

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

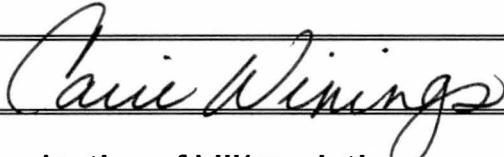
SB 2041

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2041
1/9/2015
Job # 21792

- Subcommittee
 Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the department of human services to develop a master plan in conjunction with the department of corrections and rehabilitation for the state hospital and the James River correctional center; and to provide for reports to the legislative management.

Minutes:

Attachments 1-3

Chairman Dever: Opened the hearing on SB 2041.

Senator Ron Sorvaag, District 45: Testified on the interim committee findings. See Attachment #1 for the committee report. Impressed upon the committee that there needs to be a master plan and that is what the bill does.

(4:55) Chairman Dever: There have been studies of facilities but nothing comprehensive?

Senator Sorvaag: Everyone said that there hadn't been.

(5:29) Alex Cronquist, Legislative Council: Noted that available for questions by the committee.

(5:55) Senator Tim Mathern, District 11: Testified in support of the bill. See Attachments #2 and #3 (Senator Grabinger's amendment brought in my Senator Mathern) for proposed amendments. (Stated that it was one of the most important bills this session) Having a master plan is the next step.

(8:50) Chairman Dever: When I spoke to Senator Grabinger, it seemed to be important to say "in the city of Jamestown", but I think that is listed in the constitution. Moving it out of Jamestown is not an option anyways.

Senator Mathern: It depends on what you call the state hospital. That is an issue, but the state hospital could also be providing treatment to people in corrections, and you could have a treatment facility that is not at that location. It could be run by Humans Services or some other department and would not have to be run by the state hospital which is in the constitution. You

raise a good point in terms of the fact that it is not just a legislative matter; it also may be a matter of the constitution.

(10:06) Senator Mathern: Goes back to attachment #3 to explain. Concern that persons with mental illness that have not been in the corrections system should be in a treatment facility that relates to their health condition. There is a blurring of missions at the state hospital with corrections. I believe that it adds to the stigma of mental illness being criminal behavior. As we increase corrections activity at the state hospital, it adds to that stigma. I ask that we consider separating those functions in this bill. In the long term scheme of things, having all of those services locally is difficult to attain yet you will see many bills this legislative session trying to build up community services so there isn't this need for one central facility. We will also be learning this session that our prison population is going way beyond what we can afford and way beyond what is the need of prisoners. Much of which is mental health treatment. We have a need for the facility, a corrections facility, and a treatment facility, and we have a place - the state hospital. Let's just consider making sure that our prisoners and the people that get charged with a crime actually have a facility where they get treatment. That could be the state hospital.

(14:45) Chairman Dever: It appears to me that Senator Grabinger's amendment point 5 and your point 5 are similar but a little different.

Senator Mathern: I have spoken with Senator Grabinger in terms of the amendment he was thinking about and I gave him some ideas and as I thought about it further and talked with some other folks, I thought I would try to be a little more specific. You have considerable expertise in this committee, you will be getting other testimony, and some of this might be useable for you in that regard.

Chairman Dever: We really have two serious considerations here. One is the master plan for the facility, and the other is the appropriateness of the co-location of the facilities. (Commented on prior study of the issue)

Senator Mathern: Explained some of the history on the issue and noted that the funding was not there at the time, and mentioned that there is another bill that would cost \$40 million for an additional prison component. There would be merit on considering some of these things together.

(19:20) Chairman Dever: One of my concerns on providing too much specificity is that there are benefits and disadvantages to that. Closed the hearing on SB 2041 and asked the committees thoughts on the bill and if they needed any additional information.

Senator Cook: I would like to hold on to it for a bit.

Chairman Dever: Closed the discussion.

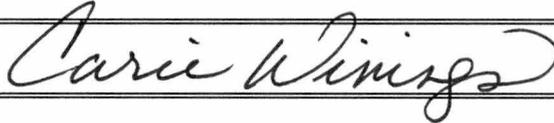
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2041
1/16/2015
Job # 22052

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened SB 2041 for committee discussion. Reminded the committee what the bill was about and that there were two proposed amendments.

Vice Chairman Poolman: I spoke to Eric Monson at the Ann Carlson Center and some of the others that would be impacted by these amendments, and they did not feel they were necessary. They too said the same that you said about the fact that they are interested in having a study and they don't think that it needed to be directed what they are going to study or solutions they are going to find. They think that will come out in the study.

Senator Nelson: We heard a bill in Judiciary that impacts this bill dealing with security; security at the prison vs. security at the hospital. Some questions were raised about this study and that the hospital may not be there. There are cross references with different bills floating around.

Chairman Dever: That is interesting. One of the concerns that I had about being too specific in the study is that you are really beginning with a conclusion.

Senator Nelson: Talked about the bill in Judiciary for a brief time.

Senator Poolman: Moved a Do Pass and Re-refer to Appropriations.

Senator Flakoll: Seconded.

**A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.
Motion passed.**

Senator Flakoll carrier.

Date: 1/14
 Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2041**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Poolman Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Flakoll

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

REPORT OF STANDING COMMITTEE

SB 2041: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was rereferred to the **Appropriations Committee**.

2015 SENATE APPROPRIATIONS

SB 2041

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2041
1/26/2015
Job # 22485

- Subcommittee
 Conference Committee

Committee Clerk Signature

Monson for Rose Loring

Explanation or reason for introduction of bill/resolution:

Relating to an appropriation to Human Services to develop a master plan with the Department of Corrections and Rehabilitation for the state hospital and the James River.

Minutes:

Attachment 1

Legislative Council - Alex Cronquist
OMB - Becky Deichert

Chairman Holmberg called the committee to order on SB 2041.

Senator Sorvaag, State Senator, District 45 and Chairman of the Government Services Legislative Management Interim Committee: (Attachment 1)

This bill is the result of the interim committee. The committee met in Jamestown and spent about a day and a half touring both the State Hospital and the James River Correction Facilities. A lot of their buildings are sitting empty. There's a lot of work that needs to be done. The campus sits on 430 acres in Jamestown plus they have another 3000 acres of farmland which provides rent. Part of what we put in the bill was that, if we choose to go along with this master plan, the plan should also look at if it would pay to sell that land.

Once we got into the hearings, it seemed too much for a committee to deal with in the interim. That's why we came along with a bill to recommend a master plan. To my understanding there's never been one done of that facility. Step back and look at the whole thing - the James River Correction, the hospital, there are other things being sold. Do you bulldoze everything under, build a new hospital, move corrections into this building or that? That's why we are recommending a study. The committee felt a third set of eyes besides staff and legislators looking at it would be well worth the public's money.

Chairman Holmberg: Do you anticipate they would be hiring a consulting firm for the money involved or internally?

Senator Sorvaag: For that money, bring in people from outside. Get a third set of eyes, but don't know how mechanism would fall together. That's where the dollars we give them would have a bearing on it.

Senator Wanzek: If the farmland would be sold, I assume it would be done in a competitive bid process.

Senator Sorvaag: We didn't discuss that. The intent was just to look at it as an option. I would presume law requires competitively bid.

Senator O'Connell: Didn't we discuss also the minimal security here in Bismarck be put in the study?

Senator Sorvaag: No, our committee was directed to get a report on it, but we weren't allowed to do anything with it. That wasn't within our charge. The study would solely look at James River and the State Hospital.

Senator Mathern: One of the issues that is a matter of contention and probably a matter of potential lawsuit at some point is the bringing together of the corrections population and population with behavioral health problems that have no violation of laws in their background. I'm wondering if that could be more clearly stated here. In the policy committee there was discussion about the whole possibility of moving behavioral health - the non-corrections part of behavioral health - to a building that Anne Carlsen is going to be selling. Should this be clarified further to make sure we don't just get an architectural plan or building plan - that we actually have some philosophical direction to a consultant? Did you get into that or was it more the architectural and space use and land use issues?

Senator Sorvaag: The Anne Carlsen was never brought up or part of the discussion at that time. The policy committee would have to speak as to why they didn't include it. I don't think there would be anything limiting this.

The intent wasn't just to design but try to look at long term needs and how do these buildings fit it. A lot was just looking at "do we build a new one?" Nothing prohibits them looking at the Anne Carlsen building. That is one of the issues with the correctional facility for security. They help and support each other. I would hope it's more than architectural. A master plan - remodel or build new. This would look at both. To get a professional set of eyes I would leave to Human Services that are charged with putting this together.

Chairman Holmberg: We had those issues at Grafton and also the School for the Deaf for a campus that was built for another time. We're still struggling with the School for the Deaf.

Senator Sorvaag: It's a guideline and up to the legislature if they want to pay attention to it.

Chairman Holmberg compared this to the Schulte Report which was well received by the interim committee. We invested in Gallagher looking at Seagull Company on work with retirement system.

Senator Mathern: We spent a million dollars on a study in Higher Ed and \$40,000 in the Schulte report. We need this kind of resource and should be spending this kind of resource

to help us make good decisions. I think we need another set of eyes. I would encourage us to consider that.

Senator Wanzek: One of the studies we are already utilizing is the Road Infrastructure Report. There are a number of bills that are using the road report to develop priorities.

Chairman Holmberg: That really helps from the standpoint of some areas we don't know and bringing in those sets of eyes is very good.

Senator Carlisle was on the committee and said there is room to do things. The trick is to use the plan when we get it.

Senator O'Connell: I also served on the committee. The Chairman did a very good job on keeping the committee focused on what they were supposed to do.

Alex Cronquist, Legislative Council: Remained neutral. Are there any questions for Legislative Council on this bill?

Chairman Holmberg: In your opinion, does this bill allow the entities to hire an outside consultant?

Alex Cronquist: Yes. It doesn't say that they have to hire one but they can use money as they see fit in order to develop that master plan. Saw that Maggie agreed to bring in outside eyes.

Chairman Holmberg: It's not echo chamber of people who work in that area.

Senator Mathern: One of the reasons I would suggest we have more clear language is that we are talking about a number of state agencies. I'm wondering if it would become clearer if we add that term about an outside consultant. There is a philosophical difference between the Department of Human Services and the Corrections Department. Giving it to one department is essentially saying we've already started with a point of view. So when you drafted this, why was it put in the hands of Human Services rather than other department?

Alex Cronquist didn't have an answer.

Senator Carlisle: Could we use the term appropriate agencies? We could amend to agencies directly affected. What language?

Senator Mathern: What was the intent - led by corrections, human services or both? In a lot of ways the problems go back to 1987 when we had a number of buildings and we had a dispute of who takes the buildings down - National Guard or contractors? That dispute never got resolved and I can see us getting into a similar dilemma if not everybody is at the table. It seems it would make sense to turn the entire campus over to corrections and then have another facility for persons with mental illness who are not corrections clients. That would be dramatic.

Senator Sorvaag: Line 10-11 in the bill says the intent is Human Services AND Corrections. It's clear that we expect them both to be working on the study.

Senator Heckaman: (23:00) Question of Alex Schweitzer, Superintendent of State Hospital - How much do you have in your current budget for capital improvements and deferred maintenance?

Alex S.: Around \$2M

Senator Heckaman: Given that this may come through, are you considering backing off on any of those deferred maintenance or capital projects until this is finished?

Alex S.: No

Senator Carlisle: When we toured, there was a building that the community uses now and then - an older building with magnificent banisters and floors. That's a building that can be renovated, right?

Alex S.: Yes, That's the old superintendent's residence. Needs work on plumbing and electrical. The first floor is pretty functional.

Chairman Holmberg closed the hearing on SB 2041.

Chairman Holmberg asked if this would need sub-committee work. Senator Kilzer - yes.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

SB 2041
2/12/2015
Job # 23778

- Subcommittee
 Conference Committee

Committee Clerk Signature

Noris E. Pérez for Alex DeBor

Explanation or reason for introduction of bill/resolution:

A Subcommittee hearing for DHS and Dept of Corrections for the State hospital and the JRCC

Minutes:

Attachment: 1

Senator Kilzer called the subcommittee to order on Thursday, February 12, 2015 at 4: 15 pm in the Senate Conference Room in regards to SB 2041.

Present: **Senator Kilzer, Senator Mathern, Senator Erbele, Michael Johnson, Legislative Council and Lori Laschkewitsch, OMB.**

Senator Kilzer: this is a study

Senator Mathern: this was the interim committee report; that interim committee spent time at the facilities, and concluded there are a lot of assets and no planning to determine how those assets should be used. There are questions about spending dollars and capital. The committee said does it really make sense to make those capital expenditures if there are no long range plans for the facilities? That is how I recall the discussion.

Senator Kilzer: I was not there on the day of the discussion nor in the committee, so I am in the dark.

Senator Mathern I was not in the committee. I have spoken to Senator Sorvaag about it because of my involvement in the Human Service Committee

Senator Kilzer: Who did the fiscal note? (Answer inaudible) can someone tell me about doing studies and how much would it cost. I am curious about the \$250,000.

Michael Johnson, Legislative Council, I am aware they are trying to do a study, but I don't have details on that. I will get more information for the committee

Maggie Anderson, this is a study about the use of the campus, the available land and the reuse of existing structures. There is an assumption that an architectural engineering type

of consultant and planner of use would need to be included. That was part of what Senator Sorvaag had spoken to. It would be someone saying these buildings are worth so much for this purpose, or this building is structurally sound. You heard Alex speak yesterday about the buildings, it would be in addition of someone to speak about the use of the grounds and buildings. They suggested the \$250K, knowing it may be too much or not enough.

Senator Kilzer the governor included it in the budget? If the governor would have liked it, would it have been through OMB or DHS?

Lori Laschkewitsch, OMB may have been DHS,

Senator Erbele Alex gave a good rundown on the buildings only 1 is empty; it seems a pretty good handle on it. Yet when I read what the interim committee did here, Senator Sorvaag said a lot of the buildings are seating empty.

Maggie Anderson We had a section of testimony during the interim on unused or underutilized buildings. The administration building is about 25,000 sq. feet used for emergency housing if needed, otherwise it is vacant ; the 16 west building, 40,000 sq. ft., first floor is the maintenance area, the other 3 floors are vacant. The chapel is vacant, used for special occasions, a total of 78,000 square feet of empty buildings. When government services committee came out and toured both JRCC and the State Hospital, the other part of the conversation was: do the buildings meet the current and future needs for both programs? If it means a new construction of either building, what should the master plan be? Are the facilities adequate to meet the needs of both programs; are they viable for the long term? They felt there was an overall master plan needed.

Senator Erbele you want engineers looking at the construction side. We're talking multiple individuals involved.

Maggie: we run several treatment programs. We have our traditional population, the Tompkins Rehabilitation Program that we run under a contract. Then we have extended treatment programs. It could be part of the study; whether we have to pay for it, or it's just part of what we already paid for; our accreditation body would need to be involved in those conversations because retaining our accreditation is very important. I am assuming corrections has accreditation requirements too.

Senator Mathern handed out proposed amendment # 15.0146.02004 - to SB 20141. We need more money than what we usually have in a study because it is not only Human Services but also the Dept. of Correction. One of the things to consider should be additional buildings at the State Hospital facility or at the Grafton facility. This amendment was brought to me by Representative Silvernagel who is dealing with the corrections budget. It suggests we include within this study the broader question if the Grafton facility should also be considered as a potential site for part of the woman's prison or another kind of prison and what kind of cooperative efforts would there be between Jamestown and Grafton. Both are run by the department of human services, and their buildings are being eyed by corrections. This amendment would insert the additional Grafton facility (the life skills and transition center)

Senator Kilzer: what did the interim committee accomplish? They are the ones requesting \$250K.

Senator Mathern I gather from Senator Sorvaag that they were just able to uncover that this was a very complicated deal, in terms of the building structures(their age) the issues of two major departments on the same site, and the need to look to the future. The committee came to the conclusion we need some expert decisions, consultants to help them come up with a site plan.

Senator Erbele: it would seem if we expand the study we need to expand the dollars. When I look at Grafton, that is a fragile, vulnerable population, you surely cannot co-locate. What do you do with them?

Senator Mathern that's what I would have said about Jamestown and it was done anyway. It depends on what population you colocate and how it is done. The requirements for the women's prison are different than a men's prison. I suggest that we do a site plan that includes correction, look at the big picture, not suggesting we add more money. The long term goal of the transition center is to have everybody community based? We know we need more than \$40,000; if we need \$250,000 we don't know.

Senator Kilzer the governor must have thought not.

Senator Mathern sometimes our interim committee reports come in after the governor's budget is ready.

Maggie: we receive our extension on budget submission, Oct. or Sept. By that time we have done 90% of the work.

Michael Johnson, Legislative Council, there was a bill draft done in June 2014, Alex staffed that committee. \$250K was the number they just kind of threw out there, no exact science how it fits in.

Senator Kilzer the interim reports are later. It would be probably more money if we brought in Grafton. Is that at a certain stage? The placement?

Senator Mathern the women's prison bill is in the House.

Maggie, MRCC funding is in the governor's budget. Not aware of any on the women's prison in New England.

Senator Kilzer this is the first I heard of it.

Senator Mathern at one time, another idea I had was to have the state buy the Ann Carlson Center in Jamestown and turn that over to the state hospital and have the state hospital turned in to corrections. That's beyond what we are able to do at this point.

Senator Kilzer closed the hearing for today.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

SB 2041
2/17/2015
Job # 24025

- Subcommittee
 Conference Committee

Committee Clerk Signature

Carie Wiggins for Allen DeBor

Explanation or reason for introduction of bill/resolution:

A Subcommittee for DHS (State Hospital and JRCC Master Plan

Minutes:

Attachments 1

Senator Kilzer called the subcommittee together on Tuesday, February 17, 2015 in regards to SB 2041. Michael Johnson, Legislative Council and Lori Laschkewitsch, OMB were present, as were Senator Erbele and Senator Mathern.

Senator Kilzer: Do we need an amendment now?

Senator Mathern: See Attachment #1 for proposed amendment. This is so both would be studied at the same time. The request is motivated by the fact that there are requests going on now about further building for corrections. I suggest we adopt the amendment and take the fiscal note down somewhat and then pass the bill.

Senator Kilzer: I would ask about the bill we passed today on the floor relating to the study of the life skill and transitional center.

Allen Knudson: The property at the life skills center was SB 2358 and SB 2249 is the other one.

Senator Kilzer: It might have been SB 2358. Was there a study on that?

Michael Johnson, Legislative Council: They needed to get authorization by a budget section on the conveyance of the land. There is no actual study listed in there.

Senator Kilzer: The question is if there is going to be a conveyance do we need a study?

Senator Mathern: That facility there has many more acres and buildings than in that conveyance. That conveyance was a pretty clear conveyance about some land that the city of Grafton wanted for their fire department. I think there is a quarter of land here also. Essentially this is saying let's look at the big picture, if we are going to spend \$250,000 for a study, let's look at both institutions that are now under the same direction of the same

person and they both care for persons with mental or intellectual disability. That is basically all this is trying to do; to suggest that the master plan look at the big picture and not just part of the picture.

Senator Erbele: I did visit with Senator Sorvaag who chaired the interim committee, and he would like to see the study move forward although he understands the budget constraints. He also suggested that since corrections is also being looked at that maybe they could stand for half of it and the rest from here. As I am looking at the OARS and the number 7's and all the capital projects, we are looking at \$3.4 million and I think we could find \$125,000 out of there easy enough and maybe even cut more of those projects as we go along. We do a little bit of shifting.

Senator Kilzer: Is that a motion for an amendment to reduce it to \$125,000?

Senator Mathern: Would you include the life transitions center in there?

Senator Erbele: I would.

Senator Mathern: That would be fine.

Senator Erbele: Motioned for an amendment as described.

Senator Mathern: Seconded.

Senator Kilzer: So we have an amended bill to change the amount to \$125,000 and include the life transition into a study. A new amendment will be done.

Senator Kilzer asked for a roll call on a Do Pass as Amended on SB 2041.

Motion passed with 2 yeas, 1 nay.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2041
2/18/2015
Job # 24082

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act relating to an appropriation to Human Services to develop a master plan with the Department of Corrections and Rehabilitation for the state hospital and the James River Correction Center. (Do Pass as Amended)

Minutes:

Attachment # 1

Chairman Holmberg called the committee to order on Wednesday, February 18, 2015 in regards to SB 2041. All committee members were present. Michael Johnson, Legislative Council and Lori Laschkewitsch, OMB were also present.

Chairman Holmberg: We have a series of the orphan bills that we want to get rid of today.

Senator Kilzer: We are waiting for amendments on SB 2321 that Senator Judy Lee will be bringing to us. He then announced that we could hear SB 2041. This came out of subcommittee with a 2 to 1 pass vote. I move the amendment # 15.0146.02006, Testimony Attached # 1. He explained the amendment.

Senator Mathern: This would make sure that we look at both institutions that are operated by DHS in it's long range planning. I second the motion.

Chairman Holmberg: All in favor of the amendments say Aye. It carried. Now could we have a motion on the Bill?

Senator Erbele moved a Do Pass as Amended. 2nd by Senator Mathern.

Senator Mathern: The goal at this point is to get some additional money from corrections into this study. We reduced in half in hopes that it wouldn't just come out of DHS.

Chairman Holmberg: Call the roll on a Do Pass as Amended on SB 2041.

A Roll Call vote was taken. Yea: 13; Nay: 0; Absent: 0. Senator Sorvaag will carry the bill. The hearing was closed on SB 2041

February 18, 2015

TD
2/18/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 9, replace "\$250,000" with "\$125,000"

Page 1, line 11, after the second "the" insert "life skills and transition center, the"

Page 1, line 11, after "hospital" insert a comma

Page 1, line 13, replace "land" with ":

1. Land"

Page 1, line 14, remove ". The master plan must also"

Page 1, line 15, replace "address the" with ";

2. The"

Page 1, line 16, replace the period with "; and

3. The potential to transfer facilities at the life skills and transition center and the state hospital to the department of corrections and rehabilitation."

Renumber accordingly

Date: 2-17-15
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2041

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: Change amendment to \$175,000

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 2-17-15
Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2041

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman	<input checked="" type="checkbox"/>	
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Senator Erbele	<input checked="" type="checkbox"/>				
Senator Wanzek					

Total (Yes) 2 No 1

Absent passes

Floor Assignment _____

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

Date: 2-18-15
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2041

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: 15.0146.02006

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Kilzer Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice carried

Date: 2-18-15
 Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2041**

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Erbele Seconded By Mather

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Heckaman	✓	
Senator Bowman	✓		Senator Mather	✓	
Senator Krebsbach	✓		Senator O'Connell	✓	
Senator Carlisle	✓		Senator Robinson	✓	
Senator Sorvaag	✓				
Senator G. Lee	✓				
Senator Kilzer	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Sorvaag

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

REPORT OF STANDING COMMITTEE

SB 2041: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "\$250,000" with "\$125,000"

Page 1, line 11, after the second "the" insert "life skills and transition center, the"

Page 1, line 11, after "hospital" insert a comma

Page 1, line 13, replace "land" with ":

1. Land"

Page 1, line 14, remove ". The master plan must also"

Page 1, line 15, replace "address the" with ";

2. The"

Page 1, line 16, replace the period with ";

3. The potential to transfer facilities at the life skills and transition center and the state hospital to the department of corrections and rehabilitation."

Renumber accordingly

2015 HOUSE APPROPRIATIONS

SB 2041

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Human Resources Division
Sakakawea Room, State Capitol

SB 2041
3/23/2015
Job #25228

- Subcommittee
 Conference Committee

Kenneth M. Takala

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the department of human services to develop a master plan in conjunction with the department of corrections and rehabilitation for the state hospital and the James River correctional center; and to provide for reports to the legislative management.

Minutes:

Attachment: #1.

Chairman Pollert called the committee to order.

Alex Cronquist, Fiscal Analyst, Legislative Council reviewed the bill (0:03:00-0:03:57).

Chairman Pollert: Did anything change on the Senate side?

Alex Cronquist: Yes, they added the Life Skills and Transition Center, a portion; and they changed the funding amount. I believe it was \$250,000.

Chairman Pollert: So the Senate kind of cut a few things in half. It was just kind of a methodology they had, I think.

Rep. Nelson: What was the thought process behind the transfer of facilities at the Life Skills and Transition Center? The way it reads is that it would be transferred to the Department of Corrections. I can't connect those dots, of Life Skills and Transition Center to the Department of Corrections. Is that just not grammatically correct? Or was there some discussion about who would, just the transfer to dispose of that property?

Alex Cronquist: There are certain facilities that are perhaps underutilized by the Life Skills and Transition Center and the State Hospital. I guess that the thought process was that DOCR may need that space, or may be better able to better utilize the space. As far as the Life Skills and Transition Center, it would be more space for inmates.

Rep. Nelson: So that really was the discussion, that the transfer of the Life Skills and Transition Center to DOCR is a real possibility in the eyes of the N.D. Senate?

Alex Cronquist: It seemed to be.

Chairman Pollert: Was there any discussion for the Life Skills to transfer buildings to another enterprise? Does it leave any options open if the Developmental Center wanted to transfer buildings to another enterprise for the DD population? Was there any discussions in there for any type of anything except DOCR?

Alex Cronquist: I'm not sure. I wasn't in all the meetings. DHS may be able to speak more.

Chairman Pollert: Could you address the \$250,000? Sen. Sorvaag said this morning they reduced it by half. But at the same time, they kind of thought \$125,000 ought to come out of the DOCR budget, because I understand they have a lot of extra money. The original \$250,000; was there any talk it should be \$125,000 DHS and \$125,000 DOCR? Was there any discussion of that?

Alex Cronquist: Not that I'm aware of.

Rep. Kreidt: Don't the State Hospital and the Department of Corrections have a master plan in place now?

Chairman Pollert: We'll find that out when they come up.

Chairman Pollert: Any testimony in favor of SB2041? Anyone opposing SB2041? Any neutral testimony on SB2041?

Alex Schweitzer, Superintendent of the N. D. State Hospital, Life Skills and Transition Center, Department of Human Services: I can answer questions.

Rep. Kreidt: Do you have a master plan at the State Hospital now? Looking into the future 10 years, 15 years?

Schweitzer: Of course the State Hospital and the Department of Corrections are DHS, and the Department of Corrections work continuously on the use of facilities at the State Hospital. During this upcoming biennium there will be a transfer of the central receiving building to the DOCR because it works better for them to manage it because it's on their part of the campus. So we continually work in that particular area. We also do internally strategic planning at the DHS, and we've looked at the buildings at the Life Skills and Transition Center, and the ones that are under-utilized at the State Hospital. Certainly at the Life Skills and Transition Center, there is still 82 people on campus. So, as you look at this whole thing, you have to take that into perspective, as you do the planning, that there are a number of people with intellectual disabilities and developmental disabilities still on the campus. We note that as well at the State Hospital, where there's 289 patients. We do have under-utilized buildings at both sites.

Rep. Kreidt: Regarding the agricultural land, how much do you have there? That you're renting it out now, I suppose.

Schweitzer: At the State Hospital, we have 3,040 acres of ag land. The campus of the hospital is about 370 and would include the entire State Hospital and the James River Correctional Center, but if you took that out, the rest would be either tillable or pasture, and a variety of other things. We have a cemetery there and a few other things. But most of that 3,040, if you take out the 370, is mostly pasture and tillable ag land. (Refers to Att. #1)

Chairman Pollert: Would that report also have the land leases? Is it all cash rented out?

Schweitzer: Yes, it's all rented.

Chairman Pollert: Were there any discussions on the Senate side as far as the buildings at the Developmental Center discussed as far as DD or DOCR or was it just a pretty narrow discussion?

Schweitzer: I would say it was pretty narrow. Life Skills was added, of course, and there wasn't a lot of discussion that I am aware of.

Rep. Holman: I see a hidden intent here. It seems that when they added the amendment, item 3, transferring Life Skills to DOCR, that there might be a hidden message there that someone is after. I haven't seen the minutes of the hearing, so I don't know.

Schweitzer: I have no idea what the intent of the Senate was by adding it.

Rep. Silbernagel: Was there any conversation in the hearing about, we're pretty full over in New England, and either of these sites might be an option to bring some population east?

Schweitzer: I think the amendment was taken up during a subcommittee of the Senate committee that worked on the DHS bill and I think they were looking at, the little bit that I know, that they were just looking at empty buildings and utilization of unused property in the state.

Rep. Silbernagel: Not being familiar with both locations, I'm guessing there's probably some buildings that need to be demolished and some that might be usable.

Schweitzer: Yes. In fact in the 15-17 budget there is some money being recommended for demolition of two buildings on the campus that are pretty much deteriorated to the point where they need to be removed. And that's on the Life Skills and Transition Center campus. We don't have any buildings on the State Hospital campus at this time that need to be demolished. That was accomplished about 10-15 years ago. But there are some usable buildings at the State Hospital that would need to have some funding added to improve electrical and plumbing in a few of the buildings.

Chairman Pollert: Is the DOCR going to testify neutral today? Or, if not, do I have to call you forward to ask some questions? Let's just say I'm going to call you forward to answer some questions, or somebody.

Rep. Nelson: Back to the Life Skills and Transition Center, do you have any acreage outside the campus that's appreciable?

Schweitzer: The campus is about 44 acres. At the Life Skills and Transition Center we have 306.27 acres of ag land that we rent there. There are within the general vicinity of the campus.

Rep. Nelson: In both cases, is there any long range plans for any of this acreage? Let's say you're a concerned citizen, that you would oppose the sale or transfer of the ag land in either one of these campuses? Is there anything that would prohibit that?

Schweitzer: No. Lands have been sold up there consistently over the last 10 years. The Park Board bought a considerable amount of land to use for a dog park, for recreational trails as part of their city park. So, they've been selling land. There was a bill that was killed in the Senate that was going to sell some property to the local fire department. There has been a lot of inquiries on this 300-some acres, about potentially using it, and I would not resist that. It's a small amount, and there seems to be some need in the city for some of this land. It's in close proximity to the city.

Rep. Nelson: On the campus itself at Life Skills and Transition Center, in your opinion, would it be a wise move to cohabitate that area with those two populations?

Schweitzer: No. I don't think that's an appropriate place to mix prisoners with that type of population there, because of the vulnerability of that population. Plus, it eventually would be a campus that could be sold to someone because you continue to down-size. If you reach the numbers, and I think you can do it at the next biennium of 45, you're really talking about a very small population. You're going to have to figure out what to do with those individuals. It may be that potentially some day, you'll be talking about an empty campus. These individuals could all be transitioned into the community at some point in time. Part of the planning is to determine what to do long-term with that campus. You're going to have a pretty good sized campus basically empty.

Rep. Nelson: I think that's the goal of everybody, to get to that point. When is the operative word. The Department of Corrections is going to have needs potentially sooner than the population would suggest, would be available at Grafton.

Schweitzer: That's accurate. It's a transition process and it takes time to transition these people in an appropriate manner. Unless you have an alternative for them, really that's their option right now. Down the road, things could change, but that's not going to happen in a year or two.

Chairman Pollert: In this SB 2041, we'd have to have an amendment to the bill to sell ag land because there's nothing in the language about selling the ag land at the Life Skills and Transition Center.

Schweitzer: That's correct.

Chairman Pollert: Was there any discussion of moving the Missouri River Correctional Center to the developmental center?

Schweitzer: I'm not aware of any of that discussion.

Chairman Pollert: On the funding of the \$125,000, what is the Department's plan? Is it the plan of DHS to hire an outside consultant and have them tour the campuses and then have them come forward with a recommendation? There's nothing about legislators involved in this. It's just you're going to hire an outside firm who's going to go to all those campuses, and come forward with a recommendation. So, is it an outside third-party that you're asking for, so there's no input from legislators? That's the way it looks to me.

Schweitzer: It says that the DHS has to develop the master plan. How they go about that, I'm not sure. Work with the DOCR and RFP.

Chairman Pollert: Was there any discussion on the Senate side about dropping the funding altogether and have the Legislators do it, and then hold hearings, and then hire an outside firm?

Schweitzer: I'm not sure. There was none.

Chairman Pollert: Any neutral testimony on SB2041?

Don Redmann, Director of Facility Operations, Department of Corrections and Rehabilitation: I am neutral on this bill but I do have a concern regarding the reduction in funding. Based on my experience, I don't think \$125,000 will give the product that this committee wants to see at the end. I don't think it will get an adequate product. So, that's my only concern.

Rep. Kreidt: Are you working on a master plan at Corrections?

Don: We are constantly evaluating our buildings and grounds. We know the condition. They're not in good shape. We have done what we have been able to do within our funding, over the past 16 years, to pick away at the problems. But we have a pretty good handle between the State Hospital staff and the DOCR staff working together, because the buildings are intertwined with the tunnel system. It's the infrastructure, the plumbing and electrical; I would say the plumbing more than anything, that's in dire need of some work. We plan the best we can, we request the funding to address the issues as they arise. But have we sat down with a group of experts to lay out a 15-20 year master plan? No, we have not.

Rep. Silbernagel: Have you had a chance to think about the process you might use in developing a study if this moves forward, or is it too early in the game?

Don: I've given it some thought. I think it's a good idea to plan. I presented testimony earlier in the session that I think the campus is a great resource for the state. There is potential. It is really up to the Legislature to decide which direction we'll go. If we want for the experts to give us their opinion, and then evaluate that, I'm really neutral.

Chairman Pollert: We're trying to find out if the Senate asked any questions. Were there any questions as far as the State Hospital needed on the state grounds in Jamestown? Because I think there has been a move from other legislators to completely shut down the State Hospital and move it to the East. There has been those discussions; maybe privately. I know that's out there. And so, I take it there was no discussion on the Senate side as far as that.

Don: No, not that I'm aware of.

Chairman Pollert: Did any discussions of the MRCC come up?

Don: I think there was a brief discussion but was quickly pulled back to, this study was just to look at the campus, and not address MRCC.

Rep. Nelson: You said that you don't think the \$125,000 is an adequate amount. What needs to be part of this study and ballpark associated costs to fund this to get the best product that we can get? How would you put it together?

Don: There are firms out there that specialize in this, but it would be expensive. It's probably going to be an out-of-state firm. The time it takes to analyze and the expertise it takes to go in and look at your HVAC systems, your electrical systems, your steam lines, plumbing lines, the infrastructure in particular, what's under the ground is expensive. Then analyzing what's above ground; the condition of the buildings, the roofs, the windows, life safety, there's a lot of disciplines that have to be brought in. I was part of a study involving the DOCR, and I believe it was in the neighborhood of \$200,000-\$250,000 back then. It is really up to the Legislature to decide how much to spend and how good of a product you want at the end of the day. I don't know what the RFPs, the scope of work. I guess that's up to this committee.

Chairman Pollert: Did anybody else here serve on Government Services? And Rep. Holmen. Because I know we toured the State Hospital and JRCC campus. And that's why I think when we had the DOCR budget, I asked the question, isn't there a bill in here to tear down that maintenance building over on the northeast part of the campus, and then the old admissions building that's on the north side of the campus, that's actually in pretty good structural shape, and you talk about homeless shelters at one time. And so I just don't remember the whole discussion, but that came forward mainly of this bill coming forward.

Dave Krabbenhoft, Director of Administration, DOCR: We requested money for a master plan in our budget. It wasn't funded in the executive recommendation. The conversation with OMB was that this bill was coming forward. Even though the bill now is in a form that dollar-wise we think is inadequate, and also the Grafton piece is kind of out of left field. I don't know exactly where that came from, and that concerns me because if you start looking at it and you see empty buildings, and we go through the State Hospital every

year and people say, couldn't you put inmates in here, and the answer is yes, but Historically those renovations have been extremely expensive and problematic going forward, so if it's just looking at if there's space in Grafton, and we're crowded everywhere else, that seems to be kind of a short-sighted, knee-jerk kind of reaction to things.. Granted it's not our decision. It's the legislature's decision. I get that. We are in need of some type of study for JRCC. I'm sure the State Hospital would appreciate it too. If you remember the tour of JRCC, I think it was everyone's consensus that the buildings could be utilized but we had to do something pretty soon, we're going to have issues. We've held off on doing some things, and I think some money was reduced from our budget for our security upgrade, kind of in that same sense; that we're going to get this master plan done. Looking at those buildings, we have a plan going forward about how we're going to best spend money to address all the needs at the State Hospital because, literally, as time marches on, when you are looking at things in the short-term, things start bumping themselves. One minute we're preparing the budget and we say, we really need this. And then something else goes all haywire, and it's like, whoa, we need to move this up. It's necessary for us to get some sort of plan. So we are in support of some money going to master plan. I don't think the money is adequate either. Just going on history, our MRCC study that we had done, that was \$200,000. The amount of people we got to respond to our RFP was pretty limited. When you're looking at JRCC, the State Hospital, and potentially Grafton, I think you're getting close to that \$250,000-500,000 range. Another thing that I think needs to be addressed is a staffing analysis, too. Looking at how we staff our facilities, and I'm not speaking for the Hospital, but I always think those are beneficial when you get a third-party expert coming in and looking at it and seeing, OK, how are you staffing these facilities, and how are you providing those services to adequately protect the public?

Rep. Holman: We spent the interim looking at facilities with a legislative committee, which gets into turf, so to speak, as opposed to an external evaluator, which would probably give us a better view. I think that's what is implied by this.

Dave: I've been a party to a couple of these that have been taken. At MRCC, the money was directly in our budget. We did the penitentiary, that was in Legislative Council's. They hired the consultants that came in and did the work. I've seen them work both ways. The key component is to have active participation from the agencies that are involved. You can't do this, excluding a party. If this is going forward, I haven't talked to Maggie, but when we did MRCC, we invited a couple legislators to actively participate, and Rep. Wieland actually sat on the panel that we evaluated RFPs and selected. I think that's always very beneficial.

Chairman Pollert: Can you remind the committee on how much we spent on the MRCC study and how much we spent on the State Penitentiary when we did that? Do you remember?

Dave: It was \$200,000 for MRCC, and I think it was \$250,000 for the Pen, but there was multiple studies done on that. You're talking about three pretty substantial operations. You're talking about prisons, hospital. To get somebody with some kind of sense of what's going on here. You've got two people in the room right here that have a good idea about running a state hospital and running a prison on the same grounds. But, to get somebody

with some kind of ethos or background in corrections and state hospital, you might be limiting your field even more.

Chairman Pollert: Was there any discussion on the Senate side about New England?

Dave: I wasn't in the room, and I am not aware of anything.

Maggie Anderson, Executive Director, Department of Human Services: So there was a hearing in the policy committee. Then, there was a full hearing in Senate Appropriations. Then, Chairman Holmberg passed the bill to Sen. Kilzer, to take up with all of what the Senate refers to as orphan bills, that would appropriate funds to the Dept. of Human Services. So then there were several subcommittee meetings as well. My recommendation in the policy area, it was Sen. Sorvaag, of course Alex introduced the bill, and Senator Mathern offered an amendment to specifically look at use of the Anne Carlson Center in Jamestown as an alternative location for the State Hospital, and then it gets to some of the language that's in the current version of the bill about turning both campuses over to the Department of Corrections. And that was not accepted by the committee because they felt the master plan should look at all alternatives, but not focused from the beginning; it should be very broad and not have a specific outcome. It should go in saying, what are the best uses of these facilities, and what are the needs of the state. So they did not adopt that amendment. So, then in the Appropriations Committee, I do believe Alex probably answered some questions, but I don't think there was any other testimony in Senate Appropriations. In the subcommittee, there was some discussion about closing the State Hospital, or not using that campus for its original purpose. There was conversation about, as a state, should we be looking at creating 16-bed facilities across the state instead of having one concentrated population. The key about the 16-beds was anything over 16 beds is considered an institution for mental disease under Medicaid, and isn't eligible for Medicaid reimbursement. And so that conversation did happen; there were no amendments to that effect. That could be part of the plan, part of the study. The conversation did happen, again, in the subcommittee when the amendment was brought forward; and a comment was made about Corrections wanting to look at Grafton and Jamestown. I had shared that with LeeAnn Birch at the time, and she said that was not her intent for the Grafton campus.

Chairman Pollert: You brought up the Anne Carlsen Center, but it doesn't look like this study would permit that.

Maggie Anderson: I think it would. Because it would be part of the discussion of the master plan. I think the concern on the Senate side was, by specifically saying, you have to look at the Anne Carlsen Center, it really starts to focus that instead of bring very broad and saying, what are the needs? Because that's where you want to start. And way what are the current needs? What are the long-term needs? If you're trying to use a campus without looking at your needs, that may not be the campus that best meets your needs. So I think the committee felt that it could be part of the discussion, and should be part of the discussion, but they didn't want to focus anyone working on the plan on one specific outcome. You want to go into the plan with no pre-conceived ideas about what the outcome is.

Chairman Pollert: Is there any information that the committee wants?

Rep. Silbernagel: You mentioned something about an idea to move the Jamestown facility to the east. I haven't heard that discussion.

Chairman Pollert: That is not new. There are certain people that think there should be more de-sectioned and moved around the state. But there was a discussion about moving it towards Fargo or over to the East. I don't know if they've been in committee or just private discussions.

Rep. Silbernagel: Most of what I've heard is about the 16-unit facilities in several parts of the state.

Chairman Pollert: Has there been any time in Legislative Council history that there was a study of the State Hospital on the grounds of what we're kind of talking about; not being used for JRCC, but just being more de-institutionalized, gone into sections? Has there been any formal bills?

Alex Cronquist: I don't think so.

Alex Schweitzer: I've been there 20 years and I don't think so.

Chairman Pollert: I've never heard anything. I've just heard rumblings of statements.

Rep. Nelson: Maggie talked about the reasons for the amendments that were offered. In Sen. Mathern's amendment, Maggie referenced the use of the Anne Carlsen Center as one of the alternatives. If that was realized, would that change that institutional component that the 16-bed facilities would happen? I'm trying to understand why we are re-producing the wheel here. We've got a facility here that has a mission that would seem to be on the same platform that Anne Carlsen is doing with a different population. I'm really having a hard time understanding why that subsection 3 was added in that bill. That makes no sense to me at all.

Maggie Anderson: Perhaps in my remarks, I wasn't clear about the Anne Carlsen piece. It wasn't that it would be moved to the campus and Anne Carlsen would run it. Anne Carlsen is looking to build a new facility, close to the new James River Medical Center. They would then be moving off their campus. And then, the thought was, could the State Hospital population then be moved there to re-purpose that campus? To your exact question, is the reason why no one on the Senate side included it as an amendment; because it doesn't change the population. It doesn't remove the institution for mental disease piece. It certainly can be considered as part of the master plan, and looking at whether that campus being empty solves any needs at the State Hospital and the JRCC may have together. But I think that there was concern that just by saying, well the plan has to target re-using the Anne Carlsen Campus; that may not be the best location for clients from the State Hospital to be located. And there are other potential campus situations that need to be considered. It wouldn't be turning it over to Anne Carlsen; it would just be re-purposing the campus.

Chairman Pollert: I should have said something about that, because I know there was, but those are not even State 1 discussions. But I know there was thoughts about Anne Carlsen looking at moving.

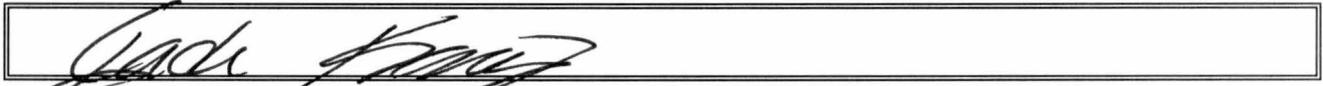
Chairman Pollert dismissed the committee.

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

SB 2041
4/9/2015
25977

- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

Department of human services to develop a master plan in conjunction with the department of corrections and rehabilitation for the state hospital and the James River correctional center; and to provide for reports to the legislative management

Minutes:



Chairman Jeff Delzer: Spoke on the bill. Human Resources had the hearing on it. It does appropriate 125,000 dollars to DHS for master plan. I believe what we did it also has DOCR involved in it. We put the study in to 2012, we want to replace what this does.

Representative Pollert: That language was out 2012 which we passed out yesterday. We had testimony on 2041 in its current form here and there was no one for it, no one against it, it was all neutral.

Chairman Jeff Delzer: Do you have a desire to amend this bill before it goes?

Representative Pollert: I would rather see us amend it to that language that we did yesterday in SB 2012 and then I would like us to approve that amendment and then I would ask for a do not pass. I move to replace 2041 with the language that is in 2012 on the study.

Representative Skarphol: Seconded

Representative Hogan: Does that study also include the James River Correctional center master plan or is it just the life skills?

Representative Pollert: Just he life skills, there is nothing in there about corrections at all.

Representative Glassheim: So we are not going to save anything from Section 2?

Chairman Jeff Delzer: This is a hog house; we are doing everything with just that language that is in SB 2010.

Motion to Adopt Amendment and replace with language in SB 2012 with study on the life center in Grafton.

Motion made by Representative Pollert.

Seconded by Representative Skarphol.

Voice vote.

Motion Carries.

Representative Pollert: I move a Do Not Pass As Amended on SB 2041.

Representative Skarphol: Second

Motion for Do Not Pass As Amended on SB 2041.

Motion made by Representative Pollert.

Seconded by Representative Skarphol.

Total yes 20. No 0. Absent 3.

Motion carries.

Floor assignment Representative Pollert.

APD
4-9-15
1001

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2041

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the use of structures and property of the life skills and transition center.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - USE OF STRUCTURE AND PROPERTY OF LIFE SKILLS AND TRANSITION CENTER. During the 2015-16 interim, the legislative management shall consider studying the use of the structures and property of the life skills and transition center to determine the best and most efficient use of the properties. If conducted, the study must review the potential to transfer clients from the life skills and transition center to under-utilized facilities on the state hospital campus or to a community-based setting. The study must also review potential alternative uses of structures on the life skills and transition center campus. The legislative management shall report its findings and recommendations, along with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the appropriation of \$125,000 to develop a master plan for the James River Correctional Center, State Hospital, and Life Skills and Transition Center. The amendment directs the Legislative Management to conduct a study of the use of properties of the Life Skills and Transition Center.

Date: 4/9/15
 Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES

BILL/RESOLUTION NO. 2041

House: Appropriations Committee

Subcommittee

Amendment LC# or Description: 15.0146.0300Z

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By: Pollert Seconded By: Skarphol

Representatives	Yes	No	Absent
Chairman Jeff Delzer	✓		
Vice Chairman Keith Kempenich			AB
Representative Bellew	✓		
Representative Brandenburg	✓		
Representative Boehning	✓		
Representative Dosch	✓		
Representative Kreidt	✓		
Representative Martinson	✓		
Representative Monson	✓		
Representative Nelson	✓		
Representative Pollert	✓		
Representative Sanford	✓		
Representative Schmidt	✓		
Representative Silbernagel	✓		
Representative Skarphol	✓		
Representative Streyle			AB
Representative Thoreson	✓		
Representative Vigesaa	✓		
Representative Boe			AB
Representative Glassheim	✓		
Representative Guggisberg	✓		
Representative Hogan	✓		
Representative Holman	✓		
TOTALS	20	0	3

Floor Assignment: Pollert

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

REPORT OF STANDING COMMITTEE

SB 2041, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the use of structures and property of the life skills and transition center.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - USE OF STRUCTURE AND PROPERTY OF LIFE SKILLS AND TRANSITION CENTER.

During the 2015-16 interim, the legislative management shall consider studying the use of the structures and property of the life skills and transition center to determine the best and most efficient use of the properties. If conducted, the study must review the potential to transfer clients from the life skills and transition center to under-utilized facilities on the state hospital campus or to a community-based setting. The study must also review potential alternative uses of structures on the life skills and transition center campus. The legislative management shall report its findings and recommendations, along with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the appropriation of \$125,000 to develop a master plan for the James River Correctional Center, State Hospital, and Life Skills and Transition Center. The amendment directs the Legislative Management to conduct a study of the use of properties of the Life Skills and Transition Center.

2015 TESTIMONY

SB 2041

**STUDY OF THE USE OF STRUCTURES AND PROPERTY OF THE
JAMES RIVER CORRECTIONAL CENTER AND THE STATE HOSPITAL**

The committee was assigned a study of the use of the structures and property of the James River Correctional Center and the State Hospital pursuant to Section 5 of 2013 Senate Bill No. 2015. The study was to include a determination of the best and most efficient use of the properties.

State Hospital

The State Hospital was first authorized in 1883 and is located on the south side of Jamestown. The State Hospital is referenced in Article IX, Section 12, of the Constitution of North Dakota. It provides psychiatric and chemical dependency treatment to residents of the state. Chapter 25-02, which includes various provisions related to the Hospital, requires the Hospital to receive and care for all mentally ill persons as provided for in statute.

The State Hospital has a capacity to serve approximately 298 patients through inpatient or residential programs. Of this total, the Hospital can serve up to 76 individuals in the secure services unit which treats civilly committed sexually dangerous individuals. The Hospital, through a contract with the Department of Corrections and Rehabilitation, dedicates 90 of its beds for the Tompkins rehabilitation program which provides services to the department's inmates with chemical addictions.

The following is a summary of buildings located at the State Hospital, including usage and square feet:

Building	Uses	Square Feet
Learning Resource Center	Administrative offices, education services, library	40,800
Administration	Vacant - Used for emergency sleeping rooms for staff	24,675
Central receiving	Receive and store supplies	27,100
16 West	Plumbing and electrical shops; portion of building is vacant	39,990
Superintendent's residence	Former residence of superintendent; rented for special occasions	5,552
Powerhouse	Heating plant to supply steam to facility	39,285
Engineering warehouse	Storage for plumbing, electrical, and carpentry supplies	23,414
Warehouse	General storage	6,020
Grounds warehouse	Storage for grounds department	2,755
Implement shed	Storage for large equipment	5,370
Vehicle maintenance shop	Vehicle maintenance operations	4,650
Employees building	Apartment building for rentals to staff of the hospital and James River Correctional Center	34,345
Cottage 77-1	Housing for medical students and emergency overnight housing for staff	2,857
Cottage 77-2	Housing for medical students and emergency overnight housing for staff	2,857
Cottage 77-3	Rented to Head Start program	2,857
Cottage 77-4	Rented to staff	3,020
Cottage 77-4 garage	Double garage	680
Cottage 77-5	Housing for transitional living patients	3,020
Cottage 77-5 garage	Double garage	676
Cottage 78	Housing for transitional living patients	3,900
Grounds maintenance	Shop and storage for small vehicles and equipment	3,200
Tompkins Building	Tompkins program for chemical dependency treatment for male patients	34,660
GM Building	Sexual offender program	82,670
Water plant (mason)	Shop used for temporary or contracted masons	4,802
Sewage lift station	Connection to Jamestown city sewer system	800
Metal quonset	Storage for plant services department	3,130
Chapel	Vacant - Used for special occasions	13,140
Cottage 88	Staff rental	2,254
Cottage 88 garage	Single garage	308
Cottage 89	Transitional living for sexual offenders close to discharge	3,028
Swimming pool	Indoor pool for patient treatment	6,800
New Horizons Building	Tompkins program for chemical dependency treatment for women and treatment for psychiatric patients	75,485
LaHaug Building	Inpatient hospital for psychiatric patients and patients who have psychiatric and chemical dependency problems	135,495
Electrical distribution	Emergency generator	1,800
Pedestrian tunnels	Connects various campus buildings	24,832
Total		666,227

The Legislative Assembly appropriated \$1,775,168 for extraordinary repairs at the State Hospital for the 2013-15 biennium. Of this amount, \$864,714 is for a street reconstruction project and \$910,454 is for various projects,

including roof repairs, floor repairs, building tuck-pointing, sewer repairs, electrical repairs, and heating and cooling repairs.

James River Correctional Center

Section 12-47-01 was amended in 1997 to permit the Director of the Department of Corrections and Rehabilitation to establish affiliated facilities at other locations throughout the state within the limits of legislative appropriations. The James River Correctional Center, which is located on the grounds of the State Hospital in Jamestown, was completed for use as a correctional facility in 1998. The 1997 Legislative Assembly appropriated \$1,295,000 (\$129,500 from the general fund and \$1,165,500 of other funds) to the Department of Corrections and Rehabilitation for the purchase of property from the State Hospital for a medium security corrections facility. The 1997 Legislative Assembly also appropriated \$3,276,412 (\$344,030 from the general fund and \$2,932,382 of other funds) for the renovation and remodeling of the property. The majority of other funds for the project were obtained through federal grants.

The James River Correctional Center is classified as a medium security facility and has a capacity of approximately 420 beds. The facility was used to house both male and female inmates until 2004 and now houses only male inmates. The Department of Corrections and Rehabilitation and Department of Human Services have entered a partnership agreement under which the James River Correctional Center provides food and laundry service to the State Hospital. Other agreements are in place between the agencies relating to training and other services provided between the facilities.

The following is a summary of buildings located at the James River Correctional Center, including usage and square feet:

Building	Uses	Square Feet
Main (ET) Building	General housing for inmates, including the medical service department and offices for security and safety personnel	87,530
Special Assistance Unit	Secure housing for inmates	27,890
Amusement hall	Recreational activities	15,210
Administration	Various administrative offices and training facilities	41,380
Kitchen	Food services	24,250
Dining building	Inmate dining	29,700
Laundry building	Laundry services	19,600
Roughrider Industries	Roughrider Industries programs	11,250
Maintenance shop	Maintenance	2,000
Front gate/security	Entrance checkpoint	200
Total		259,010

The Legislative Assembly appropriated \$872,750 to the Department of Corrections and Rehabilitation for extraordinary repairs for the 2013-15 biennium. The funding was to be used to replace ventilation systems in the Main (ET) Building.

State-Owned Land

The committee learned the State Hospital is located on approximately 430 acres of land and the State Hospital manages a total of 3,060 acres of state-owned land. The State Hospital leases 1,183 acres of tillable agricultural land and 1,284 acres of land for livestock pasture and haying purposes. The tillable land is valued at approximately \$3,500 to \$5,000 per acre, the hay land is valued at approximately \$1,500 to \$2,000 per acre, and the pastureland is valued at approximately \$1,000 per acre. The committee learned if all the leased land is sold, it would generate between \$4.2 million and \$4.9 million. The state-owned land managed by the State Hospital generated \$175,786 in annual rental income in 2013 for the State Hospital. The committee learned the renters are responsible for payment of real estate taxes and in 2013, the renters paid \$12,409 to Stutsman County in real estate taxes. The committee learned Section 57-02-08 identifies property exempt from taxation, which includes "[t]he leasehold interest in property owned by the state which has been leased for pasture or grazing purposes"

The committee learned the Department of Corrections and Rehabilitation manages 3,315 acres of state-owned land in Burleigh County and Morton County. The Department of Corrections and Rehabilitation leases 3,115 acres for various purposes and generated \$230,636 of annual revenue in 2013 from the leased land. The committee learned the rental income supports Roughrider Industries and royalty income has been used to pay for the State Penitentiary renovation/expansion project.

Potential Capital Projects and Deferred Maintenance

The committee learned the cost of maintaining the buildings at the State Hospital has averaged approximately \$1 million per biennium. Potential future building improvements needed include:

- Upgrade the roof and mechanical, plumbing, and electrical systems of the Employees Building at a cost of \$3.6 million;
- Upgrade the heating, electrical, plumbing, and fire alarm systems of the 16 West Building at a cost of \$5.9 million; and
- Remove lead-based paint in the Administration Building at a cost of \$500,000.

The committee learned deferred maintenance projects necessary during the 2015-17 biennium at the James River Correctional Center include:

- Security infrastructure;
- Elevator retrofits in the Main (ET) Building, Amusement Hall, and Administration Building;
- Air handling systems in the Main (ET) Building, Kitchen, and Amusement Hall; and
- Tunnel roof repair.

Use of Facilities

The committee toured the facilities of the State Hospital and the James River Correctional Center. The committee learned the State Hospital does not fully utilize all of its buildings. Partially unused buildings include:

Building	Square Footage	Square Feet Unused	Percentage of Use
Administration Building	24,675	24,675	0%
16 West Building	39,990	Approximately 30,000	25%
Chapel	13,140	13,140	0%

The committee learned the James River Correctional Center does not fully utilize all of its buildings. Partially unused buildings include:

Building	Square Footage	Square Feet Unused	Percentage of Use
Administration Building	41,380	6,207	85%
Outside maintenance shop	14,210	8,526	40%
Laundry Building	19,600	6,860	65%

The committee learned a master plan has never been completed for the James River Correctional Center. The committee learned representatives of the State Hospital support the completion of a master plan that encompasses both the State Hospital and the James River Correctional Center.

Recommendations

The committee recommends a bill draft [15.0146.02000] to provide an appropriation of \$250,000 to the Department of Human Services to develop a master plan in conjunction with the Department of Corrections and Rehabilitation for the State Hospital and the James River Correctional Center. The bill draft requires the master plan to address land use, vacant structures, and current and projected space needs of the State Hospital and the James River Correctional Center. The master plan must also address the potential sale of a portion of the State Hospital's agricultural land, with the proceeds being used for capital improvement projects at the State Hospital. The bill draft also requires the Department of Human Services to provide periodic status reports on the development of the State Hospital and James River Correctional Center master plan to the Legislative Management and to present the completed master plan to the Legislative Management by July 1, 2016.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 13, remove "land use, vacant structures, and current and projected space needs"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "being used for capital improvement projects at the state hospital." with
":

1. Land use;
2. Vacant structures;
3. Current and projected space needs of the state hospital and the James River correctional center;
4. The potential sale of a portion of the state hospital's agricultural land with the proceeds being used for capital improvement projects;
5. The potential to relocate the state hospital to another facility within five miles of the current campus for the purpose of serving clients not placed in treatment as the result of criminal activity; and
6. The potential to transfer current state hospital facilities to the department of corrections and rehabilitation, allowing the department of corrections and rehabilitation to provide behavioral health treatment services for individuals required to receive treatment as the result of their involvement in criminal activity."

Renumber accordingly

15.0146.02001

Title.

Prepared by the Legislative Council staff for

Senator Grabinger

January 7, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 13, replace "land" with ":

1. Land"

Page 1, line 13, replace ", vacant" with ";

2. Vacant"

Page 1, line 13, replace ", and current" with ";

3. Current"

Page 1, line 14, remove ". The master plan must also"

Page 1, line 15, replace "address the" with ";

4. The"

Page 1, line 16, after "hospital" insert ";

5. The potential to relocate the state hospital to another facility within five miles of the current campus and the subsequent transfer of current state hospital facilities to the department of corrections and rehabilitation"

Re-number accordingly

SB 2041

1-26-15

#1

STUDY OF THE USE OF STRUCTURES AND PROPERTY OF THE JAMES RIVER CORRECTIONAL CENTER AND THE STATE HOSPITAL

The committee was assigned a study of the use of the structures and property of the James River Correctional Center and the State Hospital pursuant to Section 5 of 2013 Senate Bill No. 2015. The study was to include a determination of the best and most efficient use of the properties.

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1.2

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1.3

/
Subcom
2-12-13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 11, after the second "the" insert "life skills and transition center, the"

Page 1, line 11, after "hospital" insert a comma

Page 1, line 13, replace "land" with ";

1. Land"

Page 1, line 14, remove ". The master plan must also"

Page 1, line 15, replace "address the" with ";

2. The"

Page 1, line 16, replace the first period with ";

3. The potential to transfer facilities at the life skills and transition center and the state hospital to the department of corrections and rehabilitation."

Renumber accordingly

15.0146.02004
Title.

Prepared by the Legislative Council staff for
Senator Mathern

February 6, 2015

SB 2041 Sub.
2-17-15
#1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

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Page 1, line 11, after "hospital" insert a comma

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2. The"

Page 1, line 16, replace the first period with ";

3. The potential to transfer facilities at the life skills and transition center and the state hospital to the department of corrections and rehabilitation."

Renumber accordingly

February 18, 2015

#1
2041
2-18-15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 9, replace "\$250,000" with "\$125,000"

Page 1, line 11, after the second "the" insert "life skills and transition center, the"

Page 1, line 11, after "hospital" insert a comma

Page 1, line 13, replace "land" with ";

1. Land"

Page 1, line 14, remove ". The master plan must also"

Page 1, line 15, replace "address the" with ";

2. The"

Page 1, line 16, replace the first period with "; and

3. The potential to transfer facilities at the life skills and transition center and the state hospital to the department of corrections and rehabilitation."

Renumber accordingly

SB2041
3/23/2015
#1

State Owned Real Estate/Land:

Property Description	Total Acreage	Current Use	Annual Rental Income
Section 6-139-63	369.80	NDSH Campus & Landfill	\$ -
	45.40	Centennial Forest	\$ -
	105.40	Tillable	\$ 13,227.70
	25.60	Alfalfa	\$ 921.60
	2.00	Hay	\$ 40.00
	4.60	Hay – Not Rented	Not Rented
	<u>14.20</u>	Not Rented	<u>Not Rented</u>
Total Section 6-139-63	<u>567.00</u>		\$ <u>14,189.30</u>
Section 7-139-63	59.60	State Hospital Cemetery & Lagoons	\$ -
	94.90	Tillable	\$ 11,909.95
	36.00	Hay	\$ 792.00
	<u>386.50</u>	Pasture	\$ <u>9,663.00</u>
Total Section 7-139-63	<u>577.00</u>		\$ <u>22,364.95</u>
Section 8-139-63	68.20	Tillable	\$ 8,559.10
	<u>11.80</u>	Not Rented	<u>Not Rented</u>
Total Section 8-139-93	<u>80.00</u>		\$ <u>8,559.10</u>
Section 18-139-63	468.40	Tillable	\$ 58,784.20
	131.70	Pasture	\$ 3,292.00
	<u>15.90</u>	Not Rented	<u>Not Rented</u>
Total Section 18-139-63	<u>616.00</u>		\$ <u>62,076.20</u>
Section 1-139-64	210.10	Pasture	\$ 100.00
	2.36	North of Buffalo Pasture – Not Rented	\$ -
	147.00	Tillable	\$ 18,448.50
	7.22	Not Rented	\$ -
	8.30	Alfalfa	\$ 298.80
	19.80	Centennial Forest	\$ -
	<u>1.00</u>	Water Tower	\$ <u>50.00</u>
Total Section 1-139-64	<u>395.78</u>		\$ <u>18,897.30</u>
Section 12-139-64	299.20	Tillable	\$ 37,549.60
	<u>20.80</u>	Not Rented	<u>Not Rented</u>
Total Section 12-139-64	<u>320.00</u>		\$ <u>37,549.60</u>
Section 24-139-64	321.10	Pasture	\$ 8,049.00
	<u>1.00</u>	Radio Tower	\$ <u>50.00</u>
Total Section 24-139-64	<u>322.10</u>		\$ <u>8,099.00</u>
Section 25-139-64	<u>161.60</u>	Pasture	\$ <u>4,051.00</u>
Total Section 25-139-64	<u>161.60</u>		\$ <u>4,051.00</u>
Total Acres and Rent	<u>3,039.48</u>	2,4 Rented Land Reflected Above	\$ <u>175,786.45²</u>

² The renters are responsible to pay Real Estate Taxes directly to the Stutsman County Treasurer. In 2013 the renters paid \$12,409.11 to Stutsman County for the real estate listed above.