

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2061

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2061

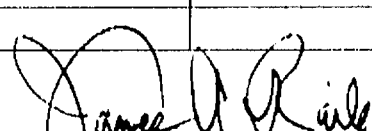
# 2001 SENATE STANDING COMMITTEE MINUTES

## BILL/RESOLUTION NO. SB 2061

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date January 18, 2001

Tape Number	Side A	Side B	Meter #
1		X	6.1-23.6
Committee Clerk Signature 			

Minutes: Vice-Chairman Dever opened the hearing on SB 2061. Appearing before the committee to present testimony in support of the proposed legislation was Tim Schuetzle, Prisons Division Director and Warden of the State Penitentiary in Bismarck. A copy of his written testimony is attached. Senator C. Nelson indicated that she didn't know if it was confusing or not, she thought he was the warden and now it says you are the director so what are you? Tim Schuetzle indicated that he is actually both the director of prisons and the warden at the state penitentiary. The director of prisons job is the person in charge of the warden at the penitentiary, the director of the James River Correctional Center, and the director of the Missouri River Correctional Center. So, basically he is responsible for all three facilities in the state. Senator C. Nelson In the chain of command, the head honcho is the prison divisions director. Those who work as active directors of the correctional center would be called wardens. What does this do on your pay schedule? Tim Schuetzle It doesn't really do anything. Right now there is a different classification with the state central personnel that is called medium security

prisons director. It was written that way because you couldn't call it a warden's position based on the statute. We could change that classification to say medium security prison warden or we could just leave it as the current classification. It won't have any implications at all for where the duties of that position are within the pay scale. I believe that is a grade 15 or 16 position. I guess that currently it is a grade 15 position. The position of the director of prisons is a grade 12. We don't have any plans to do anything with the pay scale at this point. Senator T. Mathern indicated that he wondered what the rationale was for including the director of the division of adult services in here? Tim Schuetzle indicated that they are including the director of the division of corrections in there because that is the way that chapter 12-47 is written. Right now that is an open position and has not been filled. The Department of Corrections organizational chart is the director of the department of corrections, who is Elaine Little. Directly under her is a director for adult services which is an open position, and then a director of juvenile services which is currently filled by Al Licht. Director of Prisons and Director of Field Services which currently are Mr. Schuetzle and Warren Emmer. Right now they report to this imaginary director of adult services that has not been filled. Elaine Little is currently filling that position as well as her position. The reason we have worded it this way to include the director of adult services is because that is the same language that is in some other statutes in Chapter 12-47. Just to keep that consistent because at some point in time we will have director of adult services. That is why we are referring to that position. Right now Elaine Little fills that role and has that responsibility. Senator T. Mathern Is it possible that that section should be taken out? Maybe what is happening here is that there really resources and maybe there will be more direct authority or do you really think that position will be filled? I'm just wondering if this might constrain you some way? If you have three wardens maybe something will change. Tim

Schuetzle indicated that he doubted this would restrict them in any way. Again if someone is chosen to be the director of adult services that would be who he as director of prisons would directly report to. That would be the person who would get to make the decisions, however he was sure it would be in consultation with himself. That is the way it currently works. We could take that language out of here but then it would not be consistent with other parts of Chapter 12-47. I would suggest that if you would like to remove the director of adult services from this then we would need to amend other parts of that chapter. We felt it would be cleaner if we just kept that in there. The long range plan is to have a director of adult services. Several other questions were offered by Senators Dever, C. Nelson, and T. Mathern. (Meter #'s 12.9-16.0, Tape 1, Side B). There was nothing further at this time. Vice-Chairman Dever closed the hearing on SB 2061. At this time Senator Kilzer made a motion for a Do Pass, seconded by Senator Wardner. There was further discussion on the motion. There was some confusion and Senators T. Mathern and C. Nelson expressed some concerns. In order to clarify things Ken Sorenson, Staff Attorney with the Attorney General's Office indicated that the Department of Corrections was established in 1989. It continued as a stand alone agency in 1991. The structure established was that there would be a director, a division of adult services, and a division of juvenile services. At that time in chapter 12-47 those areas were amended that the director of the division of adult services with the concurrence the director of the youth correctional center were named wardens. That was when that language was carried into this statute. Now as far as the director of prisons, that is not a statutory title. That is an agency administration tool that helps coordinate transfer of inmates and staffing issues and so on. It doesn't fit within the direct statutory hierarchy. It was used when the department was first established. The principal reason we have the language of the division of adult services is that is the way the other provision was

set up. It wouldn't really affect the statute itself to remove the division of adult services because that position has stayed open and may or may not be filled. Senator Mathern inquired if this were to pass, who would the supervisor of the warden at Jamestown be? His boss would be the director of the department of corrections who also happens to be the director of adult services as well. Senator C. Nelson So this title of director of prisons is kind of a convenient little title that we sometimes give to people to facilitate something, but it's not in statute it's just something that makes life easier within your department. There was nothing further at this time. Roll Call Vote was taken with 4 Yeas, 1 Nay, and 1 Absent or Not Voting. The vote was left open for Chairman Krebsbach. Later in the day Chairman Krebsbach indicated that she wanted to vote Yea on this bill making the vote total 5 Yeas, 1 Nay, and 0 Absent or Not Voting.

**FISCAL NOTE**  
 Requested by Legislative Council  
 12/14/2000

Bill/Resolution No.: SB 2061

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	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

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

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

There will be no fiscal impact. This bill allows the Department of Corrections and Rehabilitation to appoint wardens for each of the prison facilities as determined appropriate. Present statute only allows for the appointment of a warden for the State Penitentiary in Bismarck. This will allow the "Director" position at the James River Corrections Center to be a "Warden" position.

**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.*

This bill does not affect revenues.

**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.*

This bill does not affect expenditures.

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

*the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

This bill does not affect appropriations.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	DOCR
<b>Phone Number:</b>	701-328-6390	<b>Date Prepared:</b>	12/22/2000



Date: 1/18/2001  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2061

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

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

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

Action Taken Do Pass

Motion Made By Sen Kilzer Seconded By Sen Wardner

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator Carolyn Nelson	✓	
Senator Dick Dever, Vice-Chr.	✓		Senator Tim Mathern		✓
Senator Ralph Kilzer	✓				
Senator Rich Wardner	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Kilzer

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

**REPORT OF STANDING COMMITTEE (410)**  
January 19, 2001 12:24 p.m.

Module No: SR-09-1288  
Carrier: Kilzer  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2061: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2061  
was placed on the Eleventh order on the calendar.

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2061

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2061

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 3/2/01

Tape Number	Side A	Side B	Meter #
1	X		826-1970
Committee Clerk Signature <i>Robert L. Small</i>			

Minutes:

REP. M. KLEIN called the meeting to order with all members present.

In favor:

TIM SCHUETZLE, PRISONS DIVISION DIRECTOR

Please see attached testimony.

REP. M. KLEIN asks if this would change the method in Mandan? SCHUETZLE replies no it would have no effect on them, they fall under juvenile services.

REP. M. KLEIN asks what is the prison level? SCHUETZLE replies that there is 1,081 prisoners.

REP. M. KLEIN asks if every inmate comes through the front door at the state pen?

SCHUETZLE replies yes they do, there is a 6 to 7 week orientation, then they are evaluated then sent to the place they need to go.

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House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2061

Hearing Date 3/2/01

REP. M. KLEIN states that many of the representatives received e-mail from the prisoners, do they have access to e-mail out at the state pen? SCHUETZLE replies no, they do not, but is sure he knows who they have doing it for them.

REP. KASPER asks about independent studies. SCHUETZLE replies that there are audits every three years, but would welcome that idea.

REP. KLEMIN asks if the legislation that they passed last session has been any help?

SCHUETZLE replies yes, that it has had some effect.

REP. M. KLEIN asks about the funding that they gave to the prisons for solid walls, has it been used as of yet. SCHUETZLE replies yes, they have made most of the changes to the walls already.

REP. KROEBER asks if the women's prison in Jamestown would have its own separate warden?

SCHUETZLE replies no, it would not.

No opposition.

Being no further testimony the hearing was then closed.

Action was taken right away. REP. MEIER was absent to testify in another committee.

REP. CLEARY motioned for a DO PASS, seconded by REP. KROEBER. The roll call vote was taken with 14 YES, 0 NO, 1 ABSENT AND NOT VOTING. The motion carries. The CARRIER of the bill is REP. KROEBER.

SB 2061: DO PASS 14-0

CARRIER: REP. KROEBER

Date: March 3/2/01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2061

House GOVERNMENT AND VETERANS AFFAIRS Committee

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

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

Action Taken Do Pass

Motion Made By Cleary Seconded By Kroeber

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER	✓	
VICE CHAIR GRANDE	✓				
REP BELLEW	✓				
REP BRUSEGAARD	✓				
REP CLARK	✓				
REP DEVLIN	✓				
REP HAAS	✓				
REP KASPER	✓				
REP KLEMIN	✓				
REP MEIER					
REP WIKENHEISER	✓				
REP CLEARY	✓				
REP HUNSKOR	✓				
REP METCALF	✓				

Total (Yes) 14 No 0

Absent \_\_\_\_\_

Floor Assignment Rep. Kroeber

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 2, 2001 10:33 a.m.**

**Module No: HR-36-4672**  
**Carrier: Kroeber**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2061: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2061  
was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2061



Testimony in support of  
**Senate Bill 2061**  
Government and Veterans Affairs Committee  
Missouri River Room  
January 18, 2001  
Tim Schuetzle, Prisons Division Director

SB2061 is presented at the request of the Department of Corrections and Rehabilitation to change NDCC 12-47-05 so that the Director of the DOCR may appoint a warden at any of the affiliated facilities of the penitentiary. The current language in this statute was written in 1883, at a time when the state's founders envisioned only one prison in the state, and therefore only allows for one person with the title of "warden" in the state. However, we now have three state-operated prisons in North Dakota.

The warden referred to in the statute is in charge of the State Penitentiary in Bismarck, but the other two individuals who manage the James River Correctional Center, and the Missouri River Correctional Center, are now called "Directors". These employee's job duties are similar to that of the warden at the State Penitentiary, and have earned the title. This change better reflects the present organization of the department. It provides flexibility should more prisons be added in the future, and will aid in our ability to recruit a manager to run those prisons.