



Robert W. Wilson
County Administrator

Telephone: 701-241-5770
wilsonro@casscountynynd.gov

MEMO

TO: County Commission
FROM: Robert W. Wilson
Date: December 12, 2024
Subject: Legislative Priorities Update

On Monday, December 16th the Commission is scheduled to discuss priorities for the 2025 legislative session. This follows a meeting last week when Commissioners and others met with legislators to outline County priorities, answer questions, and hear feedback from lawmakers on the upcoming session. County priorities that were discussed included:

- ND DOCR penitentiary capacity and impacts on county jails
- Property tax reforms that may be considered this session
- Potential state & county partnerships to fund courtroom space

Cass County has not traditionally adopted a platform. Departments actively track legislation that is impactful to their operations as well as coordinating with colleagues around the state to provide testimony and feedback when needed.

Cass County works closely with the ND Association of Counties who monitors legislative activities and advocates for members. One of NDACo's primary ways of communicating during the session is through the legislative blog linked below. Anyone interested in legislative activities that impact counties is encouraged to sign up:

[North Dakota Counties Legislative Blog | Important legislative updates for North Dakota counties](#)

During the session the blog includes a list of bills that impact counties and legislative committee schedules for the following week. Committee schedules are updated on Friday afternoons. Cass County Department Heads and Commissioners have traditionally meet on Friday's to discuss the following week's legislative activities and participate in legislative calls with the Association.

This is a non-action item intended to provide an overview of the meeting with local legislators on December 11th and discuss the process for tracking and coordinating legislative efforts during the upcoming session.

**Board of County
Commissioners**
Tony Grindberg
Duane Breitling
Tim Flakoll
Jim Kapitan
Joel Vettel



PO Box 2806
211 Ninth Street South
Fargo, North Dakota 58108
701-241-5609
www.casscountynd.gov

December 11, 2024

2025 Cass County Legislative Priorities

a) **DOCR Penitentiary Capacity:**

- i) County jails must not be viewed or utilized as a ‘pressure relief valve’ for the ND Department of Corrections and Rehabilitations (DOCR) capacity issues. To maintain proper function and capacity, it is critical that jails – and county taxpayers – not be responsible for inmates remanded to DOCR custody. Knowing that correctional facilities take years to design and construct, the DOCR must plan for its anticipated population growth over the next several years and ensure adequate capacity.
- ii) Potential Immediate Legislative Remedies:
 - (1) Jail Improvement Fund – Structure like Courthouse Facility Improvement Fund that has operated for many years. NDACo is currently working on a bill draft.
 - (2) Emergency Appropriation to transfer long-term DOCR inmates to other states to make room for sentenced inmates.
 - (3) Adding capacity at the Cass County Jail with state contract for bed usage.
 - (4) New England facility re-purpose

b) **Property Tax Reform:**

- i) “Keep It Local” theme applies to the 2025 legislative session.
- ii) As the largest, most populous county in North Dakota, Cass County should be involved at the concept-development stage of any proposal to reform property tax assessment, collection, distribution or limitations that impact local government. Because counties are the collection and distribution agent for property taxes across the state, the ND Association of Counties is uniquely positioned to provide critical input on this subject. If a data-driven approach is utilized, it will reinforce what counties know well – we are responsible stewards of property tax dollars.
- iii) Property Tax Software Study: Support the development of a statewide property software implementation plan that includes significant county involvement. Recognizing counties will have ultimate responsibility to implement and utilize the system in the calculation of and collection of local property taxes.
- iv) Property Tax Eligibility, Eligible Trusts

c) **Court Funding:**

- i) Counties have the responsibility to provide ‘adequate’ space for state-provided judicial functions in county courthouses. If something more than a minimally ‘adequate’ space is desired, counties and the State should develop policies and a funding mechanism for the shared responsibility of providing for current needs in growing counties with increasing judicial demands and caseloads.

(1) Related County Expenses:

- (a) 24/7 funding currently in Sheriff’s Budget - move to the State Court Budget.
- (b) Threat assessments/mental health – evaluation.
Courts can ‘civil order’ a dangerous person to Jamestown for evaluation. If the state hospital is full, law enforcement can’t transfer them.
- (c) Bill to increase Information Sharing as it relates to obtaining Information for Mental Health from the Courts for Threat Assessment Threat Management Team.

Other

d) Red River Valley Fair State Funding:

- i) Commission has encouraged the Red River Valley Fair Executive Director to work with legislators to pursue state financial support for the fair.

e) Law Enforcement NDPERS Match.

**Board of County
Commissioners**

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Chad Peterson
Mary Scherling
Jim Kapitan
Duane Breitling



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January 5, 2024

Honorable Jon J. Jensen, Chief Justice
North Dakota Supreme Court
600 E. Boulevard Avenue
Bismarck, ND 58505

RE: Cass County Courthouse Expansion

Chief Justice Jensen:

Thank you for your letter dated December 13, 2023, and the collaborative relationship Cass County has with the Judicial Branch. We appreciate this partnership and do not take it for granted.

As the Judiciary has experienced, this growth requires added resources to meet increasing demands. The Cass County Commission takes our responsibility very seriously to meet the needs of a growing, thriving community and balanced approach to taxation. To that end, the Commission is committed to meeting the County's needs in the most effective and cost-efficient manner for one additional secure courtroom. That's why, in the case of courtroom needs, you may have heard of multiple options being considered. Several Commissioners felt it was important to take some additional time to understand not only the immediate request but also to evaluate previous studies, hear from impacted stakeholders and better understand how this organization and our state partners currently utilize Cass County Government space.

On January 2, 2024, the County Commission voted unanimously to engage local architects to identify a suitable alternative location for the County's Information Technology department and develop building plans for construction for one additional secure courtroom in the West addition of the Courthouse. The Commission understands there is an immediate need for one additional secure courtroom.

Please be advised that any long-term needs identified by the court system will require more dialogue involving the North Dakota legislature that addresses current century code, (27-01—1.1) and county responsibility to provide adequate chamber court space. Further, I understand the 2023 legislative assembly approved significant technology investment for the courts. The legislature's expectation as I understand is, the increase in technology funding the court system receive would produce savings to the court system.

Below you may find of interest a summary of space Cass County taxpayers cover the facility costs for North Dakota's Court System and Human Service operations. Using a conservative market rate (\$4.50 sq/ft) for facility operating costs, the Cass County Commission covers annual costs of approximately \$436,923.00 for 97,094 sq/ft.

North Dakota Court System	55,514 sq/ft
North Dakota Human Service Department	<u>41,580 sq/ft</u>
Total	97,094 sq/ft

*27-01-01.1. Budgeting and financing of the supreme court and district courts. The state court administrator shall submit a comprehensive budget for the supreme court and the district courts to the legislative assembly. An informational copy of the budget must be delivered to the director of the budget pursuant to section 54-44.1-13. The budget for the district courts must include all salary and expenses for the district courts, including the juvenile courts, and their employees. Each county shall provide the district court in that county with **adequate** chamber, court, and law library quarters, and lights and fuel and appropriate facilities for clerk of court services that are state-funded pursuant to section 27-05.2-02. Any equipment, furnishings, and law libraries in the control and custody of the district court on January 1, 1980, and any such property acquired from that date until July 1, 1981, must continue to be in the district court's custody and control until the state court administrator determines such items are no longer needed by the court.*

In addition to the information outlined above, we plan to convey in 2024 information and a legislative request for cost reimbursement and future long term capital needs during the 2025 legislative session. We look forward to your thoughts, ideas and participation to modernize financial responsibility by the State of ND for the court system. Attention and action in 2024 to develop a strategy for orderly, effective and cost-efficient facility planning for Cass County Government is in North Dakota's best interest.

Finally, we believe court communication, coordination and collaboration with the Judicial Branch is critical to continuing our strong partnership of serving Cass County and the Southeast Judicial District.

Respectfully,

Tony Grindberg
Vice Chairman, Cass County Commission
District-2

Cc:
Cass County Commission
Governor Doug Burgum
Cass County North Dakota Legislative House & Senate Members
Aaron Birst, ND Association of Counties
Sheriff Jesse Jahner
Sally Holewa, State Court Administrator
The Honorable Wade L. Webb
The Honorable John C. Irby

**CASS COUNTY
PUBLIC SAFETY RESOLUTION REGARDING INMATE PRIORITIZATION AND JAIL
CAPACITY
RESOLUTION #2024-09**

Whereas, the North Dakota Department of Corrections and Rehabilitation (DOCR) has announced it will implement a Curtailment Order effective November 12, 2024, focusing first on the most serious criminal offenders; and

WHEREAS, the Cass County Jail is set to add 192 beds by Spring 2025, thereby increasing its capacity to accommodate the needs of our community; and

WHEREAS, the Cass County Commission does not support the recent decision by the North Dakota DOCR which will have immediate and significant consequences for law enforcement agencies in Cass County, potentially impacting public safety; and

WHEREAS, the State of North Dakota must enhance the capacity of its prison system and reconsider its prioritization strategy, particularly for counties with populations exceeding 100,000; and

WHEREAS, it is imperative for the Cass County Commission, the North Dakota Legislature, and the Governor's office to collaborate effectively to address the pressing issues surrounding prison capacity, and to formulate actionable steps that respond to the decisions made by the ND Department of Corrections and Rehabilitation;

NOW, THEREFORE, BE IT RESOLVED that the Cass County Commission formally calls for a united effort among local, state, and federal authorities to ensure that the public safety needs of our community are prioritized. This includes:

1. **Collaborative Discussions:** Engaging in ongoing dialogue among the Cass County Commission, the North Dakota Legislature, and the Governor's office to assess current prison policies and their impacts on public safety.
2. **Resource Allocation:** Identifying and securing necessary resources to enhance local law enforcement capabilities and support community safety initiatives.
3. **Policy Reevaluation:** Advocating for the reevaluation of inmate prioritization strategies to better serve the needs of larger counties while ensuring effective management of serious offenders.
4. **Long-term Solutions:** Exploring long-term solutions to expand prison capacity and improve rehabilitation programs, ultimately contributing to a safer environment for all residents of Cass County.

BE IT FURTHER RESOLVED that this resolution shall be communicated to relevant stakeholders, including law enforcement agencies, local government entities, and the North Dakota Department of Corrections and Rehabilitation, to ensure awareness and action on this critical public safety issue.

ADOPTED THIS 4TH DAY OF NOVEMBER, 2024

APPROVED:



Chad M. Peterson, Chairman
Cass County Commission

ATTEST:



Brandy Madriga
Cass County Finance Director

XX-XX-XX. County Jail facilities improvement and maintenance fund - Administration - Continuing appropriation.

The County Jail facilities improvement and maintenance fund is a special fund in the state treasury. The state treasurer shall deposit in the fund certain fees collected under section XX-XX-XX. All moneys in the fund are appropriated on a continuing basis to be used as provided in this chapter.

XX-XX-XX. County Jail facilities improvement advisory committee - Members.

1. The court facilities improvement advisory committee consists of:

a. One member appointed by the North Dakota association of counties to represent counties with a population fewer than seven thousand five hundred.

b. One member appointed by the North Dakota association of counties to represent counties with a population of seven thousand five hundred or more.

c. The state director of the Department of Corrections and Rehabilitation, who shall serve as chair of the committee.

d. One member appointed by the North Dakota Sheriffs and Deputies Association.

e. One member appointed by the North Dakota Police Chiefs Association.

2. The term of each member is three years. Initially, as determined by lot, one member shall serve for one year, two members shall serve for two years, and two members shall serve for three years. At the end of the member's term, the appointing authority shall appoint a successor for a full three-year term. Except for the state court administrator, a member may not serve more than two 3-year terms. A vacancy must be filled by the appointing authority for the remainder of the term.

3. At the initial meeting of the committee, the committee shall adopt rules of operation and procedure for the committee. The committee shall submit the rules to the supreme court for approval. The rules of operation must provide that a quorum of the committee consists of at least three members.

4. The members of the committee are entitled to reimbursement for travel and expenses as provided by law for other state officers. Travel and expense costs must be paid from funds from the court facilities improvement and maintenance fund.

XX-XX-XX. Application for grants from County Jail facilities improvement and maintenance fund.

Moneys in the County Jail facilities improvement and maintenance fund may be used by the County Jail facilities improvement advisory committee to make grants to counties to provide funds for jail facilities improvement and maintenance projects. The committee shall review applications to determine if the purpose of a grant is consistent with the purposes of the fund and if the proposed project is a necessary improvement to jail facilities or essential to remodel or maintain existing jail facilities in the applicant county. A grant may be awarded to a county only if the applicant county agrees to provide local funding for the project in an amount at least equal to twenty-five percent of the total cost of the project. The committee shall ensure that at least twenty-five percent of funds granted during a biennium are allocated to counties with a population fewer than seven thousand five hundred. Grants disbursed under this section may be used only to improve or provide essential remodeling or maintenance to facilities used for chambers, courts, and court-related services.