

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1398

2005 HOUSE POLITICAL SUBDIVISIONS

HB 1398

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1398

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 3, 2005

Tape Number	Side A	Side B	Meter #
1		x	37.4 to end
2	x		0.4 to 9.4
Committee Clerk Signature <i>Lauren L. Zide</i>			

Minutes: **Rep. Devlin, Chairman** opened the hearing on HB 1398, A Bill for an Act to amend and reenact subsection 19.1 of section 57-15-06.7 of the North Dakota Century Code, relating to the county levy limitation for regional or county corrections centers.

Rep. Nelson representing District 7 and prime sponsor of this bill. The bill grew out of the Association of Counties addressing the problems of a number of counties having similar problems. The problem is basically that the counties are having higher jail census and costs associated with jails which include not only feeding, but transporting prisoners; housing of female prisoners and juveniles. In many areas the drug related arrests and incarcerations has increased many fold. Nearly every aspect of housing, feeding, medical, etc. has gone up to the extent that present 5 mills does not cover operational costs. Many facilities need to be expanded or in some cases replaced. Many counties are jointly supporting regional centers.

Rep. Herbal, Vice Chairman (42.2) How many counties are currently maxed-out ?

Rep. Nelson : That is included in the handouts that the Association of counties will have with their presentation but the number is 15 counties currently.

Wade Williams representing the ND Association of Counties provide the handouts which show that number of mils the various counties are now levying. A copy of his material is attached. Mr. Williams also handed out an amendment to the bill. The reason for the amendment is that auditors are not allowing counties without correctional facilities to use the 5 mil levy money to contract with another county or regional center.

Rep. Maragos : Generally he is opposed to super majority; but in this case what would be one good reason for not imposing super majority on this bill?

Wade Williams : For the simple reason that a minority of only 41 % can stop anything.

Rep. Herbal, Vice Chairman (46.8) In this section of the law the county commissioner can increase the levy without a majority vote of the people isn't that right?

Wade Williams : I believe that to be true. .

Robert "Tork" Kilichowski : County Commissioner from Walsh county appeared in support of the bill. A copy of his written remarks are attached.

Noel Johnson from Stutsman County where they have a combined center spoke in support of the bill. A copy of his prepared remarks is attached. Mr. Johnson's testimony ran to the end of the tape.

Continued on Side A Tape 2.

Noel Johnson (con't) (0.4).

Berry Cox, County Commissioner from Benson County appeared in support of the bill. A copy of his written remarks is attached. His written testimony contains a an excellent table of

Page 3
House Political Subdivisions Committee
Bill/Resolution Number HB 1398
Hearing Date February 3, 2005

comparative cost for Benson and Ramsey Counties The comparison also shows the growth in the expenditures.

Duane Johnson from Rugby in Pierce County rose to voice his support for the bill. Per diem of \$30 is insufficient to cover today's cost.

Lauren Wild, Sheriff from Walsh County supported the bill. A copy of his written remarks is attached.

Rep.Devlin, Chairman recessed the hearing until the next day. (9.4) .

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1398 b

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
2		x	35.6 to 45.6
Committee Clerk Signature <i>Lauren H. Zirk</i>			

Minutes: **Rep. Devlin, Chairman** in worked session opened the discussion for action on HB 1398.

The Association of counties had offered an amendment. The purpose of the amendment was to also allow for the correctional center to contract for the care of prisoners.

Wade Williams and Terry Traynor representing the Association were available as resource persons.

Rep. Ekstrom moved approval of the amendment. **Rep. N. Johnson** seconded the motion..

The motion carried on a voice vote.

Rep. Wrangham moved a 'Do Not Pass as Amended' motion for HB 1398. The motion failed for lack of a second (39.4).

Rep. Ekstrom moved a 'Do Pass as Amended' motion for HB 1398. **Rep. N. Johnson** seconded the motion. The motion carried on a roll call vote **9 ayes 2 nays 1 absent**. **Rep. Herbal, Vice Chairman** was designated to carry HB 1398 on the floor. End record (45.6).

February 10, 2005

House Amendments to HB 1398 - Political Subdivisions Committee 02/11/2005

Page 1, line 1, after "reenact" insert "section 57-15-06.6 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 57-15-06.6 of the North Dakota Century Code is amended and reenacted as follows:

57-15-06.6. Levy authorized for regional or county correction centers. The board of county commissioners of each county may levy an annual tax not exceeding the limitation in subsection 19.1 of section 57-15-06.7 for the purpose of constructing, equipping, operating, and maintaining regional or county corrections centers and for the purpose of contracting services from another public or private entity."

Renumber accordingly

Date:
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1398

House POLITICAL SUBDIVISIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Amend - Wadsworth
to m Etc not
Carried

Action Taken

DNP

Motion Made By

Wragg

Seconded By

Sec 1

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman			Rep. Ekstrom		
Rep. Herbel, Vice Chairman			Rep. Kaldor		
Rep. Dietrich			Rep. Zaiser		
Rep. Johnson					
Rep. Koppelman					
Rep. Kretschmar					
Rep. Maragos					
Rep. Pietsch					
Rep. Wragham					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: February 10, 2005
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1398

House POLITICAL SUBDIVISIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

D P as Amended

Motion Made By

m Ek

Seconded By

2nd Johnson

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman		✓	Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓		Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos					
Rep. Pietsch	✓				
Rep. Wrangham		✓			

Total (Yes)

9

No

2

Absent

1 A

Floor Assignment

~~to~~ Rep. Herbel

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

REPORT OF STANDING COMMITTEE

HB 1398: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 57-15-06.6 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 57-15-06.6 of the North Dakota Century Code is amended and reenacted as follows:

57-15-06.6. Levy authorized for regional or county correction centers. The board of county commissioners of each county may levy an annual tax not exceeding the limitation in subsection 19.1 of section 57-15-06.7 for the purpose of constructing, equipping, operating, and maintaining regional or county corrections centers and for the purpose of contracting services from another public or private entity."

Renumber accordingly

2005 SENATE POLITICAL SUBDIVISIONS

HB 1398

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1398

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 11, 2005

Tape Number	Side A	Side B	Meter #
1	X		0 - 1825
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook called the Political Subdivisions Committee to order. All members (6) were present.

Chairman Cook opened the hearing on HB 1398 relating to the county levy limitation for regional or county corrections centers.

Wade Williams, ND Association of Counties testified in support of HB 1398. He had three people who wanted to give their own local experience with the corrections levy as it affects their own counties and he thought this would be beneficial for the committee to hear how the budget works from the local people. The Association of Counties and the County Commissioners Association passed a resolution in favor of this change in the levy.

Chairman Cook: Wade your association has always been good in handing out information on this. Do you have that.

Wade Williams: Yes, I do and he passed out the Mills Levied for 2003-2004 (Attachment #1)

Noel Johnson, Stutsman County Auditor, Testified in support of HB 1398. (See attachment # 2)

Senator Hacker: Have you increased the amount in fees when you are housing federal and state prisoners to try and reflect some of these increased costs?

Noel Johnson: It is almost getting to be a competitive business. If we increase our fees, are we going to have a potential to lose some of our prisoners to Cass county or other facilities? It is competitive and generally dictated by the feds; this is our fee, we will pay fifty to fifty five dollars a day and that is where we are at. It is in line with some other facilities in the state.

Chairman Cook: Do you house any state prisoners?

Noel Johnson: Yes we have, but that has declined.

Chairman Cook: You are required to give dental care aren't you? Is that a federal law?

Noel Johnson: It is our responsibility to take care of these people and that requires dental care. We are a credited facility and this is a federal and state requirement.

Lauren W. Wild, Sheriff, Walsh County, Grafton ND, testified in support of HB 1398. (See attachment #3)

Representative Jon Nelson, District 7, Rugby ND introduced HB 1398 (See attachment # 4)

Senator Triplett: In the new facility that you have planned in Rugby, would you be accepting federal prisoners into that facility?

Rep. Nelson: As we are going forward, we have a commitment from the State of North Dakota and we have been negotiating with the US Marshal and Parole Services as well, so yes we expect to. I am not sure if we have a solid contract with the Marshal Service as yet but they have been with us every step of the way and my understanding is that they would contract with us.

Senator Triplett: Do you know what the terms of the contract would be as far as the cost per day to house federal prisoners?

Rep. Nelson: The cost on the correction side is sixty dollars per day and on the treatment side could be seventy five dollars.

Senator Gary Lee: In your testimony you said that you are looking to work together with a couple other counties? How does that affect their mill levy in those counties? Do they still levy it and pay you through that?

Rep. Nelson: In many of the counties in the rural areas the existing jails are either not being used today or contract for services. The addition in the house would allow for those counties to contract with other counties and that levy would go toward the cost of contracting. It would depend on the needs of the county.

Duane Johnston, County Commissioner from Pierce County, Rugby ND, testified in support of HB 1398. Our jail was built in 1911, so it is nearly one hundred years old. A couple of years ago we decided to hire a consultant out of Bismarck to look at what we could do and they come up with a one hundred twenty beds center. It will be the Northwest Correction and Rehabilitation Center when it is done. We have had a lot of support from the Governor, Attorney General, DOC, Elaine Little, Rehab at Jamestown, US Marshal and Border Patrol . The US Marshal has supported it with a contract for twenty beds. The Border Patrol is fifteen beds and we will be getting some from Elaine Little. There are counties which do not house their prisoners any more or if they do they have signed an agreement that will send any overflow they have to the Northwest Correction and Rehabilitation Center. Of the one hundred and twenty beds about forty are rehab and the balance is going to be incarceration. We have loans from USDA, we

have about a million in grants, local of a million dollars and five hundred thousand from the city and county which comes up to about 7.6 million to build it. We feel that we need the support of this bill to support running this facility.

Terry Traynor, Association of Counties, appeared with a couple points of information for the committee to help in their deliberation. There are twenty two jail facilities in the state right now. There are three different levels of classification. Class 1, which can hold prisoners up to a year, Class 2, which is thirty days and Class, 3 which is really only ninety six hours. There is a varying ability in the counties to hold prisoners particularly long term. The majority of the counties contract with the other ones for their space. An important piece of this bill as you will see in Section One, is additional language that clarifies the ability to use this facility for contracting. The auditors office had indicated because it doesn't specifically provide for that they should not be using that for the purpose of contracting. This bill would allow them to do that under the law. No further testimony for or against HB 1398.

Chairman Cook closed the hearing on HB 1398.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1398

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 18, 2005

Tape Number	Side A	Side B	Meter #
1	X		4518 - 5840
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook opened the discussion and asked for action on HB 1398. All members (6) present.

Senator Triplett moved a Do Pass.

Senator Fairfield seconded the motion.

Discussion:

Roll Call Vote: Yes 4 No 2 Absent 0

Carrier: **Senator Triplett**

Date: 3-18-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1398

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Triplett Seconded By Senator Fairfield

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman		X			
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee		X			
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 4 No 2

Absent _____

Floor Assignment Senator Triplett

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

REPORT OF STANDING COMMITTEE (410)
March 18, 2005 1:32 p.m.

Module No: SR-50-5464
Carrier: Triplett
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1398, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)
recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1398 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1398

**TESTIMONY TO THE
HOUSE POLITICAL SUBDIVISIONS COMMITTEE
Prepared February 3, 2005, by
Robert "Tork" Kilichowski, Walsh County Commissioner
N.D. County Commissioners Association President**

CONCERNING HOUSE BILL 1398

Chairman Devlin and members of the Committee, I am Tork Kilichowski, the President of the North Dakota County Commissioners Association and a Walsh County Commissioner. I have a few brief remarks about the strong county support for House Bill 1398.

The current levy of five-mills for county correction centers is continually falling short with the increasing costs of incarceration. Counties are continuously placing the shortfall of dollars on an already overburdened general fund. The proposed increase from five- to ten-mills, would give counties the ability to better cover the costs of running their corrections facilities, without using general fund dollars.

Since 1999 Walsh County's correction levy, set at the maximum of five-mills, has only covered 67 percent on average of the correction facilities' overall budget. Increases in prisoners and the costs associated with their incarceration continue to grow, while the county has no mechanism to meet this rising cost.

Increasing the corrections levy will allow counties to better meet the costs of housing prisoners and maintaining secure facilities, without placing the burden on the general fund.

Chairman Devlin and members of the committee, I thank you for the opportunity to present this testimony, and strongly urge a Do Pass recommendation for House Bill 1398.

Political Subdivisions Committee, February 3, 2005
Testimony of Noel A. Johnson, Stutsman County Auditor

Mr. Chairman, members of the committee, my name is Noel Johnson, Stutsman County Auditor. Stutsman County and the City of Jamestown have a joint Law Enforcement Center. The building has an 80-bed jail and it houses the county sheriff, Jamestown City Police Department, and the 9-1-1-communication center. We also rent space to the Highway Patrol and the State Crime Bureau.

We have been at the maximum mill levy since the building opened about 20 years ago. That mill levy does not generate enough revenue. So Stutsman County and the City of Jamestown have been providing additional funds from our general fund mill levies. Those supplemental funds have increased almost every year. In the last five years, that amount has grown from \$190,000 to \$390,000. In 2004, that \$390,000 in supplemental revenue represented 23% of the facility's total revenues.

The extra revenues have been needed to pay for increasing operational costs. The jail's average daily population for local prisoners has been increasing due mainly to an increase in meth related convictions. In the last five years the local prisoner count has increased over 40%. We house federal and state prisoners for a fee. Our facility has been running at over 90% occupancy. So when we increase the number of non-paying local prisoners we displace other paying prisoners.

Our facility is now 20 years old. We will begin to have capitol project expenses. The building's roof will need to be replaced. We need to replace the lock-down controls for the jail. We have no reserve accounts for these expenses. Our revenues have been insufficient to save for these large expenses.

An increase in the maximum mill levy would help. Even at a maximum mill levy of 10 mills, we would still have to use general fund moneys to keep the facility in the black.

Thank you for your consideration. If you have any questions, I would be glad to try and answer them.

**Testimony To The
House Political Subdivisions Committee
Barry Cox, Benson County Commissioner
Prepared February 3, 2005**

HOUSE BILL 1398

Chairman Devlin and members of the Committee, I am Barry Cox, Benson County Commissioner, and I am here to urge your support of House Bill 1398.

The below numbers represent the total jail bill paid to the Lake Region Law Enforcement Center.

	BENSON	RAMSEY
2001	\$44,483.79	-
2002	\$35,618.93	\$273,549.82
2003	\$46,677.00	\$307,783.06
2004	\$39,915.53	\$394,922.54
TOTAL	\$166,695.25	\$976,255.42

A correction levy mill in Benson County ≠ \$11,000

A correction levy mill in Ramsey County ≠ \$24,000

The Lake Region Law Enforcement Center is currently able to charge a low \$30 a day rate for prisoners. Other counties pay as much as twice that amount in daily rates in facilities they contract with in other counties.

Chairman Devlin and members of the committee, I ask that you give a Do Pass recommendation to House Bill 1398.



Walsh County Sheriff's Office

Law Enforcement Center • 638 Cooper Ave., Grafton, ND 58237

Phone: (701) 352-2041 • Fax: (701) 352-3347

Lauren W. Wild
Sheriff
February 1, 2005

Bob Thomas
Chief Deputy

Chairman Devlin
Political Subdivisions Committee
And all Committee Members

RE: HB 1398

This information is from our correctional center budget. It shows, I believe, our increased costs in the last 6 years along with what monies are brought in through a mill levy and what a mill is worth in Walsh County. Currently, our jail is becoming a tremendous burden on our general fund levy, as you can see.

This can be remedied by allowing us additional mills to levy to cover our costs in our jail. This does not mean we would immediately levy the total 10 mills, only what is needed to cover our costs of running the facility.

I think you will be able to see this is not going to fix our financial problem forever, as far as correctional costs go, but it is a start. I wish we had the ability to balance our budget by bringing in outside prisoners to allow us increased revenues, but our facility is too small. Our population fluctuates too much to guarantee beds to outside agencies nor do we want to tie up beds that we may need to board our own incoming prisoners.

I hope you have the time to review this and help alleviate our problem. Thank you for your time. If you have questions, please feel free to contact me at the numbers listed below.

Sincerely,

A handwritten signature in cursive script that reads "Lauren W. Wild".

Lauren W. Wild
Sheriff

Telephone/701-352-2041
Cellphone/701-360-2041
E-mail/lwild@state.nd.us

HB 13998 Hearing

Thursday, February 3, 2005 at 11:00 a.m.
Prairie Room

Total Budget

1999	183,842
2000	201,858
2001	219,065
2002	219,244
2003	217,356
2004	232,656

Mill value and total monies received from 5 mills currently available

1999	$27,669.57 \times 5 = 138,345$
2000	$28,424.91 \times 5 = 142,120$
2001	$29,151.32 \times 5 = 145,755$
2002	$30,356.42 \times 5 = 151,780$
2003	$30,499.33 \times 5 = 152,495$
2004	$30,591.68 \times 5 = 152,955$

General Fund Expenditures to cover shortage at 5 mills

1999	45,497
2000	59,738
2001	73,310
2002	67,464
2003	64,861
2004	79,701

Total Prisoner Bookings

1999	514
2000	524
2001	466
2002	497
2003	540
2004	636

Population per day

1999	8
2000	7
2001	10
2002	11
2003	11
2004	12

Juvenile Costs

1999	13,425
2000	4,645
2001	7,250
2002	6,000
2003	3,000
2004	16,150

Mills Levied 2003 (For Collection in 2004)

all #1

Source:

Compiled by NDACo from:

Property Tax Statistical Report - State Tax Department

Levies limited by statute are highlighted

	Value of 1 Mill	County General Fund		Correctional Center Levy	
		Mills	Dollars	Mills	Dollars
Adams	\$6,988	48.33	\$337,728	5.00	\$34,940
Barnes	\$33,019	23.00	\$759,427	5.00	\$165,093
Benson	\$12,267	29.18	\$357,958	1.85	\$22,694
Billings	\$4,768	9.91	\$47,248		
Bottineau	\$22,652	23.27	\$527,111		
Bowman	\$8,267	0.25	\$2,067		
Burke	\$8,574	22.51	\$192,991		
Burleigh	\$145,021	33.90	\$4,916,211	0.50	\$72,510
Cass	\$297,735	31.45	\$9,363,757		
Cavalier	\$19,272	33.24	\$640,610		
Dickey	\$15,234	36.58	\$557,249		
Divide	\$9,037	23.81	\$215,179	4.97	\$44,916
Dunn	\$12,278	48.99	\$601,485	0.90	\$11,050
Eddy	\$6,322	43.92	\$277,679	3.70	\$23,393
Emmons	\$13,495	38.20	\$515,495		
Foster	\$12,110	25.69	\$311,102	1.00	\$12,110
Golden Valley	\$5,362	40.39	\$216,569		
Grand Forks	\$124,884	21.82	\$2,724,971	5.47	\$683,116
Grant	\$7,815	36.17	\$282,685		
Griggs	\$8,408	35.92	\$302,011	5.46	\$45,907
Hettinger	\$8,828	41.80	\$369,026		
Kidder	\$9,197	27.57	\$253,563	2.02	\$18,578
Lamoure	\$15,208	28.10	\$427,336		
Logan	\$6,567	41.19	\$270,493	1.50	\$9,850
McHenry	\$20,520	23.00	\$471,949	1.12	\$22,982
McIntosh	\$9,460	25.91	\$245,102	4.20	\$39,731
McKenzie	\$15,927	16.87	\$268,688		
McLean	\$23,913	16.88	\$403,645		
Mercer	\$18,101	20.50	\$371,071	5.00	\$90,505
Morton	\$52,511	40.93	\$2,149,282	5.00	\$262,556
Mountrail	\$14,600	25.31	\$369,533	5.00	\$73,001
Nelson	\$10,802	37.86	\$408,982	0.74	\$7,994
Oliver	\$5,179	21.27	\$110,152		
Pembina	\$28,043	25.98	\$728,569	2.50	\$70,109
Pierce	\$13,568	34.69	\$470,687	5.00	\$67,842
Ramsey	\$23,662	32.30	\$764,274	5.21	\$123,278
Ransom	\$15,758	28.89	\$455,255	1.97	\$31,044
Renville	\$9,860	23.00	\$226,784	1.14	\$11,241
Richland	\$45,509	70.77	\$3,220,680		
Rolette	\$9,176	32.82	\$301,156	6.54	\$60,011
Sargent	\$13,752	36.18	\$497,537		
Sheridan	\$5,919	23.70	\$140,275	1.28	\$7,576
Sioux	\$2,037	50.67	\$103,201		
Slope	\$5,192	15.41	\$80,009	1.93	\$10,021
Stark	\$36,154	58.96	\$2,131,616	5.63	\$203,545
Steele	\$10,034	34.36	\$344,784		
Stutsman	\$47,118	25.11	\$1,183,145	7.45	\$351,033
Towner	\$11,470	25.25	\$289,624	2.38	\$27,299
Traill	\$24,427	23.97	\$585,522	2.90	\$70,839
Walsh	\$30,499	29.61	\$903,085	5.00	\$152,497
Ward	\$100,520	21.17	\$2,127,999	5.00	\$502,598
Wells	\$16,700	36.58	\$610,874	4.61	\$76,985
Williams	\$35,156	32.99	\$1,159,812	1.20	\$42,188
Number of Counties Levying		53		34	
Average of Those Levying		30.87		3.48	

**Senate Political Subdivisions Committee
House Bill 1398**

March 11, 2005

Testimony of Noel A. Johnson, Stutsman County Auditor

Mr. Chairman, members of the committee, my name is Noel Johnson, Stutsman County Auditor. I am here to speak in favor of HB 1398 on behalf of the Governing Authority of the Stutsman County/City of Jamestown joint Law Enforcement Center.

Our Law Enforcement center has an 80-bed jail and it houses the county sheriff, Jamestown City Police Department, and the 9-1-1-communication center. We also rent space to the Highway Patrol and the State Crime Bureau.

We have been at the maximum mill levy since the building opened about 20 years ago. That mill levy only generates $\frac{1}{4}$ of the facility's annual \$1,600,000 budget. Another $\frac{1}{4}$ of the budget comes from the County and City general funds. The remaining $\frac{1}{2}$ is revenue from housing federal, state and other county's prisoners.

Those supplemental funds from the County and City general funds have increased almost every year. In the last five years, that supplemental amount has grown from \$190,000 to \$390,000. In 2004, that \$390,000 in supplemental revenue now represents $\frac{1}{4}$ of the facility's total revenues.

The extra revenues have been needed to pay for increasing operational costs. The jail's average daily population for local prisoners has been increasing due mainly to an increase in meth related convictions. In the last five years the local prisoner count has increased over 40%. Most of these meth prisoners require health care. Most require some or several types of medication and most require dental care. In 2003, the total health care cost for local prisoners was almost \$90,000.

We house federal and state prisoners for a fee. Our facility has been running at over 90% occupancy. So when we increase the number of non-paying local prisoners we displace those prisoners that we are housing for a fee.

Our facility is now 20 years old. We will begin to have capitol project expenses. The building's roof will need to be replaced. We need to replace the lock-down controls for the jail. We have no reserve accounts for these expenses. Our revenues have been insufficient to save for these large expenses.

An increase in the maximum mill levy would help. Even at a maximum mill levy of 10 mills, we would still have to use general fund moneys to keep the facility in the black.

Thank you for your consideration. If you have any questions, I would be glad to try and answer them.



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RE: HB 1398

This information is from our correctional center budget. It shows, I believe, our increased costs in the last 6 years along with what monies are brought in through a mill levy and what a mill is worth in Walsh County. Currently, our jail is becoming a tremendous burden on our general fund levy, as you can see.

This can be remedied by allowing us additional mills to levy to cover our costs in our jail. This does not mean we would immediately levy the total 10 mills, only what is needed to cover our costs of running the facility.

I think you will be able to see this is not going to fix our financial problem forever, as far as correctional costs go, but it is a start. I wish we had the ability to balance our budget by bringing in outside prisoners to allow us increased revenues, but our facility is too small. Our population fluctuates too much to guarantee beds to outside agencies nor do we want to tie up beds that we may need to board our own incoming prisoners.

I hope you have the time to review this and help alleviate our problem. Thank you for your time. If you have questions, please feel free to contact me at the numbers listed below.

Sincerely,

Lauren W. Wild
Sheriff

Telephone/701-352-2041
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Attachment #3
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TESTIMONY
SENATE POLITICAL SUBS COMMITTEE
HB 1398

Good Morning Chairman Cook and members of the Senate Political Subs Committee. For the record my name is Jon Nelson and I represent District 7 in the North Dakota House of Representatives.

I am pleased to appear before you this morning to introduce HB 1398. The engrossed version that is before you today would give county commissions the flexibility to levy an additional 5 mills for regional or county correction centers. The house amendment that was added further defined the uses of the levy and included contracting with other public or private entities in the authorization.

I am a member of the North Cental Corrections Law Enforcement Center in Rugby. We will begin construction this spring on a 116 bed correction and treatment center in Rugby. When completed this 7.5 million dollar facility will address the continuing need for correction and addiction treatment in our region. As part of our business plan, two counties have agreed to contract for beds with us and several others are in negotiations as well for the services of this facility.

Counties, as well as state government have been burdened by the increasing correction budgets primarily resulting from the meth manufacturing and use across our state. Fifteen counties have reached the 5 mill maximum that is now allowed in state law and the need for more local funding is necessary for counties to meet the needs in this area.

This bill will give counties the ability to address their increasing needs as well as allow counties to address from a regional perspective, long term, efficient solutions regarding the increasing needs regarding correction budgeting.

Please consider allowing county government this additional flexibility and give HB 1398 a DO PASS recommendation. I thank you for your consideration.