

CORRECTIONAL FACILITY REVIEW COMMITTEE

The Correctional Facility Review Committee was created by Section 10 of House Bill No. 1015 (2007) to address the immediate and future needs of the State Penitentiary through a correctional facility review study. Section 10 of House Bill No. 1015 required the Legislative Council chairman to select the chairman and vice chairman of the committee and provided for the membership of the committee as follows:

1. Three members from the House of Representatives, two of whom must represent the majority faction of the House of Representatives and one of whom must represent the minority faction of the House of Representatives; and
2. Three members from the Senate, two of whom must represent the majority faction of the Senate and one of whom must represent the minority faction of the Senate.

Pursuant to Section 2 of Senate Bill No. 2136 (2007), the Legislative Council also assigned the committee the responsibility to receive a report from the Department of Human Services on services provided by the Department of Corrections and Rehabilitation relating to individuals at the State Hospital who have been committed to the care and custody of the executive director of the Department of Human Services.

Committee members were Representatives Chet Pollert (Chairman), Ralph Metcalf, and Alon Wieland and Senators Tony Grindberg, David O'Connell, and Bob Stenehjem.

The committee submitted this report to the Legislative Council at the biennial meeting of the Council in November 2008. The Council accepted the report for submission to the 61st Legislative Assembly.

CORRECTIONAL FACILITY REVIEW STUDY Background

Department of Corrections and Rehabilitation Services

The Department of Corrections and Rehabilitation includes two major programs--juvenile services and adult services. The Juvenile Services Division is responsible for the Youth Correctional Center. The Adult Services Division is responsible for the State Penitentiary, James River Correctional Center (JRCC), and the Missouri River Correctional Center (MRCC). In addition, male inmates may be held in local correctional centers, in the community placement program, and in other states' facilities through the interstate compact program.

2007-09 Biennium Appropriation

The 2007-09 biennium appropriation for the Department of Corrections and Rehabilitation is \$198 million, of which \$173.5 million is from the general fund. The general fund appropriation includes \$41 million transferred from the general fund to the State Penitentiary land fund for a correctional facility project as authorized and approved under Section 10 of 2007 House Bill No. 1015, referred to above. The \$198 million

includes the appropriation for adult services of \$174.2 million, of which \$155.4 million is from the general fund, and the appropriation for youth services of \$23.8 million, of which \$18.1 million is from the general fund. The 2007 Legislative Assembly provided \$9,588,597 for inmate contract housing. This amount includes \$9,528,597 from the general fund and \$60,000 of federal funds. This funding is to be used to house female inmates at the Dakota Women's Correctional and Rehabilitation Center (DWCRC) in New England (\$7,955,877) and to house excess male inmates at county jails and private facilities (\$1,632,720).

Full-Time Equivalent Positions

The Department of Corrections and Rehabilitation was authorized 711.29 full-time equivalent (FTE) positions for the 2007-09 biennium, an increase of 34.01 FTE positions from the 2005-07 appropriation. The 34.01 new FTE positions include 5 FTE positions for youth services and 29.01 FTE positions for adult services.

State Penitentiary

North Dakota Century Code (NDCC) Section 12-47-01 provides for the establishment of the State Penitentiary, which is to be located at the city of Bismarck in Burleigh County. The State Penitentiary, which was founded in 1885, is the state's maximum security housing facility and is composed of seven units that are used to house male inmates. Those seven units consist of the north unit (orientation unit), the overflow unit, the east cellhouse, the west cellhouse, the south unit, the treatment unit, and the administrative segregation unit. The Penitentiary and the immediate surrounding property occupy approximately 200 acres on the eastern outskirts of Bismarck. In total, the Department of Corrections and Rehabilitation owns approximately 2,500 acres, which include the State Penitentiary site, MRCC, and 1,200 acres used for farming purposes at Sunny Farm west of Mandan. The Penitentiary consists of 562 prison beds and houses maximum security male inmates as well as some medium security male inmates.

James River Correctional Center

North Dakota Century Code Section 12-47-01 was amended in 1997 to permit the director of the Department of Corrections and Rehabilitation to establish affiliated facilities at other locations throughout the state within the limits of legislative appropriations. The James River Correctional Center, which is located on the grounds of the State Hospital in Jamestown, was completed for use as a correctional facility in 1998. The James River Correctional Center is classified as a medium security housing facility and contains three units for its inmate population which have a combined capacity of 405 beds.

The 2005 Legislative Assembly provided \$980,000 for ET building improvements and \$584,000 for code

improvements in Building 18A (programs building) at JRCC. The ET building improvements included security improvements, energy efficiency improvements, and an increase in bed space by converting four existing pantry areas to 5-bed dormitories for a total increase in bed capacity of 20 beds. The code improvements to Building 18A included improvements to restrooms, roof replacement, and improvements to the elevator and stairwell for accessibility by disabled individuals. Construction costs for the JRCC ET building and Building 18A improvements, which totaled \$1,564,000, were financed through the issuance of bonds authorized in Senate Bill No. 2023 (2005).

The 2007 Legislative Assembly provided \$596,075 for extraordinary repairs at JRCC, including roof repairs for the kitchen and administrative building and installing fire suppression systems in the kitchen, laundry, and administrative building.

Missouri River Correctional Center

The Missouri River Correctional Center is located eight miles south of Bismarck near the Missouri River. The Missouri River Correctional Center has no barriers to contain the inmates and is located in a wooded setting. The institution houses male inmates whose sentences are not less than 30 days nor more than one year. The inmate housing facilities at MRCC consist of a minimum security, dormitory-style housing unit for male inmates which has a capacity of 150 inmates.

Among the education programs offered to the inmates at MRCC are a high school equivalency program, a resident tutoring program, a business education class, an automotive mechanics program, carpentry classes, computer skills training, and prerelease and education release programs.

Dakota Women's Correctional and Rehabilitation Center

During the 2003-05 biennium, the Department of Corrections and Rehabilitation began to contract with DWCR to house its female inmates. The Dakota Women's Correctional and Rehabilitation Center is located in New England and is owned and operated by the Southwest Multi-County Correction Center Board, which consists of one member from each of the six counties represented in the Southwest Multi-County Correction Center. The six counties include Stark, Slope, Billings, Bowman, Dunn, and Hettinger.

Tompkins Rehabilitation and Correction Center

The Tompkins Rehabilitation and Correction Center, a combined program located on the campus of the State Hospital in Jamestown, is managed through the department's Adult Services Division and houses both inmates and noninmates. The Tompkins Rehabilitation and Correction Center is the combination of the former Tompkins Rehabilitation and Corrections Unit at the Stutsman County Corrections Center and the Corrections Rehabilitation and Recovery Center (DUI Center). The Tompkins Rehabilitation and Correction Center consists of three 30-bed wards--one

ward (30 beds) for females and two wards (60 beds) for males.

Previous Studies

The following studies have been completed regarding the Department of Corrections and Rehabilitation:

- 1977-78 interim - The Legislative Council's Corrections Committee, pursuant to Senate Concurrent Resolution No. 4060 (1977), was directed to study the entire criminal justice system.
- 1979-80 interim - The Legislative Council's State and Federal Government "B" Committee, pursuant to Senate Concurrent Resolution No. 4019 (1979), was directed to conduct a comprehensive study and evaluation of the adult correctional facility needs throughout the state.
- 1987-88 interim - The Legislative Council's Judiciary Committee, pursuant to Senate Concurrent Resolution No. 4022 (1987), studied the criminal sentencing statutes in misdemeanor and felony cases.
- 1993-94 interim - The Legislative Council's Budget Committee on Government Finance, pursuant to Senate Concurrent Resolution No. 4063 (1993), studied the feasibility and desirability of establishing a women's correctional facility off the State Penitentiary grounds.
- 1995-96 interim - The Legislative Council's Legislative Audit and Fiscal Review Committee received a report from the State Auditor's office on the cost of House Bill No. 1062 (1993) regarding mandatory sentencing for drug offenders.
- 1999-2000 interim - The Legislative Council's Criminal Justice Committee, pursuant to Senate Concurrent Resolution No. 4015 (1999), studied the adult correctional system. The committee's considerations centered on four issues--prison facilities and inmate population, interstate transfer of convicted felons, inmate records, and the Revocation Center.
- 2001-02 interim - The Legislative Council's Corrections Committee, pursuant to Section 5 of Senate Bill No. 2016 (2001), was directed to study the facilities and operations of the Department of Corrections and Rehabilitation.
- 2003-04 interim - The Legislative Council's Budget Committee on Government Services, pursuant to Section 6 of House Bill No. 1506 (2003), studied the long-term needs of state inmates and whether the Department of Corrections and Rehabilitation should continue to contract to house state female inmates with county jails or if the state should expand the prison system. In addition, the State Auditor's office contracted with Criminal Justice Institute (CJI), Inc., a consulting firm, to conduct a performance audit of the Department of Corrections and Rehabilitation.
- 2005-06 interim - The Legislative Council's Budget Committee on Government Services, pursuant to Section 12 of Senate Bill No. 2015 (2005), studied the Department of Corrections and

Rehabilitation's incarceration and correctional facility needs; in addition, the 2005 Legislative Assembly passed House Bill No. 1473 which established a Commission on Alternatives to Incarceration to study sentencing alternatives, mandatory sentences, treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues.

Consultant Services and Methodology

The committee developed a request for proposal for consultant and architectural services related to a correctional facility review study addressing the immediate and future needs of the State Penitentiary and authorized the request for proposal be sent to 27 potential consultants. The request for proposal provided that the study include a comprehensive review of the current State Penitentiary facility and MRCC to develop the following three concepts:

1. Construction of a new correctional facility on the existing State Penitentiary site;
2. Construction of a new correctional facility at a site other than the State Penitentiary site; and
3. Remodeling of the existing State Penitentiary facility.

Each of the three correctional facility concepts developed by the consultant and architect were to:

1. Include a master plan, staffing plan, a cost-benefit analysis comparison of existing to proposed concepts, and project cost estimate;
2. Be based upon housing a population of approximately 900 inmates to 1,000 inmates;
3. Address priority immediate facility needs in a phased approach;
4. Include options for expansion;
5. Take into consideration the transfer of the inmates at MRCC to the new or remodeled facility;
6. Take into consideration the facility and staffing needs of JRCC; and
7. Include a preliminary architectural design.

The Legislative Council received proposals from seven companies interested in conducting the correctional facility review study. The committee received presentations of the proposals from representatives of the companies and forwarded three finalists to the Legislative Council for approval. The Legislative Council selected and contracted with CJI, Inc., a private, not-for-profit, national correctional planning, programming, research, and evaluation firm based in Middletown, Connecticut. CJI, Inc., began its work in September 2007 and concluded the study with the presentation of a final report to the Correctional Facility Review Committee in April 2008.

CJI, Inc., completed interviews with public and private stakeholders, including the Department of Corrections and Rehabilitation, executive branch officials, legislators, Bismarck, Mandan, Burleigh County, and Morton County officials, and the private sector; reviewed documentation; and conducted tours of existing state correctional facilities and potential penitentiary sites.

Study Findings and Recommendations

The CJI, Inc., final report for the correctional facility review study included information regarding existing conditions at the State Penitentiary, projected needs, site evaluations, model facility design concepts, cost-benefit analyses, and the consultant's conclusions and recommendations. The report may be viewed on the Internet at www.legis.nd.gov/docs/pdf/cjireport.pdf.

Existing Conditions of the State Penitentiary and Missouri River Correctional Center

CJI, Inc., identified the following conditions relating to the State Penitentiary and the MRCC:

- The male inmate population is projected to reach 1,727 by 2017, an increase of 435 inmates or 33 percent over the next 10 years.
- There were 862 male inmates admitted to the prison system in fiscal year 2007, an average of 72 inmates per month.
- Of the 862 male inmates, 411 were admitted with a probation violation, 117 inmates were admitted with a parole violation, and 219 inmates were admitted for a methamphetamine charge.
- Of the 862 male inmates, 80 inmates were admitted to maximum security, 442 inmates were admitted to medium security, and 340 inmates were admitted to minimum security.
- The custody level of male inmates has remained relatively stable since 2004. The projected male inmate custody level distribution on January 1, 2017, will include 430 inmates in maximum security, 785 inmates in medium security, and 512 inmates in minimum security.
- The average age of inmates at admission in fiscal year 2007 was 31. The oldest person admitted was 76 years of age and the youngest was 16 years of age. Approximately 11 percent of the admissions were persons 21 years of age or younger and approximately 4.8 percent were 50 years of age or older.
- North Dakota has two different groups of male inmates--a higher custody, more violent group that stays in the system longer with some of the group affiliated with prison gangs, and a group that is less violent that goes through the prison system more rapidly.

CJI, Inc., noted existing issues at the State Penitentiary include outdated facilities with limited space, no fire access road, no direct housing support for treatment, and outdated locking systems in high security housing. The large housing units are difficult to supervise and do not allow for manageable groups and treatment programs. Existing issues at the MRCC include a number of substandard buildings, the distance to the Penitentiary, limited facilities for programs and support, and utilization of the facility for inmates with a rating higher than minimum security.

Projected Needs

CJI, Inc., evaluated the placement parameters for inmates at a remodeled facility or new facilities based on a facility design that would house 1,000 inmates.

CJI, Inc., determined it will take 1,000 operating beds and 85 flex beds for a total of 1,085 beds to safely house 1,000 inmates in a remodeled or new Bismarck area facility. CJI, Inc., defined "flex beds" as beds that are required for medical and disciplinary purposes, inmates on temporary leave status, and to provide prison administrators with flexibility in moving inmates within and between facilities. There are currently 660 operating beds and 52 flex beds at the State Penitentiary and MRCC.

CJI, Inc., determined the capacity for the following major inmate program needs and service requirements should be increased to address the anticipated increase in inmates:

- Mental health interventions and support.
- Substance abuse treatment.
- Vocational training.
- Employment skills development.
- Reentry and transitional preparations.
- Gang renunciation.
- Cognitive skills (countering criminal thinking).

CJI, Inc., determined a remodeled or new facility should be contemporary and focus on reentry and other programs that are essential in today's environment. CJI, Inc., noted a remodeled or new facility will require additional staff because of the increase in inmates that will be housed at the facility.

Site Evaluations

CJI, Inc., identified five sites being considered for a new correctional facility--the State Penitentiary site, the MRCC site, a site adjacent to the Bismarck landfill, a site near the Bismarck airport, and the Sunny Farm site (Morton County). CJI, Inc., presented the following information on each site:

1. State Penitentiary site - The site is owned by the state, zoned for public use, and consists of 225.34 acres. Part of the acreage is used by the Game and Fish Department, State Department of Health, Family Forest, State Water Commission, and a railroad easement. The site contains 20.2 acres of wetlands and 39.9 acres in the floodplain. Existing environmental constraints include the Hay Creek 100-year floodplain, drainage areas, freshwater wetlands, and the Family Forest. Existing utilities include 6-inch and 12-inch waterlines, an onsite sewer pumping station and force main to Bismarck's 18-inch gravity system, three-phase electrical power, and a 4-inch natural gas line.
2. Missouri River Correctional Center site - The site is owned by the state, zoned for public use, and consists of over 985 acres. The site contains 121.4 acres of wetlands and 905 acres in the floodplain. Existing environmental constraints include the Missouri River 100-year and 500-year floodplains, freshwater wetlands, and a potential habitat for endangered species. Existing utilities include a six-inch waterline, an onsite sewer pumping station and three-inch force main to Bismarck's system, three-phase electrical power, and a four-inch natural gas line.

3. Landfill site - The site is in the northeast quadrant of the city of Bismarck, owned by the city, zoned for public use, and consists of 200 acres. The site contains 21.5 acres of wetlands. Existing environmental constraints include a drainage course and freshwater wetlands. There are no utilities immediately adjacent to the site but there is a large overhead electrical transmission line for which an easement exists that crosses over the site, a 12-inch waterline 2,500 feet from the site, an 18-inch sewerline 4,000 feet from the site, and a 4-inch natural gas line 1,000 feet from the site.
4. Airport site - The site is owned by the city of Bismarck, zoned for public use with an internal portion zoned for agriculture, and consists of 308.4 acres. The site is used for agriculture and sludge disposal. The site surrounds a 10-acre plot owned by the United Tribes Technical College, which contains the former lagoon site for the college. The site contains 17.6 acres of wetlands and 62.6 acres of floodplain. Existing environmental constraints include the Apple Creek 100-year and 500-year floodplains and freshwater wetlands. Existing utilities include a 24-inch waterline along Airway Avenue, a 10-inch gravity sewerline 3,000 feet from the site that serves a National Guard facility, a three-phase electrical circuit adjacent to the site on 48th Street, and a 6-inch natural gas line 1,000 feet from the site along 48th Street.
5. Sunny Farm site - The site is owned by the state, zoned for public use with an internal portion zoned for parks and open space greenways, and consists of 1,419.37 acres. The site is used for the Youth Correctional Center, agriculture, open space, and a gravel pit/quarry operation. The site contains 110 acres of wetlands and 108 acres of floodplain. Existing environmental constraints include drainage course, freshwater wetlands, and a potential habitat for endangered species. Existing utilities for the city of Mandan end at the Heart River near Highway 10. There is a 12-inch waterline on the west side of the river 13,000 feet from the site, a 10-inch sewerline on the east side of the river 14,000 feet from the site, a three-phase overhead electrical line along Highway 10 within 5,000 feet of the site, and a 3-inch natural gas line 5,000 feet from the site.

The committee toured the State Penitentiary, MRCC, and other sites under consideration for placement of a correctional facility.

Model Facility Design Concept

CJI, Inc., developed an "ideal" model facility design concept to define the functional component needs of a replacement facility on a new site and a reuse/expansion of the existing penitentiary facility. The facility configuration for the model design concept was determined by classification distribution, available site area, environmental factors, and current facility history.

The model design concept includes approximately 614,905 building gross square feet, a combination of single-cell and double-cell units, and will accommodate full education, vocational, and industry program capability for 90 percent of the inmate population. (CJI, Inc., noted 10 percent of the inmate population typically is not in programs due to being uncooperative or on medical or temporary leave.) The model design

concept complies with American Correctional Association standards and focuses on safe and secure operations.

Cost-Benefit Analysis

CJI, Inc., reviewed the following cost-benefit analysis for the reuse/expansion of the existing penitentiary and a new facility at each site under consideration:

Evaluation Criteria	Reuse/Expansion	New Facility Sites						
		State Penitentiary	MRCC	Landfill Site	Airport Site	Sunny Farm Site 1	Sunny Farm Site 2	Sunny Farm Site 3
Total project cost	\$201,000,000	\$270,100,000	\$279,400,000	\$274,800,000	\$269,700,000	\$273,500,000	\$281,200,000	\$278,400,000
20-year operating costs	855,900,000	795,200,000	795,200,000	795,200,000	795,200,000	795,200,000	795,200,000	795,200,000
20-year life-cycle cost	\$1,056,900,000	\$1,065,300,000	\$1,074,600,000	\$1,067,000,000	\$1,064,900,000	\$1,068,700,000	\$1,076,400,000	\$1,073,600,000
Land acquisition	Best	Better	Best	Fair	Fair	Best	Best	Best
Natural resource impacts	Best	Good	Fair	Fair	Good	Better	Better	Better
Cultural resource impacts	Better	Better	Better	Better	Good	Good	Good	Good
Offsite improvements	Best	Best	Fair	Good	Better	Fair	Fair	Fair
Community impact	Better	Better	Fair	Fair	Better	Good	Good	Good
Accommodate footprint	Better	Fair	Better	Fair	Better	Better	Better	Better
Site improvements	Best	Better	Fair	Fair	Better	Better	Fair	Fair
Meets basic needs	Good	Better	Better	Better	Better	Better	Better	Better
Working environment	Good	Better	Better	Better	Better	Better	Better	Better
Program delivery capability	Good	Better	Better	Better	Better	Better	Better	Better
Avoids disruption to ongoing operations	Good	Better	Better	Better	Better	Better	Better	Better
Future expansion capability	Good	Better	Better	Better	Better	Better	Better	Better
Housing/operational fit	Fair	Better	Better	Better	Better	Better	Better	Better
Phasing capability	Best	Fair	Fair	Fair	Fair	Fair	Fair	Fair
Ease of implementation	Better	Good	Good	Fair	Fair	Fair	Fair	Fair
Transition/activation	Better	Good	Good	Good	Good	Good	Good	Good
Modifiable project	Best	Good	Good	Good	Good	Good	Good	Good
Addresses urgent needs quickly	Best	Fair	Fair	Fair	Fair	Fair	Fair	Fair

Consultant's Conclusions

CJI, Inc., reached the following conclusions regarding the correctional facility review study:

- Dated facilities have made prison operations difficult to manage and costly to maintain, and the facilities are limited in their ability to provide essential services;
- The State Penitentiary is operating at a safe and reasonable capacity;

- The forecasted increases in inmate populations cannot be accommodated with the beds currently available;
- Current and future needs can be met by adopting the recommended option; and
- The sooner the state initiates action on the recommended option, the less costly it will be to implement.

Consultant's Recommendations

CJI, Inc., made the following recommendations regarding the correctional facility review study:

- Remodel and reuse the existing State Penitentiary;

- Replace MRCC with a minimum security unit adjacent to the State Penitentiary; and
- Use an expedited schedule to implement the process either as a single complete project or a three-phase project.

Standard and expedited implementation schedules for a phased approach and a complete project approach are summarized below:

Standard Implementation Schedule - Project Begins July 2009					
	Phased Approach				Complete Project Approach
	Phase 1	Phase 2	Phase 3	Total	
Cost	\$80,937,011	\$100,971,061	\$26,800,000	\$208,708,072	\$200,972,520
Start construction	July 2010	August 2011	August 2013		July 2010
Earliest occupancy	September 2012	October 2013	April 2015		November 2012
Net gain in beds	155	96	272	523	523
Total beds ¹	867	963	1,085	1,085	1,085

¹Total beds include MRCC beds. The Missouri River Correctional Facility is relocated to the Penitentiary site during Phase 3.

Expedited Implementation Schedule - Project Begins July 2008					
	Phased Approach				Complete Project Approach
	Phase 1	Phase 2	Phase 3	Total	
Cost	\$77,041,751	\$100,584,702	\$26,700,000	\$204,326,453	\$191,300,000
Start construction	July 2009	August 2011	August 2013		July 2009
Earliest occupancy	September 2011	October 2013	April 2015		November 2011
New beds	155	96	272	523	523
Total beds ¹	867	963	1,085	1,085	1,085

¹Total beds include MRCC beds. The Missouri River Correctional Facility is relocated to the Penitentiary site during Phase 3.

Tasks to be completed for each phase of the reuse/renovation plan under the phased approach are summarized below:

Phase 1	Phase 2	Phase 3
Replace East Cellhouse	Housing zone support ⁵	Relocate MRCC to the State Penitentiary site
Construct new health services ¹	Expand visiting area ⁶	
Construct new reception area ²	Relocate laundry	
Construct new segregation housing ³	Expand food service area ⁷	
Construct new entry area	Expand vocational area	
Construct new central control	Expand Roughrider Industries	
Renovate administration areas ⁴	Relocate staff services ⁸	
	Expand outside warehouse	
	Make major renovations to existing spaces	
	Relocate laundry	

¹Health services include the infirmary, dental services, a pharmacy, and an outpatient clinic for walk-in services.

²The reception area will be completely new and the existing orientation area will be used for the relocated therapeutic community housing unit for substance abuse.

³The segregation unit is located at the east end of the proposed complex. Placement of the segregation unit in this location permits up to 25 percent future expansion (256 beds).

⁴The administration building inside the security fence will remain in the same location but will be renovated. The outside administration building will be demolished and central office and facility administration components will be relocated to the renovated second and third floors of the inside administration building.

⁵Housing zone support includes space for inmate services adjacent to each of the housing units. Services include counseling, treatment, and recreation.

⁶A first floor addition of 6,500 square feet will be added to the west side of the inside administration building for visitor processing and a visitation area.

⁷The existing food services operation will remain in its current location but will be expanded for additional inmate dining space, food storage, and a vocational food service shop.

⁸Staff services will be relocated to the first floor of the inside administration building.

The committee received testimony from the Department of Corrections and Rehabilitation regarding the correctional facility review study. The Department of Corrections and Rehabilitation agreed with CJI, Inc.'s, recommendation for a remodel/expansion plan with a phased implementation with some modifications. The Department of Corrections and Rehabilitation indicated a plan similar to CJI, Inc.'s, Phase 1 plan could be implemented for \$60 million to \$70 million.

Hybrid Plan

The committee considered a hybrid plan which is similar to Phase 1 of the CJI, Inc., plan. The hybrid plan is estimated to cost \$67 million, \$13.9 million less than CJI, Inc., Phase 1 of the plan. The committee reviewed a comparison of correctional facility plans developed by CJI, Inc., to the hybrid plan. Estimated construction and renovation costs for each component of Phase 1 of the CJI, Inc., plan and Phase 1 of the hybrid plan are summarized below:

	CJI Phase 1					Hybrid Phase 1				
	Estimated Cost	New Beds	Cost Per Bed	Square Feet	Cost Per Square Foot	Estimated Cost	New Beds	Cost Per Bed	Square Feet	Cost Per Square Foot
New construction										
Medical unit	\$5,201,000	29	\$179,345	17,935	\$290	\$5,201,087	29	\$179,348	17,935	\$290
Segregation/detention ¹	10,644,000	120	\$88,700	33,262	\$320	7,408,482	102	\$72,632	24,657	\$300
Orientation/intake/classification ²	7,601,000	112	\$67,866	29,452	\$258	8,891,960	175	\$50,811	35,146	\$253
General population ³	7,120,000	128	\$55,625	24,981	\$285	5,181,957	125	\$41,456	18,843	\$275
Warehouse	N/A					1,147,826			10,435	\$110
Visiting/entry ⁴	1,433,000			6,572	\$218	432,174			2,161	\$200
Housing zone support ⁵	2,664,000			10,655	\$250	N/A				
New construction costs	\$34,663,000					\$28,263,486				
Gross factor (15%)	5,199,450			18,429		4,239,523			16,377	
Subtotal	\$39,862,450					\$32,503,009				
Construction contingency	3,986,245					3,250,301				
Total new construction	\$43,848,695					\$35,753,310				
Major renovation/remodel ⁶	\$3,404,000			13,278	\$256	\$3,805,360			18,295	\$208
Relocate tower	N/A					305,760			130	\$2,352
Renovation contingency ⁷	680,800					411,112				
Site development ⁸	5,606,000					4,100,000				
Site contingency	560,600					410,000				
Project soft costs ⁹	10,820,019					8,957,108				
Total 2008 project costs	\$64,920,114					\$53,742,650				
Inflationary costs ¹⁰	16,016,897					13,258,311				
Total 2011 project costs	\$80,937,011	389	\$208,064	154,564	\$524	\$67,000,961	431	\$155,455	143,979	\$465

¹The hybrid plan anticipates 102 segregation beds will be sufficient for the next 10 years. The hybrid plan allows for future expansion of the administrative segregation unit if necessary.

²The hybrid plan includes 50 flex beds in the orientation/intake/classification unit that could be used for general population housing if necessary.

³The CJI, Inc., plan includes a dayroom area, multipurpose program area, and storage areas. The hybrid plan uses existing areas for these purposes.

⁴The CJI, Inc., plan proposes larger visiting/entry areas than the hybrid plan.

⁵The CJI, Inc., plan includes providing new housing zone support for the entire prison complex, which includes offices, interview rooms, zone storage, staff toilets, janitor closets, food staging areas, and hearing rooms. The hybrid plan continues to use existing housing zone support.

⁶The CJI, Inc., plan includes major renovation in Phase 1 for the facility administration building, central control, and food service areas. The hybrid plan includes renovation in Phase 1 for the first two floors of the facility administration building.

⁷The CJI, Inc., plan includes 20 percent for renovation contingencies. The hybrid plan includes 10 percent for renovation contingencies.

⁸Site development for the hybrid plan includes \$1.8 million for demolition of the East Cellhouse.

⁹Both plans include 20 percent for project soft costs.

¹⁰Both plans include an inflationary rate of approximately 24.67 percent (calculated from February 2008 to the midpoint of construction in September 2011, at 8 percent for 2008 and 2009 and 6 percent thereafter).

The following schedule compares tasks to be completed in Phase 1 of the CJI, Inc., plan to Phase 1 of the hybrid plan:

	CJI Phase 1	Hybrid Phase 1
New medical unit	Yes	Yes
New orientation/intake/classification	Yes	Yes
New general population housing	Yes ¹	Yes
New segregation/detention units	Yes	Yes
New entry area	Yes	Yes
Housing zone support	Yes ¹	No
Renovate central control	Yes	Yes
Renovate facility administration area	Yes	Yes
New visiting area	Yes	Yes
New laundry	No ²	No
Renovate food service	Yes ³	No
Expand education/program area	No ⁴	No
Expand industries	No ⁴	No
Renovate staff services	No ⁵	Yes
New outside warehouse	No ⁴	Yes
Replace or upgrade MRCC	No ⁶	No
Abandon/demolish East Cellhouse	No ⁷	Yes

¹Additional general population housing and housing zone support will be added in Phase 2 of the CJI, Inc., plan.

²A new laundry will be constructed in Phase 2 of the CJI, Inc., plan.

³Additional food service space will be constructed in Phase 2 of the CJI, Inc., plan.

⁴The education/program area, industries, and outside warehouse will be expanded in Phase 2 of the CJI, Inc., plan.

⁵The staff services area will be renovated in Phase 2 of the CJI, Inc., plan.

⁶The Missouri River Correctional Center will be relocated or upgraded in Phase 3 of the CJI, Inc., plan.

⁷The East Cellhouse will be abandoned and demolished in Phase 2 of the CJI, Inc., plan.

Table A at the end of this report shows the design concept of the CJI, Inc., correctional facility plan.

Table B at the end of this report shows the design concept of the hybrid plan.

Recommendation

The committee recommends Senate Bill No. 2030 to provide an appropriation of \$25 million from the general fund and \$42 million from the State Penitentiary land fund to the Department of Corrections and Rehabilitation for completing Phase 1 of the renovation and expansion project at the State Penitentiary as provided for in the hybrid plan.

Project Funding

Section 8 of House Bill No. 1015 (2007) provides for a transfer of \$41 million from the general fund to the State Penitentiary land fund to be used for correctional facilities. The funds are appropriated to the Department of Corrections and Rehabilitation for a project authorized and approved under Section 10 of the bill and are available for construction for the 2007-09 biennium. All income earned on the fund must be retained by the fund.

Report to Emergency Commission

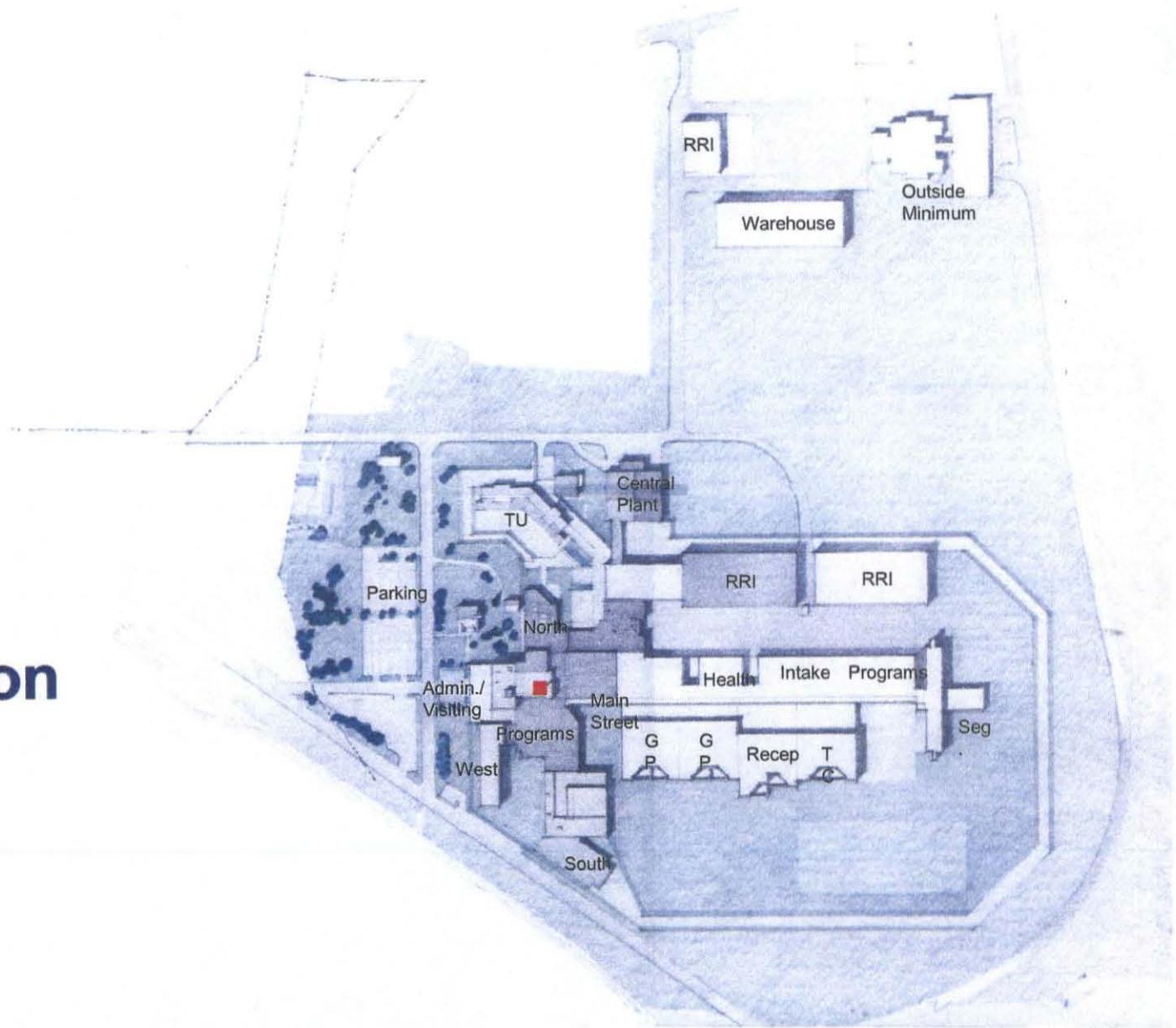
Section 10 of House Bill No. 1015 (2007) required the committee, before June 1, 2008, to forward the three facility concepts along with a recommendation for one of the three concepts to the Emergency Commission for the commission's consideration and authorization. The section also required the Emergency Commission, if the commission authorized one of the three concepts, to forward the authorized concept to the Budget Section of the Legislative Council. The Budget Section may approve or reject the concept as authorized by the Emergency Commission. An Attorney General's letter opinion (2007-L-08) dated June 6, 2007, was issued regarding the constitutionality of Section 10 of House Bill No. 1015. The opinion stated that if a court were to rule on the matter, it would likely determine that subsection 8 of Section 10 of the bill relating to Budget Section approval or rejection of a correctional facility concept is unconstitutional. Therefore, the Legislative Council at its June 6, 2007, meeting directed that any recommendation from the Emergency Commission regarding facility concepts be received by the Budget Section for informational purposes only rather than for approval or rejection under this section.

The committee forwarded the three correctional facility concepts contained in the CJI, Inc., March 19, 2008, correctional facility final report and recommendation for the remodel/expansion of the existing State Penitentiary facility concept to the Emergency Commission in April 2008. The Emergency Commission accepted the committee's report at its June 9, 2008, meeting. The committee's recommendation was distributed to the Budget Section for informational purposes only at its June 18, 2008, meeting.

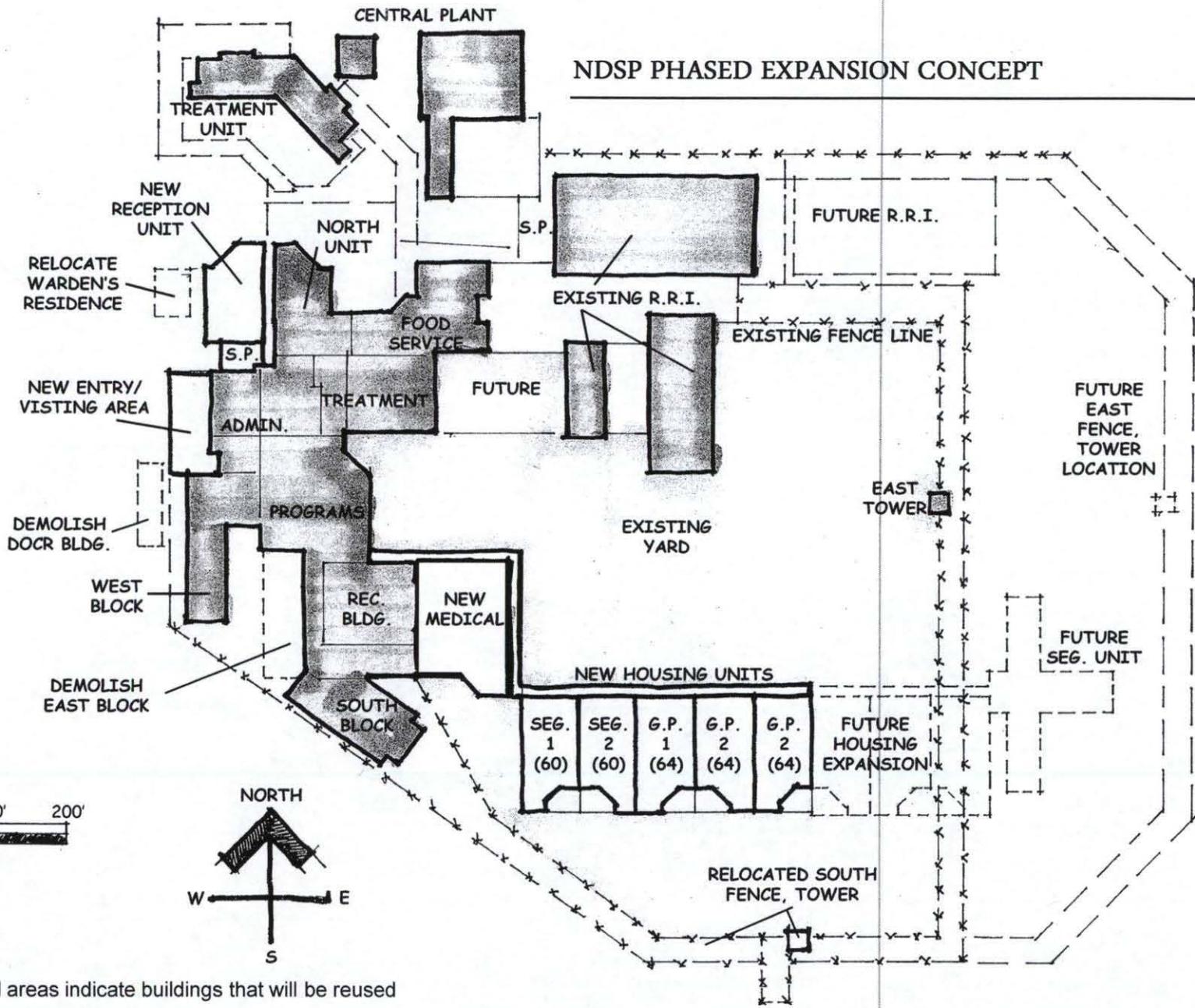
INTERAGENCY AGREEMENT

The committee received a report pursuant to Section 2 of Senate Bill No. 2136 (2007), regarding services provided by the Department of Corrections and Rehabilitation relating to individuals at the State Hospital who have been committed to the care and custody of the executive director of the Department of Human Services. The committee learned that personnel from JRCC are providing training, consultation, and assistance to the personnel at the sexual offender unit at the State Hospital. The Department of Human Services continues to be responsible for the care and custody of individuals placed for evaluation or civil commitment and treatment at the unit. The committee learned that the State Hospital has implemented safety and security upgrades at the hospital, including fire safety measures, door control measures, and proper classification and placement of sexual offenders in appropriate treatment and security units.

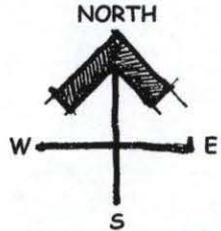
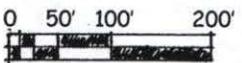
Option 1 Reuse Expansion Concept



NDSP PHASED EXPANSION CONCEPT



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Shaded areas indicate buildings that will be reused