

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

## GOVERNMENT SERVICES COMMITTEE

Thursday, August 22, 2013  
Harvest Room, State Capitol  
Bismarck, North Dakota

Senator Ronald Sorvaag, Chairman, called the meeting to order at 10:00 a.m.

**Members present:** Senators Ronald Sorvaag, Ron Carlisle, Richard Marcellais, David O'Connell; Representatives Roger Brabandt, Glen Froseth, Ed Gruchalla, Karen Karls, Curtiss Kreun, Gail Mooney, Chet Pollert, Vicky Steiner, Alon Wieland

**Members absent:** Representatives Rick Holman, George J. Keiser, Scott Louser

**Others present:** Representative Jim Schmidt, member of the Legislative Management, was also in attendance.

See [Appendix A](#) for additional persons present.

The Legislative Council staff reviewed the [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#) for the 2013-14 interim.

Chairman Sorvaag welcomed committee members and said the committee has been assigned three studies, including a study of state agency facility needs in the Bismarck area, a study of the use of structures and property of the James River Correctional Center and the State Hospital, and a study of current state and federal benefits available to North Dakota veterans. He said the committee has also been assigned other responsibilities, including the responsibility to receive several reports throughout the 2013-14 interim.

### STUDY OF FACILITY NEEDS OF STATE AGENCIES IN THE BISMARCK AREA

At the request of Chairman Sorvaag, the Legislative Council staff reviewed a memorandum entitled [Study of State Agency Facility Needs - Background Memorandum](#). The State Capitol grounds is situated on 132 acres and includes the Capitol as well as several other buildings, including the Department of Transportation building and the State Office Building. There are several other state-owned buildings located off of the Capitol grounds, including the Workforce Safety and Insurance building, the Bank of North Dakota building, and Department of Corrections and Rehabilitation facilities. In addition, several state agencies lease office and storage space in various locations throughout the Bismarck area.

The Legislative Council staff presented the following proposed study plan for consideration by the committee in its study of facility needs of state agencies in the Bismarck area:

1. Receive and review information regarding the current utilization of the facilities on the State Capitol grounds and the current Capitol complex master plan.
2. Receive and review information regarding the location, expenses, and square footage of Capitol complex space occupied by each state agency.
3. Receive and review information regarding other state-owned buildings in the Bismarck-Mandan area.
4. Receive and review information regarding facilities leased by state agencies in the Bismarck-Mandan area, including lease costs and square footage of the facilities.
5. Determine if additional facilities are needed for state agencies and review the most economical options for increasing the facilities space if needed.
6. Receive testimony from interested persons regarding the committee's study of state agency facility needs.
7. Develop recommendations and any bill drafts necessary to implement the recommendations.
8. Prepare a final report for submission to the Legislative Management.

In response to a question from Senator Carlisle, the Legislative Council staff said the Department of Corrections and Rehabilitation manages approximately 1,200 acres of vacant land adjacent to the Youth Correctional Center in Mandan and manages several hundred acres of vacant land adjacent to the Missouri River Correctional Center south of Bismarck.

In response to a question from Representative Steiner, the Legislative Council staff said the Capitol building fund receives revenues from land rents, from mineral leases and royalties, and from income generated by the fund's investments.

Mr. John Boyle, Director, Facility Management Division, Office of Management and Budget, provided comments regarding the committee's study of facility needs of state agencies in the Bismarck area. He said a study conducted by the Government Services Committee during the 2009-10 interim determined there is an approximate 11,000 square-foot shortage of state agency space in the Bismarck area. He said the study results were calculated by applying a specific number of square feet of office space needed per employee and comparing that number to the current square footage of space available for each employee.

Mr. Boyle said the Information Technology Department will be vacating approximately 18,000 square feet of office space in the judicial wing of the Capitol in June 2014 when it consolidates its operations in one building located off of the Capitol grounds. He said the Information Technology Department will be able to reduce the number of square feet of space needed from 95,000 to 85,000 by consolidating all operations in one location.

In response to a question from Senator Sorvaag, Mr. Boyle said he will provide the committee with information regarding the total square feet of state-owned and state-leased office space in the Bismarck area.

In response to a question from Representative Pollert, Mr. Boyle said the Facility Management Division will be conducting meetings with interested agencies to determine which will occupy the space being vacated by the Information Technology Department in the judicial wing of the Capitol. He said there will be minimal costs to convert the space for use by other agencies.

Ms. Sally Holewa, State Court Administrator, Supreme Court, provided testimony ([Appendix B](#)) regarding the committee's study of state agency facility needs. She said the court system currently occupies 21,604 square feet of space in the judicial wing of the Capitol and leases 11,128 square feet of office space in a building located off of the Capitol grounds. She said the court system prefers all employees be located in the judicial wing.

Ms. Holewa said the prior study of state agency space needs determined total space requirements based on a set number of square feet needed per agency employee. She said certain agencies, such as the Supreme Court, have unique facility needs that cannot be addressed by applying a standardized number of square feet per employee.

In response to a question from Representative Wieland, Ms. Holewa said the Supreme Court moved its information technology staff to the office space the court system leases off of the Capitol grounds.

In response to a question from Representative Wieland, Ms. Holewa said all 53 counties provide court space at no cost for the activities of the district court system. She said some counties also provide space at no cost for the juvenile court system and for court system administrative staff. She said she will provide information to the committee regarding space provided by each county to the court system.

In response to a question from Senator Sorvaag, Ms. Holewa said she will provide information to the committee regarding total space needs of the Supreme Court in the judicial wing of the Capitol.

In response to a question from Representative Froseth, Ms. Holewa said in return for counties providing space to the state for the court system, the state pays the cost of local court personnel and court operations costs.

**It was moved by Representative Kreun, seconded by Senator Marcellais, and carried on a voice vote to approve the study plan for the committee's study of state agency facilities needs in the Bismarck area as presented.**

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

At the request of Chairman Sorvaag, the Legislative Council staff reviewed a memorandum entitled [Study of James River Correctional Center and State Hospital Property - Background Memorandum](#). The State Hospital was first authorized in 1883 and is located on the south side of Jamestown. In 1997 the Legislative Assembly authorized the Department of Corrections and Rehabilitation to purchase property from the State Hospital for use as a correctional facility now known as the James River Correctional Center. Currently, the State Hospital has approximately 666,227 square feet of building space under its control, and the James River Correctional Center has approximately 259,010 square feet under its control.

The Legislative Council staff presented the following proposed study plan for the committee's consideration in its study of the structures and property of the James River Correctional Center and State Hospital:

1. Receive and review information regarding the current utilization of the structures and property at each facility.
2. Receive and review information regarding the future building and property needs of each facility.
3. Receive and review information regarding options to utilize existing structures and property at each facility for other purposes.
4. Receive testimony from interested persons regarding the committee's study.
5. Develop recommendations and any bill drafts necessary to implement the recommendations.
6. Prepare a final report for submission to the Legislative Management.

Mr. Donald Redmann, Warden, James River Correctional Center, Department of Corrections and Rehabilitation, Jamestown, provided testimony ([Appendix C](#)) regarding the facilities of the James River Correctional Center. He said the center is a medium security facility that houses male inmates and has an average daily inmate count of 420. He said major buildings of the facility include:

- The ET building is a six-floor structure with 87,530 square feet and can house 398 inmates. The building also contains staff offices and medical services facilities.
- The special assistance unit can house 24 inmates who have needs requiring special supervision and management. The unit is 27,890 square feet.
- The administration building has four levels and is used for administrative offices. The third and fourth floors of the building were used to house up to 50 inmates from the Missouri River Correctional Center when that facility was impacted by flooding in 2011.

Mr. Redmann said the James River Correctional Center has several other buildings, including buildings for laundry service and food preparation. He said the center also provides laundry and food services to the State Hospital.

Mr. Redmann said there are several security challenges at the facility due to the placement of buildings and pedestrian tunnels in the facility. He also said the perimeter fence around the facility is aging and needs to be replaced.

In response to a question from Representative Wieland, Mr. Redmann said a maintenance building located at the facility is in poor condition, and it is cost-prohibitive to repair the building. He said funding has not been requested to remove the building.

In response to a question from Representative Pollert, Mr. Redmann said the third and fourth floors of the administration building had not been used for anything except storage space for several years prior to 2011. He said the floors were used for short-term emergency housing for Missouri River Correctional Center inmates when that facility was impacted by flooding in 2011.

In response to a question from Representative Pollert, Mr. Redmann said significant repairs are required to the perimeter fence and the repairs are not cost-effective. He said the Department of Corrections and Rehabilitation may present a funding proposal to a future Legislative Assembly for the replacement of the fence.

In response to a question from Senator Carlisle, Ms. Leann K. Bertsch, Director, Department of Corrections and Rehabilitation, said certain transitional inmates with minimal time remaining on their sentence may be housed

at the Missouri River Correctional Center or in a community-based living facility. However, she said, certain inmates cannot be housed in community-based transitional living facilities due to the type of offense committed by the inmate.

In response to a question from Representative Gruchalla, Ms. Bertsch said she will provide the committee with information regarding the per day costs to house inmates at each department facility.

In response to a question from Representative Wieland, Mr. Redmann said he will provide the committee with information regarding the number of acres of land occupied by the James River Correctional Center.

In response to a question from Representative Froseth, Mr. Redmann said the center has both pedestrian tunnels and utility tunnels. He said some tunnels need to be repaired or possibly removed.

In response to a question from Representative Pollert, Mr. Redmann said there are regular discussions between the center and the State Hospital regarding current and future facility needs.

Mr. Kerry Wicks, Clinical Administrator, State Hospital, Jamestown, provided testimony ([Appendix D](#)) regarding the facilities of the State Hospital. He said the State Hospital uses the following buildings to serve its traditional patients receiving psychiatric and substance abuse treatment:

- The LaHaug Building has 135,500 square feet to provide treatment services and contains a clinic, pharmacy, laboratory, staff offices, recreational area, and treatment area.
- The New Horizons Building has 75,498 square feet and is fully utilized for adult psychiatric services.

Mr. Wicks said the State Hospital also provides two types of forensic services. He said the hospital offers alcohol and drug treatment to Department of Corrections and Rehabilitation inmates through the Tompkins rehabilitation program and provides evaluation and treatment of sexual offenders. He said the following buildings are used for the adult forensic population:

- The Tompkins Rehabilitation and Correction Center Building has 34,660 square feet and is used for treating drug and alcohol addiction patients in the Tompkins rehabilitation program.
- The GM Building, which has 82,670 square feet, is used for the evaluation and treatment of sexual offenders in the secure services unit.

Mr. Wicks said there are several other buildings at the State Hospital complex, including residential cottages, an administration and support services building, and facilities and maintenance buildings. He said there are also several buildings that are vacant or only partially utilized.

Mr. Wicks said the State Hospital complex is located on approximately 430 acres of land, and the State Hospital manages a total of 3,060 acres of state-owned land. He said the hospital leases 1,183 acres of tillable agricultural land and 1,284 acres of land for a livestock pasture and haying purposes.

Mr. Wicks provided the following recommendations regarding the State Hospital property:

1. Utilize the campus in the most efficient and effective way possible.
2. Increase the number of outside agencies utilizing empty or underused space on the campus.
3. Continue to partner with the James River Correctional Center in the utilization of the campus.
4. Achieve a long-range goal of having the adult psychiatric services in one building to increase staffing program efficiencies.

In response to a question from Representative Froseth, Mr. Wicks said the State Hospital continually monitors trends in the state to anticipate the number of patients that may require services at the hospital. He said the demand for certain services, such as chemical addiction services, has been increasing recently.

Representative Pollert suggested the committee receive information regarding the location of the agricultural land leased out by the State Hospital.

Representative Brabandt suggested the committee receive information regarding the amount of income received by the State Hospital as a result of leasing its agricultural land.

Ms. Deb McDermott, Chief Financial Officer, Department of Human Services, said she will provide information to the committee regarding State Hospital income as a result of leasing the agricultural land. She said the funds received from the leases are used for activities at the State Hospital.

Senator Carlisle suggested the committee receive information regarding the amount of income received by the Department of Corrections and Rehabilitation from agricultural land it leases out.

In response to a question from Representative Kreun, Mr. Wicks said the number of traditional patients treated at the State Hospital has decreased recently due in part to expanded community-based care. He said the level of services provided through community-based programs has increased significantly over the past 25 years.

Representative Kreun said the demand for mental health services will increase as the state's population grows. He said it is generally more economical to house individuals in community-based programs than in the State Hospital. He said resources from the Department of Human Services may be needed to assist the community-based programs.

**It was moved by Representative Pollert, seconded by Representative Wieland, and carried on a voice vote to approve the study plan for the study of James River Correctional Center and State Hospital facilities as presented.**

### **STUDY OF CURRENT STATE AND FEDERAL BENEFITS AVAILABLE TO NORTH DAKOTA VETERANS**

At the request of Chairman Sorvaag, the Legislative Budget Analyst and Auditor presented a memorandum entitled [Veterans' Benefits Study - Background Memorandum](#). North Dakota Century Code Section 37-01-40(1) defines a "veteran" as an individual who has served on continuous federalized active military duty for 180 days or the full period for which the individual was called or ordered to active military duty for reasons other than training, and who was discharged or released under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the individual a veteran. In addition, for the purposes of Chapter 37-14 relating to veterans' aid programs, Section 37-14-01.1 defines a "veteran" as an individual who served in the armed forces of the United States on federal active duty for reasons other than training and who has been discharged under other than dishonorable conditions.

The Legislative Budget Analyst and Auditor said there are several veterans' service agencies that provide services to veterans and advocate on the behalf of veterans. There are also several services provided to veterans, including emergency and homeless needs programs, dental programs, stand down events, educational services, entrepreneurship services, mental health services, property tax credit programs, and the Veterans' Home.

The Legislative Budget Analyst and Auditor presented the following proposed study plan for the committee's consideration in its study of current state and federal benefits available to veterans:

1. Receive information from the Department of Veterans' Affairs regarding a summary of current state and federal benefits available to North Dakota veterans.
2. Receive information from the Tax Commissioner regarding state income tax and property tax benefits available to North Dakota veterans.
3. Gather and review information regarding various life-enhancing services that may benefit North Dakota veterans.
4. Consider options to improve benefits available to North Dakota veterans and to provide veteran-focused incentives, assistance in obtaining and maintaining benefits, and assistance in obtaining and maintaining various life-enhancing services.
5. Consider statutory changes, including changes to state income taxes and property taxes, that would benefit North Dakota veterans.
6. Develop committee recommendations and prepare any legislation necessary to implement the committee recommendations.
7. Prepare a final report for submission to the Legislative Management.

Mr. Lonnie Wangen, Commissioner, Department of Veterans' Affairs, Fargo, presented testimony ([Appendix E](#)) regarding various veterans' issues. He said the Administrative Committee on Veterans' Affairs is responsible for the organization, policy, and general administration of veterans' affairs in the state. He said the committee consists of 15 voting members who appoint the Commissioner of the Department of Veterans' Affairs. He said the North Dakota Veterans' Coordinating Council was established to coordinate activities of veterans' organizations. He said the council consists of three members each from five major veterans' organizations. He said the duties of the council are to monitor legislation affecting veterans and their dependents, monitor programs established for veterans, and establish a system of public relations for veterans.

Mr. Wangen reviewed a list of legislation considered by the 63<sup>rd</sup> Legislative Assembly that related to veterans. He said several bills were considered that affected veterans' benefits and services.

In response to a question from Representative Karls, Mr. Wangen said 2013 Senate Bill No. 2344 appropriated funding for a service dog program to assist veterans with posttraumatic stress disorder. He said the program has been well received by veterans, and several veterans have submitted an application to receive a service dog.

Lt. Colonel Davina French, Government Affairs Officer, North Dakota National Guard, presented information ([Appendix F](#)) regarding the Substance Abuse Mental Health Services Administration (SAMHSA) activities in the state. She said SAMHSA is working with states and veterans' agencies to develop initiatives to improve access to mental health services for military servicemembers and families. She said a statewide working group has been established to further develop the initiatives in the state. She said the first efforts of the task force will focus on suicide prevention and homelessness. She said the following three goals have been established:

- Develop a leader network to support collaborative efforts.
- Integrate existing programs and resources to create an effective and efficient service system for servicemembers, veterans, family members, and survivors.
- Conduct a comprehensive assessment of needs.

Senator Marcellais expressed concern regarding the limited services provided to Native American veterans. He said additional consideration may need to be given to the delivery of services to Native American veterans.

Lt. Colonel French said the statewide working group includes a tribal representative. She said the group is looking at ways to address Native American veterans' issues.

Senator Marcellais said there are four main areas that need to be addressed for veterans--employment opportunities, housing, chemical dependency issues, and suicide. He said having employment opportunities and housing for veterans may lead to fewer chemical dependency issues and suicides.

In response to a question from Representative Mooney, Lt. Colonel French said the statewide task force includes representatives of the Department of Human Services to provide connections with existing mental health programs.

Senator Marcellais suggested the committee's study plan for the study of veterans' benefits include a review of benefits available to assist in the handling of deceased veterans' remains.

**It was moved by Senator Marcellais, seconded by Representative Gruchalla, and carried on a voice vote to amend the study plan for the study of current state and federal benefits available for veterans to include a review of benefits for the handling of veterans' remains and to approve the study plan as amended.**

### **OTHER COMMITTEE RESPONSIBILITIES**

At the request of Chairman Sorvaag, the Legislative Council staff reviewed a memorandum entitled [Other Duties of the Government Services Committee - Background Memorandum](#). The Government Services Committee has been assigned the following additional responsibilities for the 2013-14 interim:

- Receive an annual report from the Committee on Employment of People with Disabilities detailing the committee's activities, goals, progress in reaching these goals, and strategies and policies that can help the committee realize its goals.
- Approve any agreement between a North Dakota state entity and South Dakota to form a bistate authority.

- Receive the plan of the Department of Corrections and Rehabilitation by July 1, 2014, to move the Missouri River Correctional Center to a site adjacent to the Youth Correctional Center.
- Receive the projected costs from the Adjutant General for the writing, publishing, and distributing of a record of all North Dakota veterans, including those killed in action and missing in action, since statehood.
- Receive a report from the Department of Veterans' Affairs during the 2013-14 interim regarding the status of the service dog training program, including benefits to veterans, number of applicants, and number of service dogs provided.

In response to a question from Representative Steiner, Senator Carlisle said the Department of Corrections and Rehabilitation is required to develop a plan to move the Missouri River Correctional Center to a location adjacent to the Youth Correctional Center. He said the Missouri River Correctional Center is located on 985 acres of land south of Bismarck. He said the center is only located on a small portion of the land and the remaining land is leased for agricultural purposes. He said there is a proposal to use the Missouri River Correctional Center land for a day park.

Representative Wieland said the Missouri River Correctional Center is inefficient to operate because it is isolated in its current location. He said locating the center next to another facility will allow for more efficient operations and cost-savings. He said some of the buildings located at the Missouri River Correctional Center are in poor condition and are susceptible to flooding.

In response to a question from Representative Gruchalla, Representative Wieland said there has not been much discussion regarding the possibility of relocating the Missouri River Correctional Center to a location adjacent to the James River Correctional Center in Jamestown. He said discussion has focused on relocating the Missouri River Correctional Center to a site in the Bismarck-Mandan area so existing employees would not need to relocate.

### **OTHER BUSINESS**

Chairman Sorvaag announced the next committee meeting is tentatively scheduled for November 2013 in Jamestown.

No further business appearing, Chairman Sorvaag adjourned the meeting at 2:30 p.m.

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Brady A. Larson  
Assistant Legislative Budget Analyst and Auditor

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Allen H. Knudson  
Legislative Budget Analyst and Auditor

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