

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2413

2007 SENATE APPROPRIATIONS

SB 2413

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2413

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-09-07

Recorder Job Number: 3280

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2413.

Senator David O'Connell, District 6, Lansford, introduced and presented written testimony (1) and testified in support of SB 2413 indicating it allows peace officers and correctional officers to receive full retirement benefits beginning at age 55 or rule of 85 rather than 65 and rule of 85.

Senator Wardner asked about them qualifying for current benefits with the State.

Tracy Stein, Department of Corrections, Field Service Division, presented written testimony (2) in support of SB 2413.

Brad Holt, Correctional Officer, State Penitentiary, President, Correctional Officers Union, American Federation of State, County, and Municipal Employees (AFSCME), Local 2857, presented written testimony (3) and testified in support of SB 2413.

Senator Bowman asked if this was the same thing that was done for the Highway Patrol and the Sheriff's Department where they can retire earlier because of the environment they work in.

Mark Beyer, Correctional Officer, State Penitentiary, presented written testimony (4) and testified in support of SB 2413.

Senator Krebsbach asked if his expected retirement amount included social security.

Larry Wahl, Department of Corrections, testified in support of SB 2413 indicating this bill will be beneficial to both the employee and employer.

Shelly Seeberg, Representative State and City Employees, testified in support of SB 2413 presenting statistics.

Senator Krauter asked if other state employees are in a different retirement plan.

Tim Schulzle, Director, ND State Penitentiary, testified in support of SB 2413 indicating all employees are in the PERS program. He indicated that in the last 30 months 105 people of 217 have left the employment. He believes this bill will help in recruiting new people and retain younger staff.

Senator Mathern question Sparb Collins about the implementation of the program.

Senator Krauter asked that the committee be given a few of other agencies as to retirement age.

Senator Krebsbach questioned what other areas would this bill apply to for age 55 retirement.

Senator Wardner indicated that the other groups mentioned are on this type of program.

Warren Emmer stressed how important it is to allow correction officers to retire at age 55 part of that being if they get scared on the job, they become a liability. When OTA employees are hired, they are not able to retire at age 55.

Senator Robinson asked for clarification on something that was said earlier on the 4/4 and \$75 minimum pay raise. Further discussion took place

Jody Brewer of NDPER indicated they are supportive of SB 2413 because age becomes a safety issue in these situations.

Chairman Holmberg closed the hearing on SB 2413

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2413

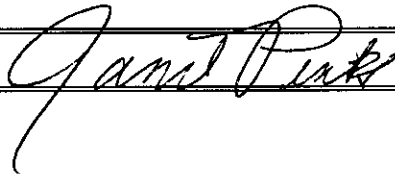
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02/13/07

Recorder Job Number: 3457

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2413 indicating the bill relates to participation of peace officers and correction officers retirement plan with PERS. This is a \$1 million dollar general fund appropriation.

Senator Kruater moved a DO PASS on SB 2413, Senator Mathern seconded.

Senator Krebsbach indicated the committee needs to move on this but her concern is that this money could go a long ways to enhancing salaries rather than this program. She felt that there would be an unfavorable recommendation from the employee benefits committee on this.

A roll call vote was taken resulting in 6 yes, 7 no votes, 1 absent. The motion failed.

Senator Christmann moved a DO NOT PASS on SB 2413, Senator Krebsback seconded.

A roll call vote was taken resulting in 7 yes, 6 no, 1 absent. The motion carried. Senator Krebsbach will carry the bill.

Chairman Holmberg closed the hearing.

FISCAL NOTE
 Requested by Legislative Council
 02/01/2007

REVISION

Bill/Resolution No.: SB 2413

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$1,000,435	\$249,379	\$1,000,435	\$249,379
Appropriations			\$1,000,435	\$249,379	\$1,000,435	\$249,379

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			(\$53,690)	(\$17,840)		(\$53,690)	(\$17,840)	

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill would add state correctional and peace officers to the PERS law enforcement plan

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There are approximately 546 correctional officer and peace officers that work for the state who would be transferred from the PERS main retirement plan to the PERS law enforcement plan. Table 1, below, gives an estimate of those who would be eligible and where they work. The fiscal effect of transferring them from the main system to the law enforcement plan is on the employer contribution rate. The rate in the main system is 4.12%. The rate in the law enforcement plan is presently 8.31% (as of the last actuarial report it indicated the rate should be 12.07%). The actuary has determined that the addition of this group to the plan lowers the required employer contribution for the plan to 7.41%.

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.*

Table 2 provides an estimate of the increase in expenditures by employer and funding source.

Department	Employees	Monthly	4.12%	7.41%	Monthly Increase
		Salary	Cost	Cost	
125 - Attorney General	36	\$129,502	\$5,335	\$9,596	\$4,261
223 - Youth Corrections	50	\$134,594	\$5,545	\$9,973	\$4,428
504 - Highway Patrol	1	\$4,085	\$168	\$303	\$134
502 - Parole	85	\$271,322	\$11,178	\$20,105	\$8,926
518 - Jamestown Penitentiary	123	\$300,267	\$12,371	\$22,250	\$9,879
519 - Bismarck Penitentiary	174	\$474,216	\$19,538	\$35,139	\$15,602
520 - Roughrider	19	\$52,635	\$2,169	\$3,900	\$1,732
720 - Game & Fish	34	\$136,098	\$5,607	\$10,085	\$4,478
Higher Education	24	\$80,125	\$3,301	\$5,937	\$2,636
TOTAL	546	\$1,582,844	\$65,213	\$117,289	\$52,076

Department	Biennium Increase	Funding Source Gen, Fed, Other	General Increase	Other Increase
125 - Attorney General	\$102,255	76%, 22%, 03%	\$77,714	\$24,541
223 - Youth Corrections	\$106,275	100%, 00%, 00%	\$106,275	\$0
504 - Highway Patrol	\$3,226	76%, 00%, 24%	\$2,451	\$774
502 - Parole	\$214,236	98%, 02%, 00%	\$209,951	\$4,285
518 - Jamestown Penitentiary	\$237,091	100%, 00%, 00%	\$237,091	\$0
519 - Bismarck Penitentiary	\$374,441	98%, 02%, 00%	\$366,952	\$7,489
520 - Roughrider	\$41,561	00%, 00%, 100%	\$0	\$41,561
720 - Game & Fish	\$107,463	00%, 00%, 100%	\$0	\$107,463
Higher Education	\$63,267	00%, 00%, 100%	\$0	\$63,267
TOTAL	\$1,249,814	84%, 04%, 12%	\$1,000,435	\$249,379
Total W/O Higher Education	\$1,186,547		\$1,000,435	\$186,112

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

See Table 2, above, provides an estimate by employer of the increased appropriation that would be needed to pay the increased employer contribution

Name:	Sparb Collins	Agency:	PERS
Phone Number:	328-3901	Date Prepared:	01/25/2007

FISCAL NOTE
Requested by Legislative Council
01/24/2007

Bill/Resolution No.: SB 2413

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$1,274,110	\$317,598	\$1,274,110	\$317,598
Appropriations			\$1,274,110	\$317,598	\$1,274,110	\$317,598

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill would add state correctional and peace officers to the PERS law enforcement plan

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There are approximately 546 correctional officer and peace officers that work for the state who would be transferred from the PERS main retirement plan to the PERS law enforcement plan. Table 1, below, gives an estimate of those who would be eligible and where they work. The fiscal effect of transferring them from the main system to the law enforcement plan is on the employer contribution rate. The rate in the main system is 4.12%. The rate in the law enforcement plan is 8.31% (as of the last actuarial report it indicated the rate should be 12.07%). Therefore the employer contribution rate would increase by 4.19% and could increase further in future years.

TABLE 1

Department	Employees	Monthly	4.12%	8.31%	Monthly Increase
		Salary	Cost	Cost	
125 - Attorney General	36	\$129,502	\$5,335	\$10,762	\$5,426
223 - Youth Corrections	50	\$134,594	\$5,545	\$11,185	\$5,639
504 - Highway Patrol	1	\$4,085	\$168	\$339	\$171
502 - Parole	85	\$271,322	\$11,178	\$22,547	\$11,368
518 - Jamestown Penitentiary	123	\$300,267	\$12,371	\$24,952	\$12,581
519 - Bismarck Penitentiary	174	\$474,216	\$19,538	\$39,407	\$19,870
520 - Roughrider	19	\$52,635	\$2,169	\$4,374	\$2,205
720 - Game & Fish	34	\$136,098	\$5,607	\$11,310	\$5,703
Higher Education	24	\$80,125	\$3,301	\$6,658	\$3,357
TOTAL	546	\$1,582,844	\$65,213	\$131,534	\$66,321

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.

Table 2 provides an estimate of the increase in expenditures by employer and funding source.

TABLE 2

Department	Biennium Increase	Funding Source Gen, Fed, Other	General Increase	Other Increase
125 - Attorney General	\$130,227	76%, 22%, 03%	\$98,973	\$31,255
223 - Youth Corrections	\$135,348	100%, 00%, 00%	\$135,348	\$0
504 - Highway Patrol	\$4,108	76%, 00%, 24%	\$3,122	\$986
502 - Parole	\$272,841	98%, 02%, 00%	\$267,385	\$5,457
518 - Jamestown Penitentiary	\$301,948	100%, 00%, 00%	\$301,948	\$0
519 - Bismarck Penitentiary	\$476,872	98%, 02%, 00%	\$467,334	\$9,537
520 - Roughrider	\$52,930	00%, 00%, 100%	\$0	\$52,930
720 - Game & Fish	\$136,860	00%, 00%, 100%	\$0	\$136,860
Higher Education	\$80,574	00%, 00%, 100%	\$0	\$80,574
TOTAL	\$1,591,708	84%, 04%, 12%	\$1,274,110	\$317,598

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

See Table 2, above, provides an estimate by employer of the increased appropriation that would be needed to pay the increased employer contribution

Name:	Sparb Collins	Agency:	PERS
Phone Number:	328-3901	Date Prepared:	01/25/2007

Date: 2/13/07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2413

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Krauter Seconded By Mathern

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm		✓	Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm		✓	Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm		✓	Senator Tim Mathern	✓	
Senator Randel Christmann		✓	Senator Larry J. Robinson	✓	
Senator Tom Fischer			Senator Tom Seymour	✓	
Senator Ralph L. Kilzer		✓	Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach		✓			
Senator Rich Wardner		✓			

Total (Yes) 6 No 7

Absent _____

Floor Assignment _____

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

Fail

Date: 2/13
 Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2413

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP

Motion Made By Christmann Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter		✓
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas		✓
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern		✓
Senator Randel Christmann	✓		Senator Larry J. Robinson		✓
Senator Tom Fischer			Senator Tom Seymour		✓
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson		✓
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 7 No 6

Absent 1

Floor Assignment Krebsbach

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

Pass

REPORT OF STANDING COMMITTEE (410)
February 13, 2007 3:00 p.m.

Module No: SR-30-3127
Carrier: Krebsbach
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2413: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO NOT PASS (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2413 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

SB 2413

Senate Bill 2413 Summary

Senator David P. O'Connell

This bill would add state correctional and peace officers to the PERS law enforcement program.

Each peace officer who is a member of the public employee's retirement system shall pay four percent of the employee's monthly salary. This assessment must be deducted in equal monthly installments. The officer's employer also shall contribute an amount to support the officer's benefits.

If the peace officer's or correctional officer's assessment is paid by the employer, the employer shall contribute, in addition, an amount equal to the required peace officer's or correctional officer's assessment.

Normal retirement date for a peace officer or correctional officer employed by a governmental unit is:

(1) The first day of the month next following the month in which the peace officer or correctional officer attains the age of fifty-five years and has completed at least three consecutive years of employment as a peace officer or correctional officer immediately preceding retirement; or

(2) When the peace officer or correctional officer has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.

There are approximately 546 correctional officer and peace officers that work for the state who would be transferred from the PERS main retirement plan to the PERS law enforcement plan.

The fiscal effect of transferring officers from the main system to the law enforcement plan is on the employer contribution rate.

The rate in the main system is 4.12%. The rate in the law enforcement plan is 8.31% (as of the last actuarial report it indicated the rate should be 12.07%). Therefore the employer contribution rate would increase by 4.19% and could increase further in future years.

**EMPLOYEE BENEFITS PROGRAMS COMMITTEE
REPORT TO THE 60TH LEGISLATIVE ASSEMBLY
REGARDING SENATE BILL NO. 2413**

Date: February 2, 2007

Sponsor: Senator David O'Connell

Proposal: Allows peace officers and correctional officers in the defined benefits retirement plan to receive full retirement benefits beginning at age 55 or the Rule of 85 rather than age 65 or the Rule of 85 under current provisions.

Actuarial Analysis: The actuarial analysis indicates provisions of the bill would transfer peace officers and correctional officers employed by the Department of Corrections and Rehabilitation, Attorney General, Game and Fish Department, and selected employees of the higher education institutions and the Highway Patrol from retirement plan rules applicable to general state employees to participation under rules applicable to peace officers and correctional officers of political subdivisions.

The actuarial analysis indicates that the employer contribution for these employees would need to increase by 3.29 percent, from 4.12 to 7.41 percent of payroll, resulting in a biennial increase in the state employer contribution of \$1,249,814, of which \$1,000,435 is from the general fund.

Committee Report: Unfavorable recommendation.

SENATE APPROPRIATIONS COMMITTEE
Senator R. Holmberg, Chairman
February 9, 2007

Tracy G. Stein
Department of Corrections, Field Service Division
Presenting Testimony re: SB 2413

Good Morning, Mr. Chairman and members of the committee, my name is Tracy Stein. I am a Program Manager for the Division of Field Services with duties consisting of training and human resources within the Division. I am here on behalf of the Department of Corrections in support of SB 2413.

The Department of Corrections supports this bill in its current form and what it is trying to accomplish. One of my duties includes the hiring process within the Division of Field Services and this bill will assist the Field Service Division and my counterparts within the other Division's of the DOCR in attracting individuals for employment with the Department of Corrections. I also believe it will assist the Department in retention of some of our less tenured staff.

Field Services has approximately 85 personnel that are classified as Correctional Officers and/or Peace Officers and if you include other Division's within the Department it would be close to 451 employees that are in a Correctional Officer or Peace Officer classification.

I encourage a due pass on this bill and if there are any questions from the committee I will be glad to answer them.



AFSCME CORRECTIONS UNITED

Testimony on Senate Bill 2413
February 9th, 2007

Chairman Holmberg and members of the committee, for the record my name is Brad Holt, I have worked as a Correctional Officer at the State Penitentiary for 16 years. I am also President of our Correctional Officers Union, the American Federation of State, County, and Municipal Employees, AFSCME, Local 2857.

I come to you today to urge you to support SB 2413, which would allow State Corrections officers and Peace officers a retirement option at 55 years of age

Corrections Officers work in an environment that is ninety-five percent negative. We are called names, assaulted and have everything you can imagine thrown at us. Yet, we are professionals and take our jobs very seriously. We know no other way. The Police Officer has contact with the negative side of society for a brief moment compared to the time a Corrections Officer spends with these individuals. We live, eat, and breathe with these individuals, at the same time providing safety and security for ourselves as well as society as a whole. Society does not want to know what goes on inside the walls of the institutions, except that the "bad people" are locked up. We deal with these "bad people" on a daily basis. The inmates we deal with have nothing but time to work out, lift weights, and get stronger, so strong that it often requires 4 or 5 officers to subdue a combative inmate. I can tell you that I do not look forward to the reality of being unable to retire until well into my 60's and having to work in this type of environment.

The fact of the matter is we have been very lucky not to have had a very serious incident out at the Penitentiary in a number of years. On the day our luck finally runs out, and it will happen sooner or later, our response as staff and an institution as a whole may very well be hampered by the age demographic and experience level of our correctional officers. We have fewer and fewer officers who are both experienced and young enough to be in prime shape. We would be looking at a response force made up of "new boots" with little experience, and older officers, experienced but often at a disadvantage in a physical encounter. Why is that? Because we have been unable to retain younger staff that have gotten the experience and then move on to better paying jobs in other jails or law enforcement agencies. Giving us the option of a retirement at 55 would be one tool we could use to better retain some of these people who we otherwise would lose.

I look at this as an issue of basic fairness and equity, we are the "Police force" for a community, which is made up entirely of convicted felons. Within our walls we provide the same services and perform the same duties as Law Enforcement does in any other jurisdiction. Yet we are consistently underpaid in comparison to other Law Enforcement and must work for a longer period of time to reach our retirement.



AFSCME CORRECTIONS UNITED

Statistics continue to show that we can expect some of the same problems that Police Officers and Firefighters deal with when reaching their later years. Lower life expectancy, alcoholism, cancer and divorce are just a few of the issues. In the last six years I have attended the funerals of five of my fellow officers none of which had reached the retirement age of 65. It saddens all of us when one of our colleagues fails to reach the goal we are all looking forward to, the pleasure of retirement.

When this bill was heard in the Employee Benefits committee it was given a do not pass recommendation. I heard a number of comments such as "we wish we could do something to help just the corrections employees out" or "we think pay is the most important priority". However I did not see any of the members offer to amend the bill or offer any new legislation to put more salary money into the DOCR budget. We also are now hearing that many employees will not even be receiving the full 4&4% raises. This is due to the wording of the pay bill, which allows agency heads to only guarantee a minimum of \$75. For many employees this would equal out to only a 3% raise, or less.

I understand that each Legislator has an agenda and goals, which are specific to their respective districts in which they reside. However, I believe that this is an issue that should cut across party and district lines. I believe now is the time to act on this matter, the state has a revised budget surplus of 544 million dollars. The problems we face, such as attracting qualified staff, high staff turnover, and low employee morale are not going to go away. Unless you as legislators have the resolve to do something about them, they will only continue to get worse. SB 2413 would begin to address this basic issue of fair and equitable treatment for Corrections Officers and in doing so contribute to an increase in Public safety as well.

Chairman Holmberg and members of the committee thank you for time and I would be happy to answer any questions you might have at this time.

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SENATE BILL NO. 2413

Testimony offered by Mark Beyer- Correctional Officer, State Penitentiary

Good morning Mr. Chairman, Vice Chairmen, and committee members. Thank you for your consideration of Senate Bill 2413. I appear today in favor of this bill.

My name is Mark Beyer. I have been a correctional officer with the State Penitentiary for over 25 years. I am a North Dakota native. I was born here, I will live here, I will work here, and someday I will die here. I am proud of that. My father and grandfather were farmers and railroad workers. I am an example of the "work ethic" concept. At present I work in what is called the Overflow Unit which is located on the third floor of the Administration Building. This unit houses inmates who are waiting to move to their final destination after they have completed the orientation process. The Overflow Unit also houses the Disciplinary Detention area for inmates who have committed serious rule violations. The officer assigned to the Overflow Unit works alone. Even during the busiest of times there is usually not another security officer available to assist. Tuesdays are a nightmare. That is the day that we move classified inmates to their assigned units. Between the hours of 5:00AM and 8:00AM, I wake up my kitchen workers, discharge inmates from Disciplinary Detention, send inmates to the Infirmary, serve trays to the Disciplinary Detention inmates, supervise breakfast for Overflow inmates, supervise janitorial workers, issue and inventory cleaning supplies, admit inmates to Disciplinary Detention, get inmates ready to move to Jamestown as well as the Missouri River Correctional Center, and conduct my regular security checks. I usually have several projects going at the same time. On Tuesdays I have had inmates assault other inmates before they move to another facility. I have had inmates attempt to refuse to move. I have had inmates smear feces in the bathroom area because they are upset at having to move. The continuing problem of overcrowding and inmates requiring separation from other inmates has increased the stress levels greatly. Over the years our inmates have become more willing to resist rules and authority. Our present infrastructure does not provide for good security or safety. This past week I had to deal with a heating problem in the Disciplinary Detention cells. I measured the temperature in the cells at 62 degrees. Obviously the inmates in those cells were not happy. I did manage to get our maintenance staff to remedy the situation, but it took a couple of days. This is an example of how frustrating it can be when solutions to problems are out of a correctional officer's hands, but we still have to deal with the anger of inmates.

As a grade 9 employee my salary is now \$2829 per month. I am \$9 over my midpoint with nearly 26 years of experience. My "Rule of 85" would arrive around age 55. I would then have 30 years of service. At that point my retirement benefit would be \$1560 per month minus taxes. I am certainly willing to work after age 55, but I don't know if I can continue with the Department of Corrections and Rehabilitation. As many of you have heard before and will hear again- corrections is a game for younger men and women. I am now 50 years old. I have maintained an exercise program throughout my career, but my body has begun to break down. I have difficulty turning keys and pushing and pulling on doors due to tendonitis in both elbows. I have begun to drop keys from time to time due to numbness in my hands. I will likely need back surgery before I retire. Last October I was diagnosed with pre-diabetes and asthma. There is no history of either disease in my family.

In an interview with Prairie Public Television during the 2005 Legislature, Senator Holmberg was asked about important issues that the Legislature would need to address in the future. Among other issues, Senator Holmberg spoke of the need to consider the long term future of the Department of Corrections and Rehabilitation. I consider some kind of enhancement to correctional officers retirement to be an investment in the future. You will likely vote this session to remodel or rebuild the State Penitentiary. This new or remodeled institution will still require a significant number of employees to operate. When I applied for a job at the Penitentiary in 1981 there were approximately 400 applicants for 20 positions. We are now having a tough time recruiting and retaining employees. If we have four, five or six openings we are

fortunate to receive even that many applications. I do not see any end to this problem. Being a correctional officer is a difficult and often a seemingly thankless job. For nearly 26 years I have worked 2 out of every 3 weekends and the vast majority time on Thanksgiving and Christmas. During the summer most correctional officers get just 4 or 5 weekends off. That is the choice we make when we sign on, but we need to get others to make the same choice by investing in people as well as infrastructure.

Thank you again for your consideration of Senate Bill 2413. I appreciate your service to the state of North Dakota.