

2009 HOUSE APPROPRIATIONS

HB 1446

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1446**

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: **January 28, 2009**

Recorder Job Number: 7959

Committee Clerk Signature



Minutes:

**Chm. Svedjan** opened the hearing on HB 1446.

**Rep. Alon Wieland, District 13**, introduced HB 1446. This bill is to help provide financial funding for courthouse facilities in a county that has been assigned additional judges and has an increased caseload in recent years. Cass County has been growing at a steady rate as have other counties as well. The spaces remain the same but crowding is very evident and safety issues have evolved as well. This bill would provide for 50:50 matches up to \$2 million and is one-time funding. Chief Justice VandeWalle said he may be unable to attend today, but I have his permission to relay to you that he supports this bill.

**Rep. Ekstrom:** Would these all be GF dollars?

**Rep. Wieland:** Yes.

**Rep. Kempenich:** I thought we only allowed so many judges in the state?

**Rep. Wieland:** I have no idea where this additional judge would come from. I assume this position will come from another district. I know there is has been an indication that they would like to increase the number of district justices in the State of ND. I know there is some anticipation of that.

**Chm. Svedjan:** I believe it's in the budget request.

**Rep. Onstad:** I hear from county commissioners that district courts rent facilities from them and not adequate funding coming back to the counties. Is this any part of the discussion?

**Rep. Wieland:** There was a study requested last session, but the study was not accepted. That study would have made reference to renting space from all counties.

**Rep. Wald:** Which counties would qualify under this bill?

**Rep. Wieland:** Three possibilities at this time – Cass, Ward and Burleigh counties. I don't know where the new judgeships could go. There is a possibility that others could qualify as well.

**Rep. Williams:** Funds must be matched by local funding of at least 50% from other sources. What are these other sources?

**Rep. Wieland:** County funds.

**Chm. Svedjan:** This is out of the norm for how construction, renovation and remodeling are usually done. Have you thought of what precedent this might be setting?

**Rep. Wieland:** I have not thought that through. This situation is not of the county's doing, but the state's doing. It's due to case loads. We've been working on this for a long time in Cass County. We are seeing an increase in case loads.

**Rep. Kaldor:** Does the county bear the full cost of hosting those county judges? Is there any kind of rental payments to the counties from the courts?

**Rep. Wieland:** I don't believe there is any funding that goes toward the operation of the courts other than the employees and the clerk of courts have been taken over by the state. I know in Cass we have remodeled our existing facilities several time to accommodate the judges.

**Rep. Berg:** Have you had a chance to look at those different pots coming in from the federal government for construction. Would any of the different pots of money apply?

**Rep. Wieland:** I turned this bill in priori to knowing about that. I'm not sure that any of them would apply here.

**Rep. Berg:** I think it would make sense to see if the projects are at a point where they could happen rapidly and the dollars get out in to the community as rapidly as possible. We may want to amend this.

**Sally Holewa, State Court Administrator,** spoke on behalf of the Chief Justice. We are in support of this bill. It has been a concern for some time. We realize we took a lot of the expenses away from the counties but there comes a time when we should provide some funding back to the county. We like that there are criteria in the bill.

**Rep. Kempenich:** How many judgeships are you looking at adding?

**Holewa:** We are asking for two additional judgeships to be added this biennium. One would be in the northwest, the Minot Williston district; the other would be in southeast, the Jamestown, Valley City, Wahpeton district. We have also put a reserve on one for the east central which would be housed in Fargo.

**Rep. Kerzman:** Didn't the revenue stream change too? Don't all the fines go to the district courts now?

**Holewa:** That's mostly correct. There are still some revenues and fees that flow back to the counties but they are substantially reduced. Along with the transfer of some of those there was a parallel action based on the Attorney General about funding.

**Rep. Kerzman:** What do you propose the counties do with empty existing buildings?

**Holewa:** I don't know that I have a good solution when you talk about an empty building. There are plenty of states that pay rent. In ND there was a study resolution that wasn't funded.

**Scott Wagner, Cass County Commission,** approached the podium to testify in support of HB 1446. Mr. Wagner distributed and reviewed written testimony (Attachment A).

**Rep. Kroeber:** What is the amount of dollars in the grant program for ongoing maintenance of your court building?

**Mr. Wagner:** It's been about five years since I've been involved but during that time the largest amount of money was \$800,000.

**Rep. Wald:** Your 64,000 sq ft contemplated—how much of that would be used exclusively for court purposes?

**Mr. Wagner:** About 33%. We are planning a three-story building with underground parking. Inmate holding is an issue. We have inmates coming up a staircase which the judges and victims also use.

**Rep. Wald:** Do taxpayers outside of Cass County helping you?

**Mr. Wagner:** No.

**Rep. Wald:** Are we contributing to your cause that is not strictly court related?

**Mr. Wagner:** I don't think so.

**Rep. Wald:** the Court Facilities Improvement Advisory Committee you serve on . . . How has that impacted your case load?

**Mr. Wagner:** We were hoping to have representation from our court district but I don't have those numbers. I can get those numbers to you.

**Rep. Meyer:** Your court facilities grant that you discussed is that allocated out entirely every year or is there carryover?

**Mr. Wagner:** There has been carryover. I don't think there's been more than \$500-\$600,000. It helps us deal with routine maintenance.

**Rep. Meyer:** Are there smaller counties that have applied for these grants and been denied?

**Mr. Wagner:** There are criteria that have been established. Many smaller counties have received grants. The grant has been beneficial to many small communities. Twenty five

percent of the funds are mandated to go to counties of 7500 or less so they already have a permanent set aside. Plus, they can tap the rest of that 75%.

**Chm. Svedjan:** Are there any agreements with those counties to pay for the kinds of things you want to do since they comprise a district.

**Mr. Wagner:** We don't.

**Rep. Onstad:** Do you currently collect rent for district court space? If we participate in construction would you continue to collect rent?

**Mr. Wagner:** We do not collect rent, by statute, but we have to provide the space.

**Rep. Glassheim:** Why does one additional judge require 20,000 square feet of space?

**Mr. Wagner:** The dynamics is not just the judge. It's based on the additional caseload. We've had 32,000 new residents move in to our county in the last 15 years. With that you are talking about substantial amount of new cases. It's not just the judge; it's the filings and the entire judiciary in the district.

**Bonnie Johnson, Cass County Administrator,** testified in support of HB 1446 on behalf of the Cass County Board of Commissioners. Ms. Johnson distributed and reviewed her written testimony (Attachment B). Ms. Johnson expressed the regrets of two judges who had planned to attend but could not because their cases did not close.

**Chm. Svedjan:** Why is it that fees are declining?

**Ms. Johnson:** It has to do with the consolidation of the court systems.

**Rep. Delzer:** Would you like to have us go back and go back to the county court system?

**Ms. Johnson:** I think that at this point it would be very difficult. Consolidation has produced some very positive steps and efficiencies.

**Rep. Wald:** Wasn't there a reduction in revenue because of a court decision?

**Ms. Johnson:** That is a city issue that all goes to the municipal court system.

**Sheriff Paul D. Laney, Cass County**, testified in support of HB 1446. Sheriff Laney distributed and reviewed written testimony (Attachment C).

**Chm. Svedjan closed the hearing on HB 1446** and recessed the Committee until 2:30 pm.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1446**

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: **February 5, 2009**

Recorder Job Number: 8745

Committee Clerk Signature

*Jan Trindle*

Minutes:

**Chm. Svedjan opened discussion of HB 1446.** We have some amendments from Representative Wieland,

**Rep. Wieland** distributed and discussed amendment .0102 (Attachment A). These amendments were suggested by the Supreme Court. The way the original bill was written would make it so that no one could qualify. This limits it to Cass, Ward and Burleigh Counties.

**Rep. Kroeber:** In the Attorney General's budget is in the Southeast District which is in Jamestown. This would not include that.

**Rep. Wieland:** Southeast is Fargo. Is it not?

**Rep. Kroeber:** Isn't that our district?

**Rep. Metcalf:** I recall that same conversation that it South Central is scheduled to get a judgeship.

**Rep. Klein:** Line 17, how does that finish up?

**Chm. Svedjan:** That's a good question.

**Rep. Skarphol:** I think it would read, "... a demonstrated growth in caseload of 1,500 cases when comparing the total annual caseload in 2007 to 2003."

**Rep. Kaldor:** I think it would read, "... a demonstrated growth in caseload of 1,500 when comparing the total annual caseload in 2007 to 2003 and a demonstrated space deficiency."



**Chm. Svedjan:** that's correct.

**Rep. Delzer:** If the amendment is defeated, then the ill would not have any opportunity to spend any money.

**Rep. Wieland:** That is correct.

**Rep. Delzer:** Then what would happen to the money because this appropriating the money to the Supreme Court.

**Rep. Skarphol:** "Or so much as the sum is necessary"

**Rep. Delzer:** What line would it go in in the Supreme Court budget?

**Rep. Wieland:** I Move the Amendment (98294.0102)

**Rep. Bellew:** Second.

**A voice vote was taken and the amendment was adopted.**

**Rep. Bellew:** I move do pass as amended.

**Rep. Wieland:** Second

**Rep. Hawken:** We just voted to take \$40 million out of money we could spend. I'm not sure this is a good idea.

**Rep Kerzman:** I'm going to resist the motion also. We have courthouses out there that we are paying upkeep on and we are getting nothing. Here we are segregating a few large counties and putting money in their coffers. We have to treat everybody the same.

**Rep. Wieland:** This makes reference to the fact that some courthouses are overcrowded. I understand the concern that judgeships were removed but the court system has been in place since 1995. Many areas have had growth and are past their confines. We are not able to provide what the courts would like to have. This is one-time spending and I would hope you would support this bill.

**Rep. Meyer:** My biggest concern is that we are setting a completely different precedent when we are in essence funding a building. That's my objection to it.

**Rep. Delzer:** I'm not going to support the Do Pass either. I understand what they are trying to do. The citizens of Ward County have consistently voted down a new county courthouse. I do not think it is the place of the state taxpayers to do this.

**Rep. Bellew:** Just to clarify that. It was not for a new courthouse it was for office space.

**Rep. Wald:** How much additional money is going in to the State Aid Distribution Fund this biennium? The reason I ask that it obviously money is going to flow in to these three largest counties that could be used for courthouse expansion.

**Becky Keller, Legislative Council:** We are estimating \$106,545,000 for '07-'09 biennium and \$110,920,695 for '09-'11.

**Rep. Berg:** How much is going to the courts.

**Ms. Keller:** I don't know. We only know the breakdown for the county and the city and I don't know what they do with that.

**Rep. Berg:** I think we should keep this alive. I like that this is one-time money and it's also a shared project. We need to make sure we can deal with growing needs in the areas where we have them. I think this does recognize that.

**Rep. Kaldor:** Coming from Trail County, I am going to support this. We have a courthouse problem because Social Services needs have grown so much and our law enforcement needs have grown to the extent that we have no space available. I'm not speaking for our county commissioners, but I'm not so sure that it wouldn't be beneficial if had more of our court services done in Cass county and were able to utilize our space in Trail County for those services directly impacting the people in that county. I'm going to vote for this.

**Rep. Delzer:** On p. J-8 of the red book, there is a note that said when we left last biennium, the expected revenues out of the State Aid Distribution Fund to go to the counts was going to be \$84.212 million.

**A roll call vote on the Do Pass as Amended (98294.0102) on HB 1446. Yes: 9, No: 16,**

**Absent: 0 The motion was defeated.**

**Rep. Nelson:** I move Do Not Pass as Amended (98294.0102).

**Rep. Wald:** Second

**A roll call vote was taken: Yes: 16, No: 9, Absent: 0**

**Representative Nelson will carry the bill.**

98294.0102  
Title.

*Attachment A*  
*2/5/09*  
Prepared by the Legislative Council staff for *HB 144*  
Representative Wieland  
February 3, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1446

Page 1, line 16, replace "At least two of the" with "The"

Page 1, line 17, replace "by" with "of" and "ten percent over a five-year" with "one thousand five hundred cases when comparing the total annual caseload in 2007 to 2003; and"

Page 1, remove lines 18 through 20

Page 1, line 21, replace "c." with "b."

Renumber accordingly

Date: 2/5/09  
Roll Call Vote #: \_\_\_\_\_

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1446

**Full House Appropriations Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number 98294.0102

Action Taken Adopt Amendment .0102

Motion Made By Wieland Seconded By Bellew

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Voice Vote carries*

Date: 2/5/09  
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1446

**Full House Appropriations Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number 98234.0102

Action Taken Roll Call as amended, 0102

Motion Made By Bellew Seconded By Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan		✓			
Vice Chairman Kempenich		✓			
Rep. Skarphol		✓	Rep. Kroeber		✓
Rep. Wald		✓	Rep. Onstad		✓
Rep. Hawken		✓	Rep. Williams		✓
Rep. Klein	✓				
Rep. Martinson		✓			
Rep. Delzer		✓	Rep. Glassheim		✓
Rep. Thoreson	✓		Rep. Kaldor	✓	
Rep. Berg	✓		Rep. Meyer		✓
Rep. Dosch	✓				
Rep. Pollert		✓	Rep. Ekstrom	✓	
Rep. Bellew	✓		Rep. Kerzman		✓
Rep. Kreidt		✓	Rep. Metcalf	✓	
Rep. Nelson		✓			
Rep. Wieland	✓				

Total (Yes) 9 No 16

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 2/5/09  
Roll Call Vote #: 23

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1476

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98294.0102

Action Taken Do Not Pass as Amended, 0102

Motion Made By Nelson Seconded By Wald

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein		✓			
Rep. Martinson	✓				
Rep. Delzer	✓		Rep. Glassheim	✓	
Rep. Thoreson		✓	Rep. Kaldor		✓
Rep. Berg		✓	Rep. Meyer	✓	✓
Rep. Dosch		✓			
Rep. Pollert	✓		Rep. Ekstrom		✓
Rep. Bellew		✓	Rep. Kerzman	✓	✓
Rep. Kreidt	✓		Rep. Metcalf		✓
Rep. Nelson	✓				
Rep. Wieland		✓			

Total (Yes) 14 No 9

Absent 0

Floor Assignment Nelson

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

**REPORT OF STANDING COMMITTEE**

**HB 1446: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (16 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). HB 1446 was placed on the Sixth order on the calendar.**

Page 1, line 16, replace "At least two of the" with "The"

Page 1, line 17, replace "by" with "of" and replace "ten percent over a five-year" with "one thousand five hundred cases when comparing the total annual caseload in 2007 to 2003; and"

Page 1, remove lines 18 through 20

Page 1, line 21, replace "c." with "b."

Renumber accordingly



2009 TESTIMONY

HB 1446

*Attachment A*

*1-28-09*

*HB 1446*

### TESTIMONY ON HOUSE BILL 1446

Good morning, Mr. Chair and committee members. My name is Scott Wagner and I serve on the Cass County Commission. I am here today to speak in support of HB 1446. This bill provides an appropriation for county office buildings containing state court facilities.

As you are aware, counties are responsible by century code for housing state district court functions. In Cass County, we are dealing with a space crunch. Courts currently occupy about 50% of the space in our existing Courthouse and we are in the planning process for a 64,000 square foot addition. This would include space for the district court. The planning process has been ongoing for a number of years. One of the major challenges we are facing are financial costs associated with this project.

Most jurisdictions contemplating an expansion for state court obligations, must fund these types of projects with property tax dollars, which is the primary taxing authority granted to counties.

At the local level, we recognize infrastructure needs for county departments is a local responsibility. However, with our fiscal challenges, HB 1446 would greatly aid counties in meeting the needs of the state district court.

As the 2007 President of the North Dakota County Commissioners Association, and former member of the Court Facilities Improvement Advisory Committee, I want to take this opportunity to thank the legislature for the establishment of the courts facility grant. This grant has made a significant impact on helping counties, both large and small, deal with on-going maintenance of court facilities.

However, during my tenure as a member of the Court Facilities Improvement Advisory Committee, it has become clear there is a need for this legislation to deal with expansion projects, like the one we are currently planning. This bill, if successful, would allow for larger "draws" from a new fund, and keep the current pool of money available for its intended purposes.

We have a number of county officials here to give additional information about the positive impact HB 1446 would have on counties dealing with a growing state district court presence.

We understand our responsibility and we have gone to great lengths to meet the needs of the state district court during these tough financial times. However, it has become significantly more challenging to hold the line on property taxes and meet the needs of these state functions without legislative support.

Thank you for your time. If you have any questions I would be more than happy to answer them.

**TESTIMONY ON HOUSE BILL 1446**

My name is Bonnie Johnson and I serve as the Cass County Administrator. In that capacity, I am here today to speak on behalf of the Cass County Board of Commissioners regarding a bill that provides a lump sum appropriation for county offices that house court facilities.

Cass County, like other North Dakota counties, is obligated by state law to provide space for all state court functions. In the Cass County Courthouse, this includes 7 courtrooms, 8 judicial offices, clerical space, court reporter offices, jury deliberation rooms and ancillary spaces. Also, there are 21 clerks of court in the Courthouse who are a part of the state district court system, and there is a large amount of file space. Of the 77,000 square feet of space available in the Cass County Courthouse, nearly one-half is used for state court functions.

Across the street from the Courthouse, we have an Annex Building. That facility has approximately 50,000 square feet with about 11,000 square feet assigned to the juvenile court, which is also a part of the state court system.

In addition to providing the space, the county government pays the bills for heating and cooling, janitorial and security services. Our security bill this year will be about \$130,000. Our janitorial budget is \$121,000. Our budget for electricity is set at \$335,000 (up from \$176,000 when I last testified). Beyond that, we provide water, parking, snow removal, telephone and computer wiring, and general maintenance. The combined budgets of the Cass County Courthouse and Annex Building maintenance for the year 2009 are set at \$868,539 (up from \$674,700 when I last testified).

The Cass County Courthouse is filled to capacity and Cass County is in the process of developing plans for a future expansion to the west of the existing Courthouse. I have a site map to orient you. The proposed new building would sit on the site of the old Cass County Jail and Sheriff's residence and would be built to accommodate our defined growth needs.

The west addition would allow county government to move forward with building a "secure" criminal courts area, and only civil cases would need to be heard in the courthouse. We would be able to design an environment in which prisoners, jurors, plaintiffs, defendants, friends and family would no longer have to mingle together in public hallways or restrooms. It is a situation we consider dangerous. The building would also house below-grade parking for judges' security and a skyway connecting the Courthouse to the Annex for the safe movement of all who access the state court services in each of the county buildings.

We have come a long way in the planning process, yet, we have a long way to go. Our current stumbling block is financing, which is why I am here today. Trust me when I say, I recognize the difficult financial challenges that face this legislative body. Cass County continues to invest an enormous amount of time and energy working through the anticipated growth with the local legislators, district court judges and the State Supreme Court.

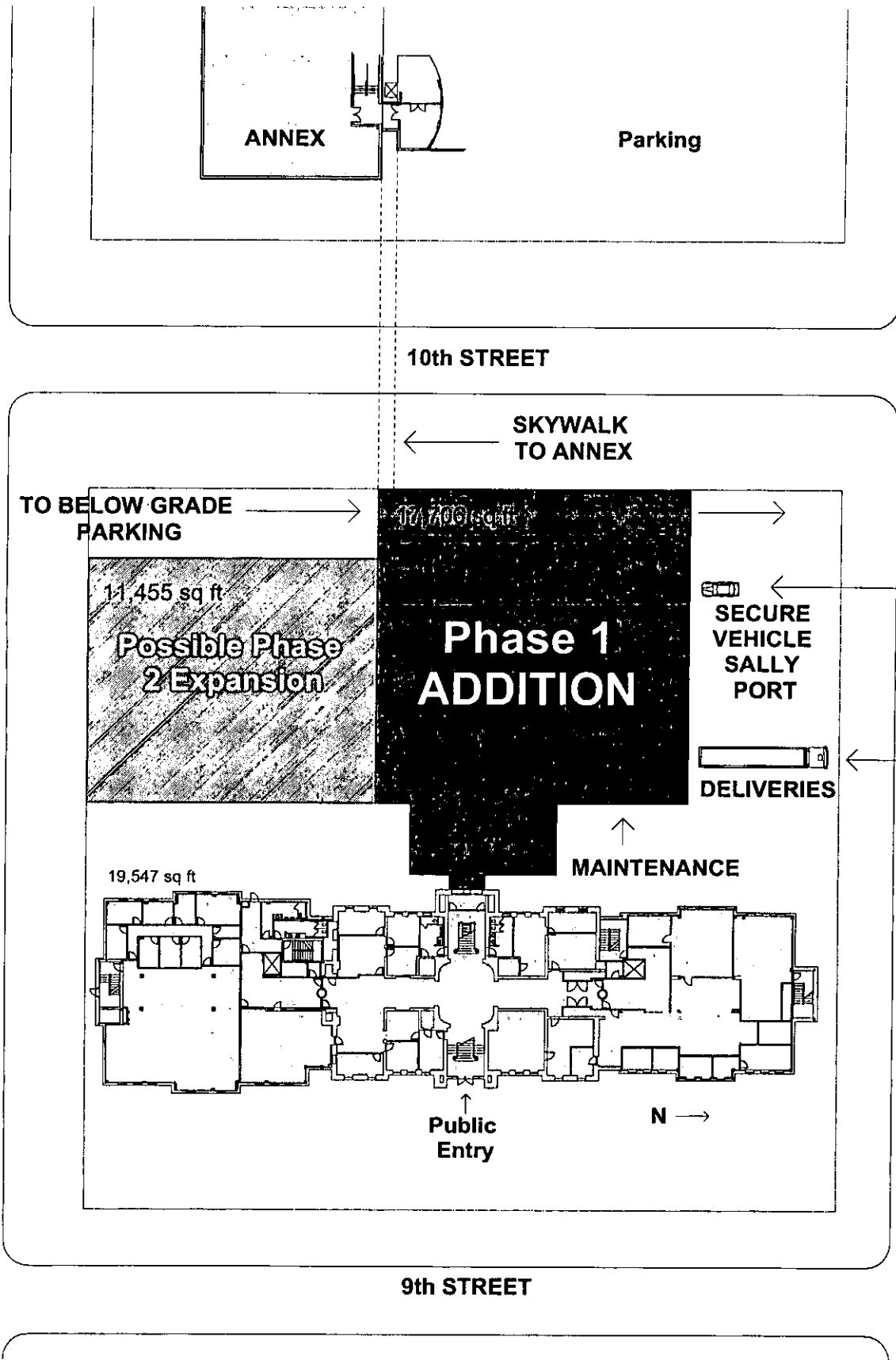
Cass County needs millions of dollars to build the all-purpose criminal courts building of the future. The county taxpayers cannot build this structure without financial assistance for the portions of the building occupied by others.

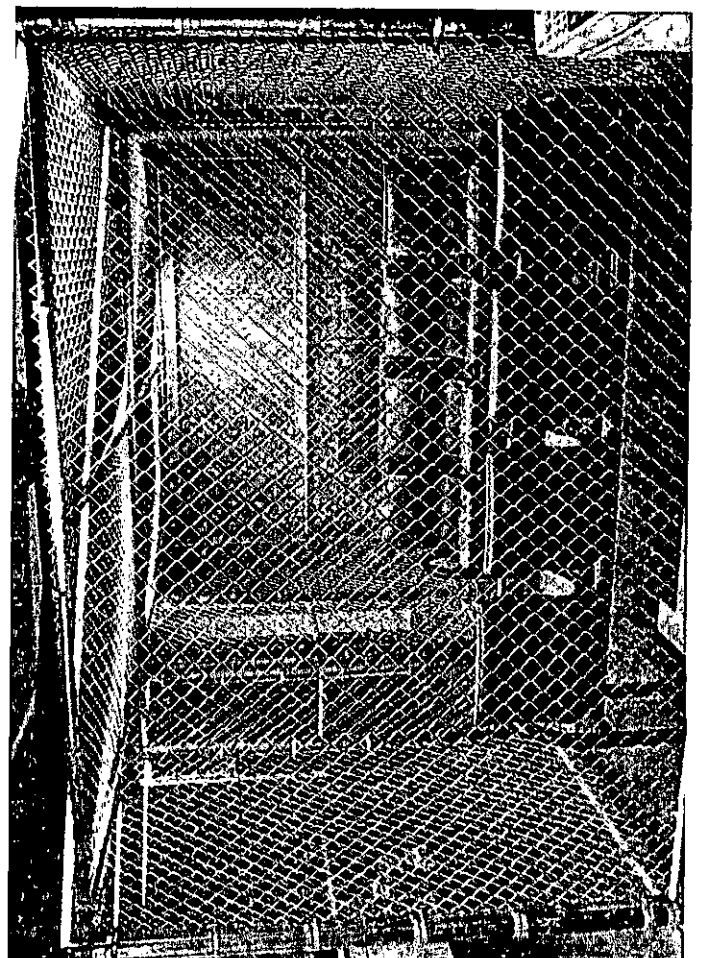
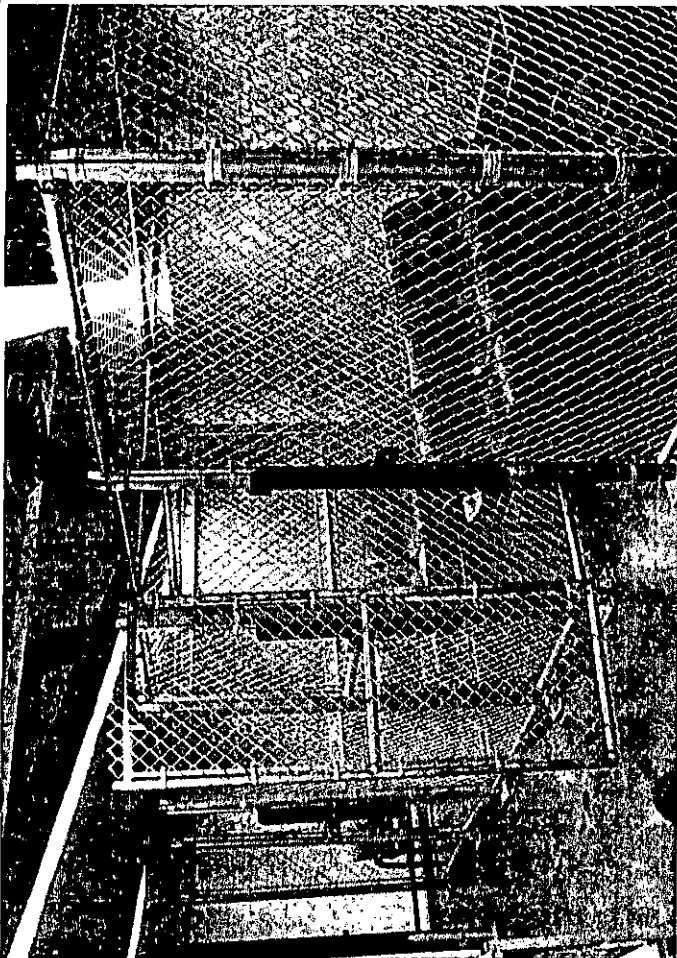
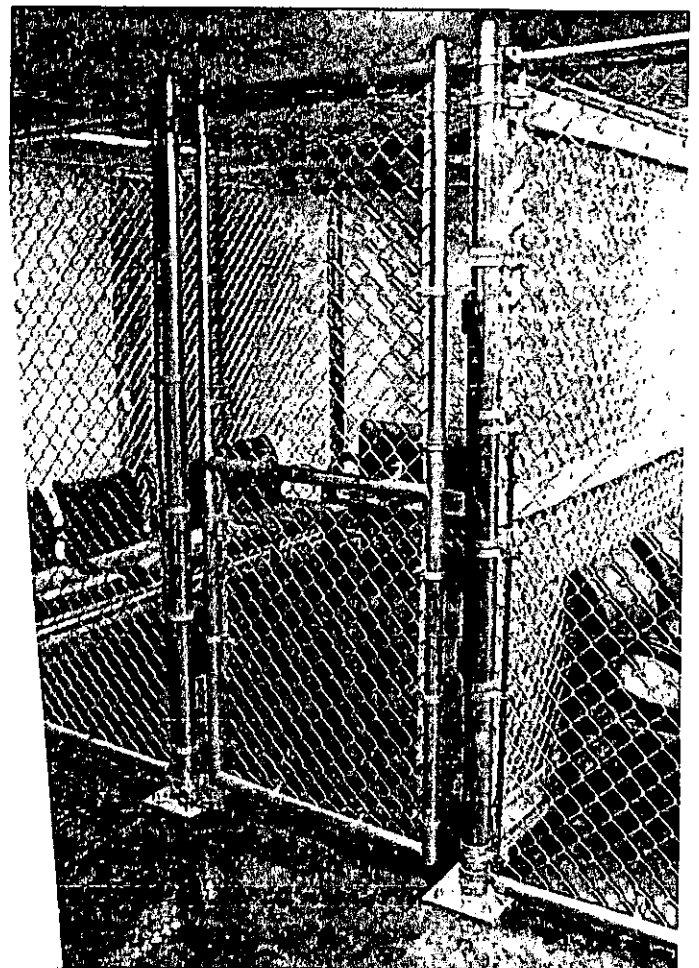
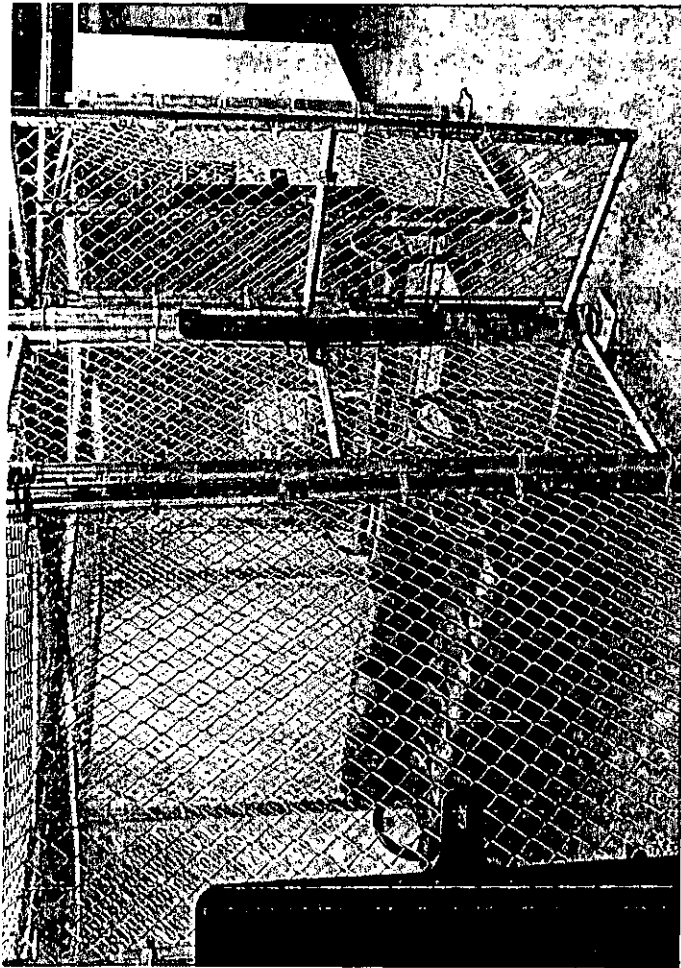
Despite the fact, "We've always done it this way," and despite the fact that economic times are difficult for all sectors of government, the state should not balance their budget on the backs of county government. While needs of the state government have seen tremendous growth in Cass County, fees collected by the courts have either been cut or eliminated. In fact, in 1996, Cass County received fees totaling \$230,068. In 1997, fees collected were \$231,091. They have steadily declined. Cass County received only \$88,570.52 for 2008.

This is not the first time either an "appropriation" bill or a "rent" bill has been introduced to this body. When things became complicated on earlier bills, the legislature wisely set up interim study committees. One result established a "Court Facilities Improvement Fund", but the long term result was to monitor the situation.

We believe the time to sit back and watch has expired and the time is now right to look at one-time funding opportunities to address long term growth.

As you can see, the funds are restricted as itemized in the bill and the criteria for hurdling those restrictions involve positive growth. Cass County meets the criteria and asks for your help in moving forward with a court vision for the future. Your consideration in voting "YES" on HB 1446 would be greatly appreciated.









**COURT SCHEDULE**  
**DATE: 01 26 2009 MONDAY**

TIME	EVENT	LOCATION	Unit	INMATE	POD	CELL #
0745	Security	Annex	3579			
0745	Security	CH	3584			
	Court Holding		7520			
	Rover		3588			
	Transport		7541 3582	ITV's WF ITV  From Pembina County Glass, Travis our warrant		
0900	OTSC/Revocations 36 cases	District # 6 Dawson Dawn	3562 3575	Addai, Elijah Buhr, Joshua Rooney, William Wilson, Wayne	H-Main H-Main WR # 2 Sigma	212 105 126
0900	OTSC/Revocations 23 cases	District # 2 Marquart Terri	3585			
0930	Felony COP 17 cases	District # 1 Corwin Vick	3576	Guy, Robert Horner, Jan Wells, Lenard Zozimo, Solomon	H-Main Dorm H-Main H-Main	202 213 208
0930	Misd. COP 33 cases	District # 3 Ibry Tammie	3550	Williams, Lamarr	Sigma	122
0945	Breaks		3588			
1100	Felony Sentencing 1 case	District # 1 Corwin	3576			
1130	101 break		3588			
1230	Security	Annex	3584			
1230	Security	CH	3579			
1300	West Fargo ITV	Jail	3562			
1330	Bench Felony	District #	N/A			
1330	Bench Misd. x 2	District # Irby	3550			
1400	ITV arraignments	Jail late	3575			
1400	Rover	Jail	3562			
1400	CH		3585			
1415	Breaks		3588			
1500	Protection order	District #	3550			
	ITV's	Jail	3575			

3576 off 1500 medical

3581 on vacation

**109 cases this morning**



# Office of the Sheriff

*Attachment C*  
1-28-09  
HB 1446

Paul D. Laney, Sheriff

TO: House Appropriations Committee  
FROM: Sheriff Paul D. Laney  
RE: HB 1446—Courthouse Funding Bill  
Date: January 28, 2009

Good morning Mr. Chairman and distinguished Representatives of the House Appropriations Committee. My name is Sheriff Paul D. Laney, of Cass County and I am offering testimony in support of HB 1446.

This bill supports funding that assists counties in expanding their courthouses to accommodate the District Courts. In Cass County we have done all we can to accommodate the needs of our District Courts, but we have plain and simple run out of space.

As Sheriff, my duties are to ensure there is adequate security within the building, the courtrooms and the safe and secure transport of inmates to and from the jail for their courthouse appearances. While we meet the minimum standards required by inspection from the States Department of Corrections and Rehabilitation (DOCR), we have strong concerns about the environment we protect.

Currently we transport inmates to the north side of the Courthouse where they are brought directly to the holding cell area of the basement. This is also the same passageway used by judges to get to and from the judicial area of the Courthouse. It is very common for inmates to meet judges or district court staff in these hallways and stairwells. Since we are the office charged with security of the courthouse and the judges, I am sure you all can understand why we have concerns.

Our second concern is our holding cell area. It is located in the basement and while it may not be politically correct, it is well known throughout the courthouse that the slang term for the area is "the dog kennel." That is because the holding cell area is three "cages" where inmates are held pending their court appearance or transport back to the jail post court appearance. I have attached pictures to the back of my testimony that shows the current situation in the basement. With the current and growing case load assigned to the Southeast Judicial District, these holding cells must be remodeled and redesigned. I have also attached a copy of the Court Schedule for this past Monday January 26, 2009. As you can see it was not a light day.

The approval of this bill would allow a partnership between county and state government and would assist in solving the space needs issues that have arisen for the District Courts and County Governments.

I respectfully encourage you to support this bill.

Cass County Sheriff  
211 9 St. S.  
PO Box 488  
Fargo, ND 58107-0488  
Phone: 701-241-5800  
Fax: 701-241-5805

Cass County Jail  
450 34 St. S.  
Fargo, ND 58103-2229  
Phone: 701-271-2900  
Fax: 701-271-2967

Cass County Detention  
1019 3 Ave. S.  
PO Box 2806  
Fargo, ND 58108-2806  
Phone: 701-241-5845  
Fax: 701-241-5938