

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1050

2007 HOUSE JUDICIARY

HB 1050

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1050

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/8/07

Recorder Job Number: 718

Committee Clerk Signature *Naun Penrose*

Minutes:

Chairman DeKrey: We will open the hearing on HB 1050. We will take testimony in support of HB 1050.

Steve Lundin, Bismarck Police Dept.: I am the bomb squad commander for the Bismarck Police Dept. Bomb Squad and also a team leader for the West Dakota SWAT Team, which is a regional response SWAT team; which involves the Bismarck police department, Mandan police department, Morton and Burleigh County sheriffs' departments. I am also the Crime Lab team commander for the city of Bismarck and also the President of the ND Peace Officers Association, special operations committee. I am here today to give you an overview on how we try to give services to every citizen in the state of ND over the last two years. No matter how big or small the jurisdiction is they've got the protection of the services that we can provide. Right now, the way we have been doing things since 2003, the fund has been administered by the AG's office and I am here to request funding for the special operations fees, for reimbursements outside the jurisdiction. This is a fund that is funded through both grant funding and also contributions from counties that pay into the ND Association of Counties. Those payments are dependent on the size of the jurisdiction themselves. The budget contribution for a community of about 10,000 population, would be \$1,000 per year.

This contribution is \$250 per year in communities with less than 2500 people population. That fund is then combined with the grant funds and that fluctuates each grant period. That money is administered by the AG's office. If the bomb squad or SWAT team gets called out to a spot or jurisdiction outside of their own, then we're able to request reimbursement from that fund. So far, because of the size of the fund, we are limited to how much we can reimburse back to the agencies. Right now, as the rule stands, we only reimburse for overtime salaries; which in my opinion, especially after looking at the numbers and run the budgets for three of the special operation teams is a drop in the bucket, compared to the actual costs incurred by those jurisdictions when they fall outside of their jurisdictions. My annual budget runs about \$15,000 a year. With that \$15,000 a year I have to run a 5 member bomb squad that has taken the role of guaranteeing bomb squad services to basically the SW portion of ND. So we will respond to Jamestown, ND all the way out to Beach, ND, and basically from Williston on down to the SD border. That's our response area. Now if Grand Forks needs a bomb squad, they'll call us if they need additional resources and we'll certainly respond and help them. Right now, we are only being able to be reimbursed for overtime. We had one particular call in 2005 down in Emmons County, just to give you an example of the costs that we incurred on them. It was a 2 day call-out. I used about \$4,000 worth of explosives, which is basically a 1/3 of my annual budget just on the explosives that I needed to use for disposal operations after that particular call. We were reimbursed for \$2600 in overtime for my officers. We actually incurred almost \$6,000 in expenses for just the salaries. We aren't reimbursed for the consumables, at this time. The burn grant fund and the fund from the AG's office has been allowing reimbursements for, has been a godsend to the teams, because it has allowed us to be able to continue to provide services outside of our jurisdictions. It's helped me administer our particular departments, to really be able to guarantee those services and being able to go to

their Commissions and saying we do have funding sources to help us recoup some of the losses but it still is a great burden to the jurisdictions that do that. Right now that fund is only geared toward special operations; so the patrolman that may have responded out to the county to help them search for a missing child or missing person, there is no funding source to reimburse those agencies. Missing person searches encompass many agencies and jurisdictions, with many officers responding, and could take several days. Those are huge commitments to the departments that are there, and right now those monies are coming out of their budgets. It becomes pretty difficult to be able to maintain some of those resources without having to go back to your county commissions and ask them for more funds, if you basically depleted your overtime budgets on one call, for one year. The grant fund, as I said, through the AG's office since 2003, we had expended right around \$31,000 just in overtime expenses since 2003 that has been reimbursed. From personal experience I can tell you that during the first two years that fund was in place, not many reimbursement requests were submitted because nobody really understood the application process. As of two years ago, we really took advantage of that reimbursement. The language in HB 1050 would open up reimbursement to all jurisdictions, no matter how big or small they are, and also allow them reimbursement for an officer's time if they are assisting another jurisdiction, outside of their own jurisdiction, with things like this in missing person investigations. It would also allow us to be able to be reimbursed for several of the consumable things that are incurred; SWAT team equipment, bomb squad, disposal costs, etc. This bill would allow for different funding so that we could be ready for any calls. This would be a fund that all law enforcement in the state could draw from, regardless of whether they are a SWAT team, a bomb squad, or a mounted police group that helps in the search and rescue, all those kinds of things would be reimbursable under HB 1050 as its written now. That, I think, is the key difference, we have a

special operations fund in place right now, and we don't have a reimbursement source for agencies if they are sending officers that are not tied into special operations team, if a particular jurisdiction helps. That does happen throughout the state, it happens every month, it happens every year.

Rep. Frank Wald: I am a sponsor of the bill. The reason for this bill is that many times the larger communities are called upon to assist smaller communities in all areas. My part of the state it could be Belfield, Hettinger, Beach, or Bowman, etc. and what we're trying to accomplish here is that if there is a drug unit called with a sniffing dog or a bomb squad, if a bomb is present at a school outside of the city limit of Dickinson and our department responds, it's generally understood that the larger departments have more sophistication and that sort of thing. They're glad to help. They want to respond. That's part of being a community. The problem is that there is no way for the police department in Dickinson can be reimbursed for extra payroll costs and fuel costs and that sort of thing. As you will recall, a few years ago we had a double homicide down in Emmons County, Hettinger. I know that the sheriff's department from Stark County and the Dickinson Police Department had some input there in terms of the investigation; trying to find those people. The second question that was asked was the \$100,000 appropriation, what if they run out of money. Well I guess my first response will be "first come first served"; however, as you all know we have a deficiency appropriation. When somebody overspends their budget, they come before the budget section and the emergency commission and ask for an additional appropriation, so perhaps if the \$100,000 is not enough, they can appear and have other means to be reimbursed.

Chairman DeKrey: The bill is only reasonable and it's basically an appropriation's problem, so the faster we just send it down to Appropriations and let you work on it that would be my guess. It doesn't have a fiscal note, but it does say exactly \$100,000 so maybe that's why

they didn't put a fiscal note on it, but if we just send it down to Appropriations, you're the ones going to have to find the money if you want it.

Rep. Wald: It's not in the Governor's budget. I think we'll find the money, that's not a guarantee but from my perspective.

Chairman DeKrey: If we send it to the Education section, I would guess it would do real well. Thank you for appearing. (Mr. Lundin resumed answering questions)

Rep. Meyer: Was the bomb squad or your unit involved in that bomb that was discovered north of Bowman.

Mr. Lundin: Yes.

Rep. Meyer: Like in a case like that, what were they reimbursed? Just overtime on operations?

Mr. Lundin: The way the rules are written, we are only allowed to request reimbursement for our overtime salaries that are incurred by our department; and that's not even a guarantee that we'll get the money. We are just allowed to request reimbursement; so far, we haven't had one that's been denied; but yes, it is only overtime. We are allowed to be reimbursed for lodging if we do have to stay overnight in a particular jurisdiction if we can't return back home that night. So far, it's lodging and also overtime expenses. But consumables that we use and also maintenance and repair on equipment that may be damaged during responses, all of that comes out of our department's budgets right now.

Rep. Meyer: Just to follow up, like in the case of the Hettinger county couple, how are volunteers handled. Would these funds be available to the searchers. Where do you draw the line on volunteers in a case like that.

Mr. Lundin: That is an interesting question, I think that's probably a question that if this bill is approved, it would be dealt with at the administrative level. When you talk about administrative

funds, there will probably have to have a criteria set up on who is going to be eligible for reimbursement. Right now, the way I read the bill, the bill suggests that the agency, which the person represents would be reimbursed now. Whether or not a volunteer would fall under the umbrella of the agency that requested them; for instance, in Bismarck we have mounted police. They aren't sworn police officers, they are volunteers who are willing to come out and search for us. We do cover them under Worker's Compensation if they are injured while they are out at our request. I'm not sure exactly how we would have that applied, that would probably be an administrative decision.

Rep. Onstad: Mutual aid agreements, is that something that is being encouraged.

Mr. Lundin: I think this would only help encourage mutual aid agreements because now, the agency that is being requested has a funding source to go back to, to try and recoup some of their costs, so whether an agency asks "will you enter into a mutual aid agreement with me", they're going to be able to look at this and say, "well, I've got a funding source to go back to, if you request the service that I'm telling you that I can provide to you". I think that only helps to support mutual aid agreements and that's definitely the direction I know that this would go in. We want to do regionalization, we want to encourage mutual aid agreements between jurisdictions so we can start funneling some of the funding streams a little bit more efficiently than we can do right now.

Rep. Charging: There is no question that our law enforcement is underpaid and underfunded, especially in the smaller jurisdictions. But what I'm concerned about is who can draw the funds, it would have to be under administrative rules.

Chairman DeKrey: My experience with Appropriations is that they are as tough as they come, if it's got a loophole, they'll close it.

Mr. Lundin: Every year we have been able to get a little more. When I took over the bomb squad, as regards to funding, when I started I had a \$3,000 budget six years ago. Each year we've been able to up it. Some times there are costs that aren't budgeted for, it's difficult to be able to pay for those without going to commissions in the department and ask for additional funding. Every bomb squad in our state right now, they've got a platform that costs \$100,000. If one thing went wrong, say a camera went bad, those are the types of things that you can't necessarily budget for. A fund like this could maybe give some assistance. I don't want this fund just for the special operations group, there is a fund already out there for the special operations group and we don't want to see that go away. This is the type of fund that would help a situation like happened in Hettinger where you had a patrol officer, the sheriff deputies, and highway patrol out beating bushes and basically doing field work. Not special operations work, this is solely for field work by law enforcement.

Chairman DeKrey: Thank you for your testimony. Further testimony in support of this bill.

Connie Sprynczynatyk, ND League of Cities: I think Steve Lundin is correct that it wouldn't take long for a relatively small pot of money available to reimburse expenses beyond just the overtime, which is now allowable under that special ops. Funding. It may not take long for that dissipate, but I can assure you that \$100,000 available for reimbursement for jurisdictions is much better than \$0.00. For those committee members who are new to the Legislature, there are 357 incorporated cities in the state, but there are only a dozen that are 5,000 and above; so there are many, many small jurisdictions out there where all of their general fund is coming from property tax and then some is used for public safety. Since you are all temporarily residing in Bismarck, the Bismarck's general fund has money coming in from property taxes, something like 95% of it is being spent on fire, police and combined communications. More than what comes in from property tax is spent on the law enforcement functions. So even

though this seems like a small amount of money, I can assure you it would be well used and well appreciated.

Chairman DeKrey: I can assure you that those of us that do live in the hinterlands are very appreciative of the major cities that come out and help us out very often. Further testimony in support.

Terry Traynor, Association of Counties & Sheriff and Deputies Association: We support this legislation.

Chairman DeKrey: Further testimony in support.

Gary Kostelecky, Stark County EM/911 director: I would just like to add that there are times when smaller agencies need help from the larger agencies, and also times when smaller agencies help out each other. With their limited budgets that they have out there, there is no room available for those people at all. It not only helps the smaller community get help from the large community, but it would also help the smaller agency work with each other, with mutual aid agreements, etc. The only thing I see is that \$100,000 is not a very high amount. I know that there are other first responder agencies out there are interested in the same type of legislation. There are volunteer groups out there that are losing people every year, in law enforcement, from all agencies and something like this could be a small help in increasing that, at least the financial part of it.

Chairman DeKrey: Further testimony in support/testimony in opposition. We will close the hearing on HB 1050 and take action.

Rep. Delmore: I move a Do Pass with rereferral to Appropriations.

Rep. Meyer: Seconded.

Chairman DeKrey: The clerk will call the roll.

13 - 0 - 1 DO PASS & REREFERRED TO APPROP. Rep. Kretschmar - Carrier

Date: 1/8/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1050

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass and Rereferred to Approp.

Motion Made By Rep. Delmore Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	—				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1 Rep. Koppelman

Floor Assignment Rep. Kretschmar

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

REPORT OF STANDING COMMITTEE (410)
January 8, 2007 11:55 a.m.

Module No: HR-04-0293
Carrier: Kretschmar
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1050: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1050 was rereferred to the Appropriations Committee.

2007 HOUSE APPROPRIATIONS

HB 1050

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1050

House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 1/16/07

Recorder Job Number: 1159

Committee Clerk Signature

Minutes:

Chairman Carlson opened the meeting on House Bill 1050 regarding the reimbursement of out of jurisdiction law enforcement.

Roll was taken by the clerk.

Representative Frank Wald spoke in support of the bill stating that they are asking for \$100,000 to help law enforcement agencies from larger communities to help the law enforcement in smaller communities who may not have the equipment or expertise to handle the larger and more complicated cases.

Representative Kempenich: Will you be sun-setting this bill or will this be a continuing appropriation?

Representative Wald: I know how popular continuing appropriations bills are in the various appropriation sections so if you would care to make this a continuing appropriation I wouldn't have a problem with it, however by the look on the chairman's face that may not be possible.

Chairman Carlson: Could a community of say Hettinger and Dickinson have a joint powers agreement on law enforcement and couldn't they pay for that if Hettinger had Dickinson come down to assist them without having General Fund money in that. We allow joint powers for lots of things and I don't understand with law enforcement if they have it or don't have it if

somebody can address that. It appears to me to be an odd mechanics to have a bill run through Emergency Services from one community to another community paid by state dollars. It just seems funny there.

Representative Wald: I think the whole idea of the bill is to access state dollars because the smaller communities don't have the funds.

Connie Sprynczynatyk from the North Dakota League of Cities testified in support of the bill. Ms. Sprynczynatyk stated that currently there is \$100,000 dollar fund set up with the Attorney General's office that is spent for overtime for the special operations law enforcement.

Chairman Carlson: Is this bill for all expenses, mileage, labor and materials whereas they can only bill out the overtime in the Attorney General bill? Is that \$100,000 still in the Attorney General's office?

Connie Sprynczynatyk: It is and it has worked rather well.

The provisions on HB 1050 state that the funds are only to be used if there are no other funding sources.

Vice Chairman Carlisle: Was this proposal anyplace in optional in any other budget?

Connie Sprynczynatyk: That I do not know.

Representative Kempenich: Could one incident use all of the funds you are asking for?

Connie Sprynczynatyk: One thing the committee may want to consider is to perhaps take a look at the AG's fund. It also may be possible for a cap to be placed on the funds so one incident does not use all of the money for the biennium.

Representative Skarphol: How prevalent are the mutual aid agreements and are there any out there that have been negotiated?

Connie Sprynczynatyk: We have many entities in the state that are covered by mutual aid agreements. It is the unexpected situations that we are worried about. This bill provides a little bit of back fill.

Representative Kroeber: Where is the \$100,000 going to be at and who is going to handle these costs and make the payments?

Connie Sprynczynatyk: The Department of Emergency Services

Vice Chairman Carlisle: To Legislative Council and OMB: Rather than Emergency Services, where else could this be appropriated to?

Chairman Carlson: What is the total amount of aid that we are sending out to cities and counties this biennium?

Representative Kroeber: \$91 million in state aid distribution

Vice Chairman Carlisle: Is there a bill out there to change that?

Representative Kroeber: Yes

Connie Sprynczynatyk: The bill is not at the initiation of local government.

Representative Glassheim: The list of activities is that Representative Wald had been very broad. Could it be narrowed anyway?

Connie Sprynczynatyk: Let me remind you that the money in the AG's office is only for overtime needed when special operations personnel like the bomb squad is required.

Chuck Rummel, Dickinson Chief of Police, testified in support of this bill. Historically over the 28 years Chief Rummel has been in law enforcement, they have pretty much volunteered their services when those in need required their assistance in the smaller communities.

Chairman Carlson: How much of your equipment is new compared to what you used to have before Homeland Security dollars?

Chief Rummel: Most of it is brand new because of the Homeland Security dollars. A lot of this equipment will be used when we go out of jurisdiction. I don't want smaller communities to hesitate to think they are going to get a bill from the larger community if they call upon us. I contacted Representative Wald to see if he would draft a bill to the Department of Emergency Services.

Chairman Carlson: What would happen if you would bill the city for the services provided to that city?

Chief Rummel: We have never done that. It has always been volunteer work. A lot of the smaller communities don't have the money for the services.

Representative Glasheim: Can the Department of Emergency Services use federal money to do this?

Chief Rummel: The DES does not have the money for that. The Homeland Security money has specific designation for the money such as training, equipment, different field trials but it has to be very specific. Federal dollars would not be able to be used for that.

Representative Kempenich: For example, a bomb scare, give me a rough cost of going through that.

Chief Rummel: The call would be for the swat team. In Dickinson I have eight members of the tactical team at about \$20/hour at a minimum of four hours. We would secure the area then call the Bismarck bomb squad out. Now we have Bismarck men and their cost will be more than the Dickinson. It may not take long before this fund is used up.

Chairman Carlson: Why did you pick the Department of Emergency Services over say the Attorney General's Office?

Chief Rummel: Because of the nature of hub cities and the strategic planning they are trying to do in Emergency Services.

Chairman Carlson: That is more emergency response you can't confuse that with all of the Homeland Security stuff. I am having problems with all of the pools of money spread everywhere that you would have to apply for to get.

Connie Sprynczynatyk: I know you struggle with how to spread the state's resources around. I just want to give you two comparisons when you asked about what kind of costs there are and what the local government is doing with that right now. One would be Killdeer. If you took Killdeer's general fund budget and you took the portion of that budget coming from property taxes only. If you stripped everything out that the city does like water and sewer and you could only do one thing you still have to provide for public safety right? Killdeer spends more on public safety than it brings into the general fund from property taxes. Here is the contrast. The city of Bismarck's general fund budget from property taxes is about half of the general fund. If you look at the expenditures for police, fire, and emergency communications about 97% of what comes into that general fund from property taxes. When you asked if the larger jurisdictions have room to afford this expenditure on behalf of the smaller communities that should give you a picture.

Representative Kempenich: Do you have any incidents you can recall within the last year where this funding could have been used?

Chief Rummel: The kind of responses that I personally was involved in are I was on the call where Officer Braddock from Watford City was shot and killed and they took hostages there. I was there for at least 12 hours as a hostage negotiator. A suspicious package in a school would trigger it. A barricaded subject would trigger it. It's those things that require more resources than that agency has available to them at the time.

Chairman Carlson: Our questions may seem negative but we need to know number one is the need there and number two what is the proper funding mechanism. I struggle a little bit

with the fact that we send out about a billion dollars in direct assistance to political subdivisions and yet we have bills for \$100,000 for sharing services. Its an issue we have to deal with is what level and should this be part of something we are funding or not or should it be somewhere else in this formula that allows those mutual agreements to cover situations like that so you have somebody you can go to when the time comes.

Chairman Carlson closed the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1050

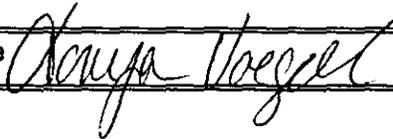
House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 2/1/07

Recorder Job Number: 2504

Committee Clerk Signature



Minutes:

Chairman Carlson opened the discussion on HB1050.

Representative Skarphol: I have gotten some calls from people who say this confuses the issue. If we feel compelled to put some money into this type of thing, he thought it would be much more appropriate to put it into that county fund that the county has paid into. If we do in fact create these types of entities, we will have counties saying lets try to get it out of Department of Emergency Services before we utilize this one. The counties are already kicking in money for this type of practice.

Chairman Carlson: I made a note to myself that there is a fund in the AG's office of \$100,000, what was that for?

Representative Kempenich: Overtime pay only.

Representative Skarphol: The fund I am referring is a fund that the Association of Counties organized and counties pay into for this exact reason, if there is a need for some type of reimbursement. I don't think we need it.

Vice Chairman Carlisle: There are other funding sources around.

Chairman Carlson: You could argue the fact that if Fargo goes out to help Horace that they probably should go and help Horace because we charge a half cent sales tax on everything we

do. And everybody in Horace buys some goods in Fargo and we get the sales tax off of those folks to pay for our infrastructure. So you could argue the point that most cities have a city tax of some kind and this was meant for Dickinson because they went out and helped with fires and other things and the point could be made they have a city sales tax that other people come in and pay.

Representative Kroeber: That was going to be my argument on the floor, if you are receiving a city sales tax; you can go out and help surrounding areas.

A motion was made by Representative Kempenich, seconded by Representative Skarphol to make a DO NOT PASS recommendation to the House Appropriations Full Committee. The vote was Y=8, N=0, A=0. The bill will be carried by Representative Skarphol.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1050

House Appropriations Committee

Check here for Conference Committee

Hearing Date: February 9, 2007

Recorder Job Number: 3325

Committee Clerk Signature

Holly M. Sand

Minutes:

Chm. Svedjan opened the hearing on HB 1050. This bill came to House Appropriations from Judiciary and has an appropriation of \$100,000.

Rep. Skarphol: The Association of Counties already has a fund in place that they pay into to cover these types of situations. It is the Committee's opinion that this would only serve to confuse the issue as to who should be asked for compensation in this type of scenario.

Rep. Skarphol motioned a **Do Not Pass** to HB 1050. **Rep. Carlisle** seconded the motion.

Rep. Wald: My chief of police did not know there was another fund they could access. If we're going to have that to help out local law enforcement, the information needs to be communicated.

The motion carried by a roll call vote of 21 ayes, 1 nay and 2 absent and not voting. **Rep. Skarphol** was designated to carry the bill.

Date: 2/9/07
 Roll Call Vote #: 1 of 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1050

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Skarphol Seconded By Carlisle

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleson		
Representative Hawken	MA ✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 20 21 No 1

Absent 2

Floor Assignment Skarphol

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

REPORT OF STANDING COMMITTEE (410)
February 10, 2007 7:10 p.m.

Module No: HR-28-2800
Carrier: Skarphol
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1050: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO NOT PASS (21 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1050 was placed on the Eleventh order on the calendar.