

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

BUDGET COMMITTEE ON GOVERNMENT SERVICES

Thursday, June 17, 2004
Roughrider Room, State Capitol
Roughrider Industries
Bismarck, North Dakota

Representative Ron Carlisle, Chairman, called the meeting to order at 8:30 a.m.

Members present: Representatives Ron Carlisle, Bette B. Grande, Joe Kroeber, Ralph Metcalf, Darrell D. Nottestad, Chet Pollert, Louise Potter, Amy Warnke; Senators Richard Brown, Duaine C. Espegard, Ed Kringstad, Elroy N. Lindaas, Stanley W. Lyson

Members absent: Representative Pam Gulleon; Senator Joel C. Heitkamp

Others present: Aaron Krauter, State Senator, Regent

Lois M. Delmore, State Representative, Grand Forks

See attached appendix for additional persons present.

It was moved by Senator Kringstad, seconded by Senator Lyson, and carried on a voice vote that the minutes of the April 14-15, 2004, meeting be approved as distributed.

DAKOTA WOMEN'S CORRECTIONAL REHABILITATION CENTER

At the request of Chairman Carlisle, Mr. Norbert Sickler, Administrator, Dakota Women's Correctional Rehabilitation Center, New England, presented information on the status of housing state female inmates and related facility improvements, including the sprinkler system and elevator. A copy of the information presented is on file in the Legislative Council office. Mr. Sickler said the average population for the minimum security female inmates at the center is approximately 60 to 62 inmates. He said the installation of the sprinkler system, which was scheduled to be completed on June 28, 2004, is complete at a cost of approximately \$87,000. Mr. Sickler said the architect has completed all the drawings and plans for the elevator, the price quote has been accepted, and the elevator has been ordered. He said preparation for the elevator shaft is being constructed by local contractors and the company from which the elevator has been ordered projects installation of the elevator to be complete by the end of September 2004. Mr. Sickler said on June 15, 2004, the Risk Management Division stated the medium and close custody inmates can be housed at the center before the

completion of the elevator installation, if conditions are met. Mr. Sickler said all the security walls and door-frames have been installed and the metal security doors are expected to arrive at the facility by the end of June 2004.

Mr. Sickler said the Dakota Women's Correctional Rehabilitation Center has three rooms available for the prison industries program--Prairie Industries. He said the three rooms provide the facility with a total of 5,700 square feet of space for the program. Mr. Sickler said as of June 2004, one room is used by the inmates for sewing projects and lock assembly; the second room, which is located within the secure area, can be utilized by the higher security inmates; and the third room will contain sewing equipment and a large cutting table. Mr. Sickler said the facility's architect is designing plans for either a 5,000-square-foot or a 10,000-square-foot building that could be used for the program. He said the estimated cost of the building of approximately \$600,000 would have to be obtained by the facility.

In response to a question from Representative Kroeber, Mr. Sickler said he anticipates the Dakota Women's Correctional Rehabilitation Center will be ready to house the higher custody inmates in July 2004.

In response to a question from Senator Krauter, Mr. Sickler said the construction of the infirmary is complete.

Representative Grande said she has concerns regarding the delays in completing projects at the Dakota Women's Correctional Rehabilitation Center necessary for the medium custody inmates. She said she is concerned that the deadlines have not been met by the facility.

In response to a question from Senator Brown, Mr. Sickler said he anticipates the arrival of higher security inmates to the Dakota Women's Correctional Rehabilitation Center in July 2004. Mr. Sickler said the process of preparing the facility for the additional inmates has been frustrating, stressful, and embarrassing.

In response to a question from Representative Nottestad, Mr. Sickler said he will obtain a written statement from the elevator company with the

completion date for the elevator installation and distribute copies to committee members.

In response to a question from Representative Pollert, Mr. Sickler said female inmates in orientation will be housed with the medium security inmates until they have completed the orientation process, at which time they will either stay in medium security or be moved to minimum security, depending on their classification.

Senator Brown said he believes the Dakota Women's Correctional Rehabilitation Center will not be fully operational by the time the 2005 Legislative Assembly begins.

In response to a question from Senator Kringstad, Mr. Sickler said when the state first began negotiating contract housing female inmates in county facilities, he was under the impression that the higher security inmates would be housed at the Lake Region Law Enforcement Center in Devils Lake.

Senator Kringstad said Mr. Sickler had indicated to members of the 2003 Legislative Assembly that the Dakota Women's Correctional Rehabilitation Center could house 44 medium security female inmates and 10 maximum security female inmates. Senator Kringstad said he was not aware of "behind the scene" negotiations taking place between the Dakota Women's Correctional Rehabilitation Center and other facilities regarding the housing of female inmates.

Representative Carlisle said legislators and the administration of the Dakota Women's Correctional Rehabilitation Center are experiencing frustrations regarding the contract housing of state female inmates but he would like the project to be successful.

At the request of Chairman Carlisle, Mr. Sickler presented budget information for the Dakota Women's Correctional Rehabilitation Center. A copy of the information presented is on file in the Legislative Council office. Mr. Sickler said the total expenses incurred by the Dakota Women's Correctional Rehabilitation Center from June 1, 2003, through June 16, 2004, are approximately \$1.89 million. He said expenses for the first quarter of 2004 totaled approximately \$670,000 and the estimated expenses for the remainder of 2004 total approximately \$2.06 million for estimated 2004 total expenses of approximately \$2.73 million, which includes the expenses for facility renovations. Mr. Sickler said estimated total operating expenses for the Dakota Women's Correctional Rehabilitation Center for the 2005-07 biennium are approximately \$5.24 million, which excludes medical expenses. Mr. Sickler said the amount for medical expenses is pending.

In response to questions from Senator Krauter, Mr. Sickler said he does not anticipate the industries program to generate a profit when it first begins and the Dakota Women's Correctional Rehabilitation Center does not have a business plan for the industries program.

Senator Krauter said he is losing confidence in the ability of the Dakota Women's Correctional Rehabilitation Center to operate successfully. He said the Dakota Women's Correctional Rehabilitation Center should have a business plan.

In response to a request from Representative Carlisle, Mr. Sickler said he will correct the typographical error on the Dakota Women's Correctional Rehabilitation Center expense report and will provide a corrected copy to the Legislative Council staff.

Senator Krauter said the Dakota Women's Correctional Rehabilitation Center needs an administrator that can meet the challenges of operating the facility and he has concerns regarding the facility's budget because the numbers "do not add up."

In response to a question from Representative Pollert, Mr. Sickler said the budget for the Dakota Women's Correctional Rehabilitation Center was prepared by the facility's employees.

Representative Carlisle said it is imperative that the members of the 2005 Legislative Assembly receive accurate budget information from the Dakota Women's Correctional Rehabilitation Center.

In response to a request from Representative Warnke, Mr. Sickler said he will provide information to the committee by Thursday, June 24, 2004, regarding total medical costs incurred through June 16, 2004, at the Dakota Women's Correctional Rehabilitation Center, the average monthly medical costs, and the projected medical costs for a 24-month period on a per inmate basis.

SOUTHWEST MULTI-COUNTY CORRECTION CENTER

At the request of Chairman Carlisle, Mr. Sickler presented a report on the total payments the Southwest Multi-County Correction Center receives on an annual basis from the six participating counties for housing inmates. A copy of the information presented is on file in the Legislative Council office. Mr. Sickler said the Southwest Multi-County Correction Center includes the Dickinson Adult Detention Center in which the rate for the six participating counties is \$45 per day and the rate is \$50 per day for contract placements. Mr. Sickler said the daily rate for participating counties of \$45 for adult inmates excludes medical services provided outside the facility, such as hospital, doctor, dentist, and optometry appointments. He said a participating county is not assessed any costs for a particular month if it does not have any inmates at the center. He said the center received a total of \$315,671 from the six counties during 2003 as shown below:

| Participating County | Amount Paid to Southwest Multi-County Correction Center During 2003 |
|-----------------------------|--|
| Stark County | \$271,524 |
| Slope County | 2,341 |
| Dunn County | 13,330 |
| Hettinger County | 6,651 |

| | |
|-----------------|-----------|
| Bowman County | 18,836 |
| Billings County | 2,989 |
| Total | \$315,671 |

Mr. Sickler said the Southwest Multi-County Correction Center also includes the Dakota Horizons Youth Center with a daily rate of \$158 per day for juveniles in nonparticipating entities. He said the center is awaiting certification by the state as a state juvenile detention center so it could also house local juvenile offenders.

In response to a comment from Senator Kringstad regarding his concern with the lack of security at the Dakota Women's Correctional Rehabilitation Center when the committee toured the facility on April 14, 2004, Mr. Sickler said at the time of the committee's tour, the center was a minimum security facility. Mr. Sickler said the facility has increased its security in preparation for housing higher security inmates, including the installation of a "Sallyport" at the front door.

COMMENTS BY INTERESTED PERSONS

Mr. Glenn Giese, New England, presented the committee with comments outlining his reasons for asking for Mr. Sickler's resignation as administrator of the Dakota Women's Correctional Rehabilitation Center at the May 10, 2004, Southwest Multi-County Correction Center Board meeting. A copy of the comments presented is on file in the Legislative Council office. Mr. Giese said Mr. Sickler is an ineffective administrator lacking the ability "to pull the trigger" at the appropriate time. He said Mr. Sickler has broken promises that were made to the Legislative Assembly and has missed deadlines.

Chairman Carlisle said Mr. Sickler, if he wishes, may submit to the Legislative Council office a written response to Mr. Giese's comments.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Status of Housing State Female Inmates

Chairman Carlisle called on Mr. Dave Krabbenhoft, Director of Fiscal Affairs, Department of Corrections and Rehabilitation, to present information on the status of housing state female inmates and the related costs, including information on the preliminary budget request for female contract housing for the 2005-07 biennium. A copy of the information presented is on file in the Legislative Council office. Mr. Krabbenhoft said as of June 16, 2004, assuming the Dakota Women's Correctional Rehabilitation Center is fully operational by July 1, 2004, the 2003-05 biennium appropriation for female inmate contract housing and medical is projected to have approximately \$1.5 million remaining at the end of the biennium. Mr. Krabbenhoft said, however, the large increase in the number of male inmates from the number estimated for the 2003-05 biennium budget

and the increase in the medical contract amount will result in an estimated \$3.3 million increase in costs. Mr. Krabbenhoft said the net budget effect for the Department of Corrections and Rehabilitation for the 2003-05 biennium as of June 16, 2004, is estimated to be a \$1.9 million shortfall. He said this estimate is based on an annual male inmate population growth rate of 2.7 percent and a female inmate population growth rate of 5.3 percent, while the actual male and female inmate population growth rates from July 2003 to June 2004 are 7.2 percent and 21.7 percent, respectively. Mr. Krabbenhoft said if the inmate population continues to increase at these rates for the remainder of the 2003-05 biennium, the net budget effect for the department for the 2003-05 biennium would be an estimated \$2.7 million shortfall.

Mr. Krabbenhoft said the male inmate population seems to have stabilized with an actual average male population of 1,173 inmates for the month of May 2004, which was 126 inmates more than the amount budgeted for May 2004. He said the actual average female inmate population for the month of May 2004 was 125 inmates, which was 8 inmates more than the amount budgeted for May 2004.

Mr. Krabbenhoft said as of June 2004, assuming the daily rates for contract housing female inmates at the Dakota Women's Correctional Rehabilitation Center and the daily rate for housing females at the transition center remain the same as the 2003-05 biennium, the department estimates the cost of housing female inmates for the 2005-07 biennium to be approximately \$7.8 million.

Representative Carlisle requested Mr. Krabbenhoft to provide information regarding the department's 2005-07 budget request at the next committee meeting.

Senator Krauter requested the committee receive an analysis of the medical fund from the Dakota Women's Correctional Rehabilitation Center before the committee's next meeting.

Mr. Krabbenhoft said the average daily cost to treat a female inmate at the Tompkins Rehabilitation and Correction Center is \$86.32 and the daily rate for a female inmate to receive treatment at the Dakota Women's Correctional Rehabilitation Center is \$89.73.

In response to a question from Representative Kroeber, Mr. Krabbenhoft said employee salary increases will be the top priority in the department's 2005-07 biennium budget.

Nursing Requirements and Treatment Services

At the request of Chairman Carlisle, Ms. Elaine Little, Director of Corrections, Department of Corrections and Rehabilitation, presented information regarding the American Correctional Association standard that requires nursing staff for prisons 24 hours a day seven days a week. A copy of the information

presented is on file in the Legislative Council office. Ms. Little said the third edition American Correctional Association standard for infirmary care as it relates to nursing staff required "health care personnel on duty 24 hours per day." She said the fourth edition standard for infirmary care requires "health care personnel with access to a physician or a registered nurse and on duty 24 hours per day when patients are present." Ms. Little said as a result of this change in the standard for infirmary care, the Risk Management Division, the Attorney General's office, and the Department of Corrections and Rehabilitation worked with the staff of the Dakota Women's Correctional Rehabilitation Center to develop an alternative to 24 hours per day seven days a week nursing care. Ms. Little said the contract addendum provides that between the hours of midnight to 6:00 a.m., if there is no patient in the infirmary, the Dakota Women's Correctional Rehabilitation Center can have a trained "first responder" on duty and nursing staff on call in place of onsite nursing staff.

In response to a request from Representative Carlisle, Ms. Little said she will provide a copy of the contract addendum to committee members after it has been signed.

At the request of Chairman Carlisle, Ms. Little presented information regarding the results of a meeting between representatives of the Department of Corrections and Rehabilitation and the Dakota Women's Correctional Rehabilitation Center regarding treatment services for female inmates at the Tompkins Rehabilitation and Correction Center in Jamestown and the Dakota Women's Correctional Rehabilitation Center in New England. A copy of the information presented is on file in the Legislative Council office. Ms. Little said the Tompkins Rehabilitation and Correction Center is a self-contained, 30-bed unit that provides daily intensive alcohol and drug addiction treatment and cognitive restructuring classes. She said after discussing the program and space requirements for the Tompkins Rehabilitation and Correction Center with representatives of the Dakota Women's Correctional Rehabilitation Center, it was agreed that if space is available at the Dakota Women's Correctional Rehabilitation Center, the Tompkins Rehabilitation and Correction Center services would be provided for the female inmates by the Dakota Women's Correctional Rehabilitation Center beginning July 2007. Ms. Little presented the committee with a glossary defining the acronyms used by the Department of Corrections and Rehabilitation for its programs and facilities. A copy of the information presented is on file in the Legislative Council office.

Inmate Sentence Lengths and Recidivism Rates

At the request of Chairman Carlisle, Mr. Patrick W. Foley, Research Director, Department of Corrections

and Rehabilitation, presented information on inmate populations, sentence lengths, and recidivism rates. A copy of the information presented is on file in the Legislative Council office. Mr. Foley said the largest number of admissions continues to be in the sentence length category of 1 year to less than 5 years, followed by the 5 years to less than 10 years sentence length category.

Mr. Foley said the definition of a recidivist is an inmate who is released from incarceration on probation, parole, or expiration of sentence and is returned to Department of Corrections and Rehabilitation Prisons Division custody within three years of release because of a new offense. Mr. Foley said out of a sample of 1,416 cases there were 191 (13 percent) cases of recidivism, 112 (8 percent) technical violations, and 1,113 (79 percent) cases where the offender did not return to the North Dakota State Penitentiary. He said this sample does not fully meet the definition of recidivism because it has been studied for less than three years.

In response to a request from Representative Carlisle, the Department of Corrections and Rehabilitation distributed a copy of a memorandum from the Risk Management Division regarding the housing of medium security inmates at the Dakota Women's Correctional Rehabilitation Center before the completion of the elevator installation, a copy of which is on file in the Legislative Council office.

2005-07 Biennium Facility Needs

At the request of Chairman Carlisle, Mr. Tim Schuetzle, Director of Prisons Division, Department of Corrections and Rehabilitation, presented information regarding the department's facility needs for the 2005-07 biennium. A copy of the information presented is on file in the Legislative Council office.

Mr. Schuetzle said construction of a new kitchen and dining hall at the Missouri River Correctional Center continues to be a priority for the Department of Corrections and Rehabilitation. He said the current building was constructed over 60 years ago and lacks sprinklers as a fire suppression system, which is a safety risk and a liability issue for the state. He said the department anticipates constructing the new kitchen and dining hall so it could also be used as an indoor recreation facility for the inmates.

Mr. Schuetzle said the department would like to convert "kitchenettes" at the James River Correctional Center into five-person dorms on floors 2 through 5. He said the "kitchenettes" are no longer needed since the inmates are fed in the food service building that was formerly part of the State Hospital. He said the remodeling costs are estimated to be approximately \$400,000 for the 20 additional beds and the project will likely pay for itself within 12 months with the money the department will save by not having to contract house 20 prisoners.

In response to a question from Senator Krauter, Mr. Schuetzle said as of the day of the meeting, the department has 48 male inmates housed at the private prison in Appleton, Minnesota, and approximately 50 male inmates housed in county jails.

Mr. Schuetzle said the department received funds from the preliminary planning revolving fund to determine the cost and specifications to replace the east cellhouse at the State Penitentiary. He said the department has selected Ritterbush and Associates of Bismarck to conduct the study and the study is estimated to be complete by the end of August 2004.

Representative Carlisle requested the committee receive a report from the Department of Corrections and Rehabilitation regarding the east cellhouse replacement costs at its next committee meeting.

Mr. Schuetzle said the majority of the department's budget for the past three bienniums has been used to meet the needs of the rising inmate population, resulting in the shortage of funds for physical plant maintenance. He said the department is behind schedule on many normal repairs and a preliminary list of projects the department needs to address in the 2005-07 biennium totals approximately \$2.5 million. He said some of the projects included in the preliminary list relate to the east cellhouse at the State Penitentiary and, therefore, could be removed from the list if the east cellhouse is replaced.

GOVERNOR'S TASK FORCE ON VIOLENT AND SEXUAL OFFENDERS

At the request of Chairman Carlisle, Mr. Duane Houdek, Legal Counsel, Governor's office, presented an update on the Governor's Task Force on Violent and Sexual Offenders. A copy of the information presented is on file in the Legislative Council office. Mr. Houdek said the Governor formed the task force in January 2004 to examine the laws and practices with regard to violent and sexual offenders. He said the Governor was the chairman of the task force, which consisted of representatives from the judicial branch, legislative branch, state's attorneys, law enforcement, Department of Corrections and Rehabilitation, State Hospital, victims' rights groups, and the general public. Mr. Houdek said the task force held six meetings around the state, which will be followed by a complete report of the findings of the task force, including some draft legislation.

Mr. Houdek said the goal of the task force is to close a "gap" where there are higher-risk sexual offenders who have completed their criminal sentences and are not referred for civil commitment. He said these offenders are subject to sexual offender registration but are not necessarily under any formal supervision. Mr. Houdek said recommendations from the task force include:

- Gross sexual imposition - Increase the maximum sentence from 20 years to life imprisonment in offenses that involve serious

bodily injury or where the victim is compelled by force or threat or is less than 15 years old. Sentences for all other cases of gross sexual imposition be increased from 10 to 20 years. For cases where the victim dies as a result of the offense, there should be a mandatory sentence of life imprisonment without parole.

- Supervision after incarceration - Mandatory period of five years' supervision should be added to any prison sentence given to a sexual offender and the judge should be given the discretion to add another five years. The Department of Corrections and Rehabilitation should increase its utilization of electronic monitoring for sexual offenders and issue sexual offender-specific presentence investigations in every sexual offender case.
- Civil commitment - All sexual offenders who score eight or higher on the Minnesota Sex Offender Screening Tool - Revised (MnSOST-R) assessment should be referred for civil commitment instead of the current score of 13 or higher. After an individual is committed, the executive director of the Department of Human Services may conduct a risk assessment to determine if treatment may be safely provided on an outpatient basis.

In response to a question from Representative Carlisle, Mr. Houdek said the fiscal impact of the civil commitment recommendations is estimated to be a maximum of \$1 million for a biennium.

In response to a question from Representative Kroeber, Mr. Houdek said additional staff will be necessary to provide the recommended supervision of sexual offenders.

In response to a question from Representative Warnke, Mr. Houdek said issuing sexual offender-specific presentence investigations will not delay the sentencing of offenders.

CRIMINAL JUSTICE PROCESS Attorney General

Chairman Carlisle called on Mr. Wayne Stenehjem, Attorney General, to discuss issues regarding the criminal justice process relating to substance abuse. Mr. Stenehjem said law enforcement seized 96 methamphetamine labs from January to June 2004 compared to 186 labs seized during the same time period in 2003. He said one possible reason for the decrease in the number of methamphetamine labs is due to the legislation passed by the 2003 Legislative Assembly which limits the sale of cold medicine packages containing a methamphetamine precursor drug that a person may buy to two packages at a time and limits the sale to persons age 18 and older. He said this law makes it more difficult for the manufacturers of methamphetamine to obtain all the necessary ingredients for making the drug. Mr. Stenehjem said marijuana and alcohol are

still the "drugs of choice" among people in North Dakota, although methamphetamine use has become a large problem for law enforcement. He said cocaine, heroine, and prescription drug abuse are also becoming problems in North Dakota.

Mr. Stenehjem said the North Dakota Commission on Drug and Alcohol Abuse emphasizes three key issues in dealing with the drug problem in the state--prevention, treatment, and law enforcement. He said the commission has 37 recommendations and has created five subcommittees to facilitate the work of the commission. He said the five subcommittees are to work on issues relating to prevention, tribal government, treatment, tobacco, and law enforcement.

In response to a request from Representative Carlisle, Mr. Stenehjem provided a written copy of his testimony to the committee. A copy of the information provided is on file in the Legislative Council office.

In response to a question from Representative Kroeber, Mr. Stenehjem said treatment is essential to the state's fight against drug abuse because without treatment, offenders will return to using drugs after their release from incarceration.

CRIMINAL JUSTICE PROCESS AND EFFECTIVENESS OF ALTERNATIVES TO INCARCERATION

Judicial Branch

At the request of Chairman Carlisle, Justice Mary Muehlen Maring, North Dakota Supreme Court, presented information on issues relating to the criminal justice process and the effectiveness of alternatives to incarceration. A copy of the information presented is on file in the Legislative Council office. Ms. Maring said problem-solving courts, including drug courts, mental health courts, and reentry courts, are alternatives to incarceration. She said three juvenile drug courts, located in Grand Forks, Fargo, and Bismarck, and two adult drug courts, located in Bismarck and Fargo, have been developed. Ms. Maring said the mission of the drug courts is to reduce recidivism among nonviolent offenders with substance abuse problems and to improve treatment success. She said there have been numerous evaluations of drug courts that have generally reported positive results, including retaining individuals in treatment, reducing new charges and new convictions, and cost savings for the criminal justice system. Ms. Maring said the results of an 18-month evaluation of the effectiveness of North Dakota's juvenile drug courts showed that juveniles who complete drug court had a recidivism rate of 12.5 percent compared to 55 percent for juveniles who were dismissed from drug court.

Ms. Maring said a suggestion the judicial branch has regarding legislative action is for the Legislative Assembly to review mandatory sentencing laws. She said the judicial branch is generally not in favor of either mandatory sentences or sentencing guidelines.

Department of Corrections and Rehabilitation

At the request of Chairman Carlisle, Mr. Warren Emmer, Director of Field Services Division, Department of Corrections and Rehabilitation, presented information on issues regarding the criminal justice process and the effectiveness of alternatives to incarceration. A copy of the information presented is on file in the Legislative Council office. Mr. Emmer said the Field Services Division of the Department of Corrections and Rehabilitation manages nearly four times more felons in the community than are managed in the prisons. He said alternatives to incarceration include:

- Tompkins Rehabilitation and Correction Center - This is an inpatient treatment program that is located in Jamestown and managed jointly by the Department of Corrections and Rehabilitation and the State Hospital. It consists of three 30-bed wards--two for males and one for females. Treatment is followed by halfway house placement or direct community supervision.
- Last Chance program - This program is available in Cass County. It consists of probation violators that would require confinement if not for the program and the average daily population is 20 probation violators.
- Reentry initiative - This is a federally funded initiative designed for the high-risk inmates that would "max" their sentences without supervision after incarceration. Reentry assists in making an inmate more attractive for parole through the development of a supervision plan that reduces an inmate's likelihood of re-offending. This was piloted in Fargo and is planned to be implemented in Bismarck and Williston. As of June 2004, 13 offenders are participating in the Fargo program.
- Drug courts - The courts manage chronic alcoholics and drug offenders while on supervised probation. As of June 2004 the Bismarck adult drug court has 23 offenders participating and the Fargo adult drug court has 13 offenders participating.

Mr. Emmer said the department anticipates the initiation of a drug court program in northwestern North Dakota within the next few years.

In response to a comment from Senator Lyson, Mr. Emmer said the department would like to have more drug courts located throughout the state; however, resources for the operation of the courts are limited.

In response to a question from Representative Carlisle, Mr. Emmer said the Department of Corrections and Rehabilitation will most likely request additional funding from the general fund for adult drug courts for the 2005-07 biennium if it is unable to obtain additional federal funding.

The committee recessed for lunch at 12:00 noon and reconvened at 1:00 p.m.

NORTH CENTRAL CORRECTIONAL AND REHABILITATION CENTER

Chairman Carlisle called on Mr. Gary Satern, Director, Rugby Job Development Authority, to present information regarding the proposed North Central Correctional and Rehabilitation Center to be located in Rugby. Mr. Satern said the facility will provide both substance abuse treatment and incarceration. He said he views the facility as a business that will need to cash flow.

Mr. Satern introduced Mr. Tracy Whitney, Capital Consulting, Inc., to present the details of the proposed facility. A copy of the information presented is on file in the Legislative Council office. Mr. Whitney said the proposed North Central Correctional and Rehabilitation Center will be a 100-bed facility located in the Rugby Industrial Park, Pierce County. He said 60 beds will be for incarceration of minimum and medium security inmates and 40 beds will be for long-term rehabilitation. Mr. Whitney said the facility, which is estimated to cost between \$6 million and \$6.5 million, will be jointly owned between the City of Rugby and Pierce County. He said the facility is intended to house federal and state prisoners and prisoners for other counties. Mr. Whitney said the break-even rates for the facility will be \$50 per person per day for incarceration and \$75 per person per day for rehabilitation. He said representatives of the proposed facility are seeking private and federal funds to fund the facility.

In response to a question from Representative Warnke, Mr. Whitney said the break-even rates of \$50 and \$75 per day were calculated based on an 80 percent occupancy rate for the facility.

In response to a question from Representative Nottestad, Mr. Whitney said the facility is not planned to be able to house juveniles but the Pierce County Jail will be able to house juveniles.

DEPARTMENT OF HUMAN SERVICES

At the request of Chairman Carlisle, Mr. Don Wright, Acting Co-Director, Division of Mental Health and Substance Abuse, Department of Human Services, presented information regarding methamphetamine addiction and treatment. A copy of the information presented is on file in the Legislative Council office. Mr. Wright said the detoxification period for methamphetamine addiction is generally much longer than for other drugs or alcohol and also requires longer treatment. He said as a result of this, the department's treatment service system is experiencing a shortage of residential beds to accommodate the longer detoxification period and the longer, more intense residential treatment. Mr. Wright said the myth that people with substance abuse disorders, including methamphetamine addiction, have to "want

to get well" in order for treatment to be successful is not true. He said people receiving treatment in involuntary situations experience positive results and can successfully begin managing their recovery. Mr. Wright said the key issue with treatment for methamphetamine addiction, or any other substance abuse disorder, is sufficient access to the appropriate level of care at the right time for the appropriate length of time.

Chairman Carlisle called on Mr. Paul Ronningen, Director, Children and Family Services Division, Department of Human Services, to present information regarding possible legislative action to assist the Department of Human Services and county social services agencies with training and safety issues of social workers who deal with people addicted to drugs. A copy of the information presented is on file in the Legislative Council office. Mr. Ronningen said of the families reported for child abuse and neglect, 5 percent are reported to have methamphetamine-related issues while 28 percent report alcohol as a problem. He said in North Dakota, the child population continues to decline while the number of foster care caseloads continues to increase. Mr. Ronningen said the impact of methamphetamine cases has been dramatic on the child welfare system. He said social workers are reporting that the time demands to provide case management services to a family involved with methamphetamine are significantly higher than other child welfare situations.

Mr. Ronningen said his primary concern is whether North Dakota has sufficient staff to deliver child welfare services. He said as a result of this, he has requested technical assistance from the National Child Welfare Resource Center for Family-Centered Practice in conducting a workload analysis to determine how much time is necessary for a worker to perform family-centered child welfare case management services as well as a realistic caseload size. Mr. Ronningen anticipates having the full report from the National Child Welfare Resource Center for Family-Centered Practice available for the 2005 Legislative Assembly.

Mr. Ronningen said the department's regional staff has received some training from law enforcement describing the methods used on the criminal investigation of methamphetamine-manufacturing cases. He said the regional field staff is requesting the Department of Human Services to develop protocols with the Attorney General's office, the Bureau of Criminal Investigation, and the State's Attorneys Association for interventions in methamphetamine situations.

Mr. Ronningen said in an effort to protect children in homes where methamphetamine is used or manufactured, some counties have had to provide drug test results to the juvenile court to establish that the children have been exposed to methamphetamine. He said this test, which involves taking a hair sample

from the child, costs between \$70 and \$170 per test. Mr. Ronningen said the Department of Human Services will gather more information on the cost, frequency, and need for additional testing of children and their families involved with methamphetamine use, selling, or manufacturing for a possible appropriation request from the 2005 Legislative Assembly.

MENTAL HEALTH ASSOCIATION IN NORTH DAKOTA

Chairman Carlisle called on Senator Brown to introduce Ms. Sheree Spear, Director of Public Policy and Advocacy, Mental Health Association in North Dakota. Senator Brown said the majority of the committee's time has been appropriately spent studying the state's long-term prison needs. He said while he agrees with this, he also wants the committee to spend some time on its study of the needs of individuals with mental illness. Senator Brown introduced Ms. Spear who presented information on the Mental Health Association's activities related to the committee's study on the needs of individuals with mental illness. A copy of the information presented is on file in the Legislative Council office. Ms. Spear said the Mental Health Association in North Dakota is concerned with the number of people in the state's prisons and jails that have a severe mental illness, including schizophrenia, schizo affective disorder, and bipolar I and bipolar II brain disorders. Ms. Spear said nearly one-third of the state's prison population has a severe mental illness, which is double the national average of 16 percent. Ms. Spear said the majority of inmates with severe mental illness are in prison because their medical condition went untreated and are incarcerated for nonviolent offenses. She said incarceration and harsh consequences will not change the thought disorder or prevent the individual from cycling in and out of jail, but medication for the individual's medical problem and support services in the community will.

Ms. Spear said the Mental Health Association in North Dakota is working on a survey to assess access to the North Dakota State Hospital and human service centers for people with psychological problems, chemical addictions, and for those in need of supportive or residential housing. She said the survey was sent to over 2,700 professionals working in public and private sectors. She said the survey's final report is due to be published the third quarter of 2004 and will be distributed to the 2005 Legislative Assembly.

Senator Brown said the reason he requested the Mental Health Association in North Dakota to report to the committee is to make the committee aware of mental health issues in the state.

MISSOURI RIVER BANK STABILIZATION AND AQUATIC RESTORATION DEMONSTRATION/STUDY PROJECT

At the request of Chairman Carlisle, Mr. Andy Mork, Chairman of the Burleigh, Oliver, Morton, McLean, and Mercer (BOMMM) Counties Joint Board and Mr. Ron Sando, a water resource consultant for the BOMMM Joint Board, presented information regarding the Missouri River Bank Stabilization and Aquatic Restoration Demonstration/Study Project. A copy of the information presented is on file in the Legislative Council office. Mr. Sando said the BOMMM Joint Board was established in 1982 by the Burleigh, Oliver, Morton, McLean, and Mercer Counties Water Resource District Boards by entering into a joint powers agreement to address riverbank erosion problems on the Missouri River.

Mr. Sando said the board proposes a demonstration and study project with the United States Army Corps of Engineers for bank stabilization and aquatic restoration on the Missouri River. He said the purpose of the project is to try various bank stabilization and aquatic restoration techniques and monitor the effects of the installation on the Missouri River corridor environment. Mr. Sando said approximately 9,000 feet of river frontage owned by the State of North Dakota located at the Missouri River Correctional Center has been selected as the primary site for the project. He said the total estimated cost for the project is \$4.13 million, of which \$3.1 million will come from federal sources and approximately \$1.03 million would be local costs such as cash and in-kind services, donated land rights, donated labor for maintenance, and other items. Mr. Sando said the board will need to obtain easements from the state for the 57.5 acres of land that will be impacted by this project.

Mr. Dennis Fracassi, Director, Roughrider Industries, Department of Corrections and Rehabilitation, said the department supports the riverbank stabilization project at the Missouri River Correctional Center.

In response to a question from Representative Nottestad, Ms. Little said the Department of Corrections and Rehabilitation has the authority to grant an easement for the project but she will consult the department's attorney to find out if any legislation is necessary for this project to take place.

NORTHERN PLAINS OUTREACH MINISTRIES

Chairman Carlisle called on Ms. D'Joyce Kitson, Project Coordinator, Northern Plains Outreach Ministries, to present information regarding inmate treatment and services. A copy of the information presented is on file in the Legislative Council office. Ms. Kitson said Northern Plains Outreach Ministries is a nonprofit organization created by families of people who have been incarcerated in North Dakota. She said the mission of Northern Plains Outreach

Ministries is to improve inmate services and implement a safe environment for inmates. She said young adults who have been incarcerated experience suicide, accidents, and mild to severe psychiatric harm and they need assistance transitioning into society after being incarcerated.

BUDGET TOUR

At 2:40 p.m. the committee traveled to Roughrider Industries located on the grounds of the State Penitentiary. Mr. Fracassi presented a slide show to the committee which provided the committee with information relating to the industry programs and the types of products produced at Roughrider Industries. Upon completion of the slide show, Mr. Fracassi conducted a tour of the Roughrider Industries facility, including the sign shop, license plate factory, metal shop, wood (furniture) shop, and upholstery shop.

At the end of the tour, the committee met in the Roughrider Industries showroom where Mr. Fracassi presented information relating to Roughrider Industries 2003-05 biennium budget. A copy of the information presented is on file in the Legislative Council office. Mr. Fracassi said the 2003-05 biennium budget for expenditures is \$10.7 million and actual expenditures from July 1, 2003, through April 30, 2004, were \$2.9 million, resulting in remaining expenditures of \$7.8 million as of April 30, 2004. He said net income for the first 10 months of the 2003-05 biennium was \$197,641. Mr. Fracassi said from July 2003 through April 2004, 43 percent of revenues were from the furniture and upholstery divisions, 36 percent from the metal division, 15 percent from the division located at the James River Correctional Center, and 6 percent from the division located at the Missouri River Correctional Center. He said a total of

166 inmates work for Roughrider Industries and there are also 27 employees.

In response to a question from Representative Carlisle, Mr. Fracassi said it takes approximately three to four years for a prison industry to generate a profit.

Mr. Fracassi said there are no plant improvement projects at Roughrider Industries for the 2003-05 biennium but it may want to expand the metal shop in the future, possibly to allow for the construction of toolboxes.

COMMITTEE DISCUSSION AND STAFF DIRECTIVES

Chairman Carlisle said he does not foresee any bill drafts resulting from the committee's studies. He said the next meeting of the Budget Committee on Government Services will be on Wednesday, October 6, 2004, in Bismarck. He said the committee will tour the site of the riverbank stabilization project at the Missouri River Correctional Center during the next meeting.

The committee adjourned subject to the call of the chair at 4:20 p.m.

Stephanie A. Johnson
Fiscal Analyst

Jim W. Smith
Legislative Budget Analyst and Auditor

ATTACH:1