stays in that county. They get sentenced to for a crime and they go to the State Penitentiary. There are lots of ways in law enforcement where we have this back and forth kind of issue going on. SENATOR LYSON: That is the problem, I can tell you that the state does not even come close to paying these bills when it comes to that because when a judge takes somebody for a felony and gives him five years and all suspended but six months and they spend it in that county jail and the county pays it, and that's more than what the state does. The state don't come even close to paying the counties for their responsibilities in corrections. REPRESENTATIVE DELZER: This is one of the reasons I guess I dislike when we start doing something like this cause pretty soon we're going to start with this kind talk of who's treating who or whatever, who's not paying their fair share of whatnot. And the fact of the matter is we're all in this together. And I think this is what the House sees currently is the conflict. I'm sorry if that is upsetting. That is the way it is. SENATOR LYSON: I guess it, when we send somebody from Grand Forks to Mandan or from Williston to Mandan, they've got to feed these children, they've got to feed themselves and all the other things and were not giving them any per diem and all were going to cut them is the \$.25, is that what I understand? REPRESENTATIVE DELZER: What our differences now? If you guys won't accept anything except \$.50 we won't accept anything except \$.25. I mean if that is it, then we can talk about this all day, but what's the Senate proposal? REPRESENTATIVE KOPPELMAN: Well, do you have one now or not? SENATOR LYSON: I would like to split the difference? REPRESENTATIVE KOPPELMAN: Okay. REPRESENTATIVE DELZER: We can take that back and talk to people on the House floor and whatever and see what they have to

say. Apparently our understanding is that \$.25 is what it is. SENATOR LYSON: Personally, and I haven't talked to is Senator Christenson or Senator Cook about this but I would even go so far as to say \$.35 and we would go up to \$.35. REPRESENTATIVE KOPPELMAN: Mr. Chairman, just so that I am clear on this, we're still talking about a mileage reimbursement in addition to whatever this number is, is that correct? SENATOR LYSON: Yes. REPRESENTATIVE KOPPELMAN: You know, I guess, this kinds of reminds me of when we deal with state budgets, in the Appropriations Committee which I am learning a lot about this session. Its, and we get fiscal notes, which you all deal with all the time. Often times the cost is projected as something is an allocation of an employees time. In other words we'll float a bill for project x, and we get a fiscal note that says its going to cost us \$80,000 or whatever. When you really separate all of it out, which we discover is, that a good chunk of that, is just an allocation of the time of someone that is already employed. Now I understand your point when you say that a county deputy for example is doing a state function when they shuttle one of these young people. On the other hand, you know, their supervisor is making a decision that this is a necessary function that has to been done whether its' a person under the control of the county or the state, they assign someone who is already employed, who salary is already budgeted for to go and accomplish that task. Now I understand what your saying, there could be overtime and so on. I think that is why were talking about this whole bill and this whole concept. But none the less it is still someone who, is not accept for the overtime, its not additional money typically, now, granted you might be taking arguably away from a task they could be performing for the county and I respect that, but I think that is why we're willing to do something. But you know, every public employee has things to do every day that if you were to piecemeal how the time is spent you could make a lot of things sound more expensive than they really are. I guess that is the

point I am trying to make. SENATOR LYSON: And I guess what I try to instill in you guys is that when the sheriffs department is doing something they can't make out that schedule for eight hours. Their working twenty four hours a day. REPRESENTATIVE KOPPELMAN: I respect that. SENATOR LYSON: And they only got so many people to do that and then they have to take somebody and transport. REPRESENTATIVE DELZER: I don't think we're arguing anything about the philosophy were in, I think we're arguing about is the money and the concept of what were starting here. REPRESENTATIVE KOPPELMAN: Mr. Chairman, with that in mind, I guess I would suggest to the committee is that we go back and talk to several of our colleagues in the House and see what we said that they can live with and like you, I don't want this bill to come to the House floor and get killed because we've given to much. I think that's maybe the appropriate way to handle it. Let's get back together and see if we can't find some agreement. SENATOR LYSON: And I know that one of the things that some of your concerned about is just because of the mileage. The other thing that we might think about, maybe, way we should through the per diem back in there. And I think that in talking to the three larger counties that is going to get banged to worse is Grand Forks, Williams County and Cass County and Stark County because of there distances in travel. We probably even settle for their per diem because that is a big issue. Because when the per diem is there the county don't give my deputies money to feed that child, he feeds it out of his pocket and then puts back in. REPRESENTATIVE KOPPELMAN: Is the per diem now, Mr. Chairman? SENATOR COOK: No, there's not. REPRESENTATIVE DELZER: When you talk per diem, what are you talking about? Is this the \$20 for the meals? SENATOR LYSON: Nobody stays over night, well if anybody stays overnight, it would be a different situation and I don't think anybody stays overnight. REPRESENTATIVE DELZER: Well, Mr. Chairman, I don't know, I think per diem might be a



real problem in the House, but you know, we'll go back and talk to people and see what we come up with. SENATOR COOK: From the fiscal note, the first one we seen the per diem was \$20 a day, at 288 days, it looks like it was ten nights the past three years at \$46.20 a night at the rate so, otherwise it looks like the per diem would be a, what should I say, a less expensive compromise than just the \$.10 mile. Okay. REPRESENTATIVE DELZER: Thank you Mr. Chairman.

SENATOR LYSON: Well I suppose the quickest way to, or if we can try it tomorrow but there is an awful lot of things going on tomorrow. REPRESENTATIVE KOPPELMAN: I know I have four conference committees tomorrow so it would be best off looking at Monday if that fits with your schedule. REPRESENTATIVE DELZER: I think we should just turn it over and as soon as they can schedule again when everybody is free we can meet again. SENATOR LYSON: Okay. Conference Committee adjourned.

SENATOR LYSON: Reopened the Conference committee on SB2220. REPRESENTATIVE KOPPELMAN: Thank you Mr. Chairman, we've been discussing this in the House and as you know there is some sentiment, and I fear it might be growing sentiment that you know of questioning the whole principal of the issue and I guess the feeling in the House that I have been able to ascertain is that we would be willing to move to \$.29 but much more than that I think we don't want to jeopardize the bill. I don't know where that breaking point is but with that in mind and in the spirit of compromise I did, by the way, parathetically say, I did calculate that out and I realize this is not how it always works, but if you are driving down the interstate at 70mph, \$.29 mile would give \$20.30 back to the counties in reimbursement for the staff time component. Of course they still would be getting the \$.31 mile so it is a round number of \$.60 mile combined. So with that in mind I would move that the House recede from its amendment and the committee

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Senate Political Subdivisions Committee

Bill/Resolution Number SB2220 2nd Conference Committee Hearing

Date: April 12, 2001

further amend to \$.29 mile. SENATOR LYSON: I have a motion, is there a second? SENATOR

COOK: I second that. SENATOR LYSON asked for a discussion.

Roll Call vote: 5 Yeas, 1 No, 0 Ab.

Carrier: Senator Lyson

10557.0202  
Title.0400

Adopted by the Conference Committee  
April 12, 2001

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2220

That the House recede from its amendments as printed on page 967 of the Senate Journal and page 1053 of the House Journal and that Senate Bill No. 2220 be amended as follows:

Page 1, line 16, replace "fifty" with "twenty-nine" <sup>Engrossed</sup> and remove "for officer time"

Re-number accordingly

Date: April 12, 2001  
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2220

Senate Political subdivisions Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number 10557.0202

Action Taken House Recede from House Amendment and Amend

Motion Made By Rep. Koppelman Seconded By Senator Cook

Senators	Yes	No	Representatives	Yes	No
SENATOR LYSON	X		Representative Koppelman	X	
SENATOR COOK	X		Representative DELZER		X
SENATOR CHRISTENSON	X		Representative KERZMAN	X	

Total (Yes) 5 No 1

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

REPORT OF CONFERENCE COMMITTEE (420)  
April 12, 2001 1:51 p.m.

Module No: HR-65-8512

Insert LC: 10557.0202

**REPORT OF CONFERENCE COMMITTEE**

**SB 2220, as engrossed:** Your conference committee (Sens. Lyson, Cook, Christenson and Reps. Koppelman, Delzer, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 967, adopt amendments as follows, and place SB 2220 on the Seventh order:

That the House recede from its amendments as printed on page 967 of the Senate Journal and page 1053 of the House Journal and that Engrossed Senate Bill No. 2220 be amended as follows:

Page 1, line 16, replace "fifty" with "twenty-nine" and remove "for officer time"

Renumber accordingly

Engrossed SB 2220 was placed on the Seventh order of business on the calendar.

=====
REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420
=====

07398

(Bill Number) SB2220 (, as (re)engrossed):

Your Conference Committee Senate Political Subdivisions

For the Senate:

For the House:

Senator Lyson, Chairman
Senator Cook
Senator Christenson

Representative Koppleman
Representative Delzer
Representative Kerzman

[X] recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (SJ/HJ) page(s) SJ 967
HS 1053

[ ] and place on the Seventh order.

[X], adopt (further) amendments as follows, and place
SB 2220 on the Seventh order:

[ ] having been 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.

DATE: 04/12/01
CARRIER: Sen Lyson
LC NO. 10557 . 0202 of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment

(1) LC (2) LC (3) DESK (4) COMM.

2001 TESTIMONY

SB 2220

SB 2220

WADE  
WILLIAMS

ASSOC of COUNTIES

## Juvenile Transportation

Fiscal Year July 1, 1999 – June 30, 2000

- \$ 30,000 mileage reimbursement
- 290 Trips
- Average trip 413 miles
- Average 5.5 hours for travel
- Average of 1 hour for pick-up or delivery

### Average employee cost for Sheriff transport

- |  |              |
|--|--------------|
| ➤ \$ 18.75 x 6.5 hours =                 | \$ 121.87    |
| ➤ 413 MILES @ .25 =                      | 103.25       |
| ➤ Two Meals =                            | 15.00        |
| ➤ Loss of patrol car within the county = | <u>60.00</u> |

**Total**

**\$ 300.12**