

Legislative Procedure and Arrangements Committee

Testimony Presented by Sally Holewa

State Court Administrator

December 16, 2015

Good morning, Chairman Carlson and members of the Committee. For the record, my name is Sally Holewa. I am the State Court Administrator. I have been asked to provide you with an update regarding the remodeling of the space formerly occupied by ITD.

I would like to begin by providing a very short summary of the project for those committee members who are not familiar with it. When ITD moved to their new facility they vacated 11,900 square feet of space in the J-Wing. The Supreme Court had requested additional space, and was offered 6,160 square feet of the newly vacated space. The remaining vacant space was divided between Department of Labor (3,720 sq. ft.) and Secretary of State (2,050 sq. ft.). Working with OMB, the Court developed a proposal to remodel the space to meet our need for more office, meeting and conference rooms. This proposal was funded by the legislature. During the discussion on this proposal, members of the Government Operations Division of the House Appropriations Committee raised the idea of using some of this space as shared judicial and legislative rooms. This proposal was eventually incorporated into three sections of SB 2015, the OMB Appropriation bill.

After the standard Request for Qualifications (RFQ) process, we selected J2 Studio as the architect for the project. Over the past 3 months, representatives from the court, legislative council and facilities management have been meeting with the architects to finalize details for the bid process. What I have handed out is the most

current proposed floor plan. The plan includes two adjoining meeting rooms and a non-adjoining meeting room, which will be shared jointly with the legislative branch. The adjoining meeting rooms will have seating for up to 53 and 81 audience members respectively. The rooms are separated by a folding partition which can be opened to create one large space. When the rooms are combined, there is seating for 24 at the head table and 135 audience members. The non-adjoining meeting room could seat up to 60 people. Keep in mind that these seating numbers represent maximum numbers and it is likely that for purposes of being able to actually move comfortably around the room that the actual seating will be somewhat less than the maximum.

Also attached to the floor plan are two artist's renderings demonstrating the type of finishing the space will have. The intent is to visually tie these rooms to the other rooms used by the legislature. The technology in the rooms and the display monitors in the hallways will be consistent with the technology and monitors in other legislative committee rooms.

The total court system budget for this project is \$1,215,070. To date, we have expended \$2,393. A breakdown of the budget is attached. The attached budget includes the additional \$65,693 which was added to the court's budget for this project pursuant to Section 12 of SB 2015. It does not include the additional \$160,000 for the project that was appropriated under Section 10 of SB 2015 to the legislative assembly for use on this project. The expected completion date of the project is July 31, 2016, with full occupancy expected by September 30, 2016.

We do have a concern about shared usage of this space. Namely, the insertion of Section 26 into SB 2015, which amended N.D.C.C. 48-08-04 and put the

authorization to use this space under the authority of the legislative council during the interim legislative sessions. It was our understanding that the legislature would have primary use of the shared space during legislative session but outside of that the court would be allowed to use the space as needed. As you are well aware, the interim session encompasses most of the time that is not actually session. What you may not be aware of is that rooms in the capitol may not be reserved more than 6 months in advance, and that, if needed, reservations can be pre-empted if a legislative need arises. If these procedures are applied to court use of the space, it will severely hamper our ability to use these rooms. We create our conference and education sessions 24 months in advance, and our committee meetings 12 months in advance, so court schedules can be built around them. Any change in date affects not only our judges and court staff but also litigants whose court hearings may need to be re-scheduled. Our audience size for training events ranges from 40 to 100 or more persons, and the conferences often require more than one room for breakout sessions. All of these factors make it very difficult to change the date or location of a conference once the arrangements have been made. For these reasons, it is our request that the scheduling of these three rooms be handled differently than other legislative rooms during the interim session. These concerns were discussed with legislators and with Legislative Council Director, Jim Smith, in the waning days of the session and it did not appear to me that anyone had an objection to making this kind of arrangement.

Finally, I want to bring up the issue of naming these three rooms. It has been suggested that one of these rooms be designated as the Levine room, in honor of North Dakota's first female Supreme Court Justice, Beryl Levine. Justice Levine was a well-respected jurist and I believe that it would be appropriate to recognize her contributions to the judiciary by naming a room in the Judicial Wing after her.

SB 2015 – SECTIONS RELATED TO FACILITY SPACE EXPANSION

SECTION 10. APPROPRIATION - LEGISLATIVE ASSEMBLY - MEETING ROOMS – REPORTS TO LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE.

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$160,000 or so much of the sum as may be necessary, to the legislative assembly for the purpose of purchasing and installing audio and visual equipment, tables, chairs, and other furnishings in legislative meeting rooms within the facility space expansion authorized under House Bill No. 1002, as approved by the sixty-fourth legislative assembly, for the biennium beginning July 1, 2015, and ending June 30, 2017.

The funding appropriated in this section is considered a one-time funding item.

The state court administrator shall provide periodic reports to the legislative procedure and arrangements committee during the 2015-16 interim regarding the status of the facility space expansion authorized under House Bill No. 1002, as approved by the sixty-fourth legislative assembly.

SECTION 12. APPROPRIATION - JUDICIAL WING REMODELING PROJECT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$65,693, or so much of the sum as may be necessary, to the judicial branch for the purpose of defraying the additional costs of the remodeling project in the judicial wing, for the biennium beginning July 1, 2015, and ending June 30, 2017. The funding provided in this section is considered a one-time funding item.

SECTION 26. AMENDMENT. Section 48-08-04 of the North Dakota Century Code is amended and reenacted as follows: **48-08-04. Use of legislative assembly rooms and halls.** During the interim between legislative sessions, the committee rooms, halls, passageways, and other space in the capitol used by the legislative assembly, including the pioneer room and three additional meeting rooms comprising approximately four thousand square feet in the judicial wing of the capitol, may not be used without authorization of the legislative council.

Facility Space Expansion Project
Project Status as of December 9, 2015

	<u>Budget</u>		<u>Actual</u>		<u>Balance</u>
IT software	\$ 27,650	\$	-	\$	27,650
Miscellaneous supplies	\$ 3,750	\$	-	\$	3,750
Printing	\$ -	\$	23	\$	(23)
IT equipment under \$5,000	\$ 78,400	\$	-	\$	78,400
IT data processing	\$ 21,000	\$	-	\$	21,000
IT communications	\$ 6,200	\$	-	\$	6,200
Professional fees	\$ -	\$	2,370	\$	(2,370)
Extraordinary repairs	\$ 894,420	\$	-	\$	894,420
Equipment over \$5,000	\$ 50,000	\$	-	\$	50,000
IT equipment over \$5,000	\$ 133,650	\$	-	\$	133,650
Total	\$ 1,215,070	\$	2,393	\$	1,212,677

Summary of Supreme Court Space Needs

In 2014, the court hired JLG Architects to conduct a space needs analysis for the Supreme Court. This analysis included the Supreme Court, the office of the Clerk of the Supreme Court, the Board of Law Examiners, the Law Library, Central Legal Services, and the office of the State Court Administrator and covers both current unmet needs as well as projected needs for the next 5 – 10 years. During the 2015 legislative session, the governor's budget included \$40 million to renovate the Liberty Memorial Building into a new Supreme Court facility. That project was subsequently cut from the budget.

The court currently occupies 21,604 net square feet in the Judicial Wing and another 8,400 net square feet in a building downtown. A portion of the space we occupy is public space which includes the Supreme Court courtroom, the lobby area for the courtroom, a waiting area in the Clerk of Court office, and study areas in the law library. The space needs study done by JLG indicated that we have an additional space need of 18,540 net (24,660 gross) square feet.

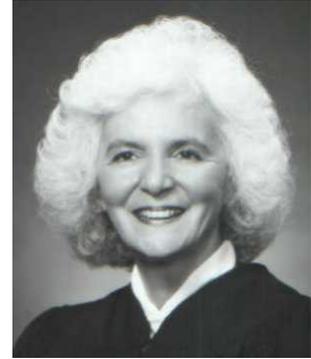
The Judicial Wing was built in 1981 in response to a space needs study that was done in 1977. The study projected the 25-year space need for the Court as 52,720 square feet. In introducing the bill that authorized the building of the judicial wing, the sponsor described it as a ten to fifteen year solution for the court system. That was more than 30 years ago.

At that time we moved into the J-Wing, the Supreme Court had 35 employees and only 11,798 square feet of space in the Capitol Tower. We also had a much different court system than we do now. Back then, the Supreme Court served an

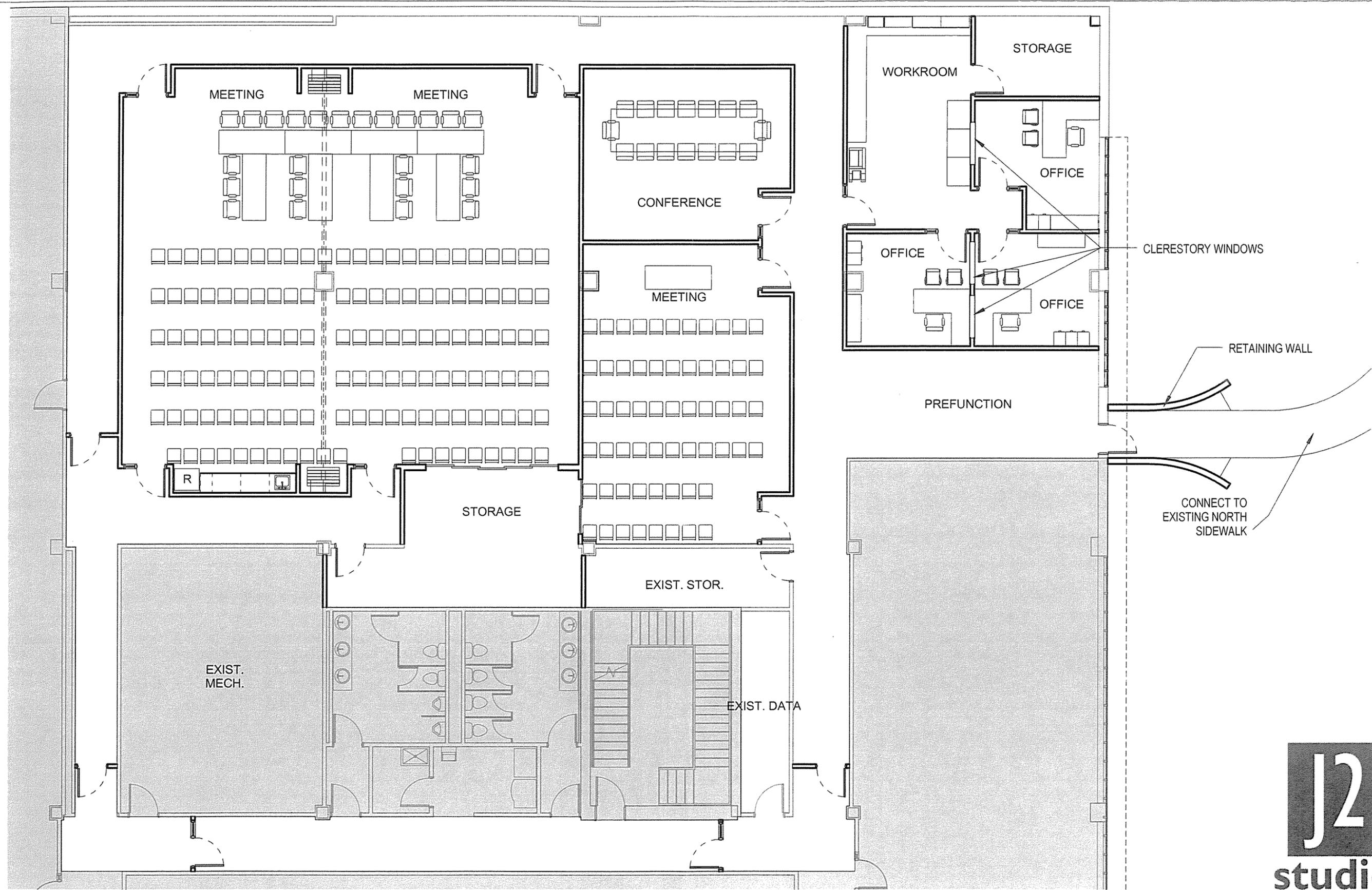
oversight role in a non-unified system with most court functions provided by the county.

Since that time, the legislature has consolidated both levels of county court into the district court system and moved the consolidated services from county-funded to state-funded. The Supreme Court now serves a direct management role for the district and juvenile courts. The North Dakota Court System is now a large organization with 391 regular employees, and more than 30 contract county employees to manage. This changed role requires management of a human resources and compensation system, budget management and accounting services, judicial and staff education, information management systems for district court, juvenile court, and jury management, grant writing and administration, legal assistance to clerks of court, juvenile court directors and court administrators, and staffing for numerous committees, boards and task forces that provide advice and recommendations to the supreme court. In addition, we monitor statewide services for drug courts, mediation, guardians ad litem, parenting investigators, juvenile court programs and a guardianship program. As staff has grown to meet these needs, we have run out of space to conduct our daily business.

Beryl J. Levine
Justice of the Supreme Court
1985-1996



Justice Levine was born November 9, 1935, in Winnipeg, Manitoba. She attended the University of Manitoba from 1952 to 1955 and later obtained a B.A. degree in 1964 from that institution. She moved to the United States in 1955. She received a law degree from the University of North Dakota in 1974. Upon graduation from law school, she joined a law firm in Fargo and practiced with that firm for ten years. On January 17, 1985, she was appointed to the North Dakota Supreme Court by Governor George A. Sinner, becoming the first woman ever afforded that honor and privilege in North Dakota. She was elected to serve the remainder of the unexpired term in 1986, and on November 8, 1988, was elected to a ten-year term. Justice Levine chaired the Judicial Planning Committee, which established a Commission on Gender Fairness in the Courts and Legal Profession. Justice Levine served 11 years and one month before resigning from the Court on March 1, 1996. She resides in Palo Alto, California.



1

Supreme Court Facility Expansion - Proposed First Floor Plan

Scale: 1" = 10'-0"

11.20.2015

Preliminary - Not for Construction





