

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1159

2007 HOUSE APPROPRIATIONS

HB 1159

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1159

House Appropriations Committee
Human Resources Division

Check here for Conference Committee

Hearing Date: January 17, 2007 2:00 pm

Recorder Job Number: 1326

Committee Clerk Signature

Donna Kramer

Minutes:

Chairman Pollert opened the hearing on **HB 1159**, a Bill for an Act to authorize construction of a state correctional facility and related land acquisition; to require development of a prison facility master site plan and to require reports to the legislative council; to authorize the sale of department of corrections and rehabilitation land and buildings; and to provide an appropriation. All division members present: **Representatives Larry Bellew, Vice Chairman, James Kerzman, Ralph Metcalf, Mary Ekstrom, Jon Nelson, Gary Kreidt, and Alon Wieland.**

Alon Wieland, Representative from the 14th District in West Fargo, introduced HB 1159. (Copy of written testimony is attached) He gave the reasons with an explanation for proposing new construction: 1. Efficiency of operation, 2. Efficiency of utilities; 3. Safety, 4. Costs, 5. Life of the Facility, 6. Design, 7. and Morale.

Alon Wieland stated the new facility could be constructed at a cost of \$105,000,000 which did not include land. Questions and discussion as to the sale of MCRR.

Representative Ron Carisle, a sponsor, also testified regarding the plans. Questions and discussion regarding the POD design ... 80 acres of land on present site ... prisoner load centralized ... segregation of hard core prisoners ... more paroled earlier ... water and utilities.

Handouts of maps were given showing possible locations and state owned land.

Representative Dave Weiler, District 30, testified to the current land sites. This plan, he stated, would be to get rid of the MRCC. There is 9000 ft of river frontage and the appraisal value of \$9.5 million. Continued questions and discussion on current penitentiary appraised at \$5 or \$6 million ... infrastructure costs ... cost of demolishing and impact ... rating of efficiencies (energy, employee, et cetera) - now existing at 3; remodeled cell house (40% new and 60% inefficient) - rate 6 overall. He stated that the present facility is a "dinosaur." Questions and discussion on cost of renovations during the past 10 years ... bonded amount ... future of Rough Rider Industry to be enhanced

Representative Nottestad, of the 43rd District, testified in support of the bill. Refer: 53:00. He stated there are future needs at the MRCC ... security ... facility near residential area ... cafeteria ... costs of renovation. Questions about the moving of MRCC.

Representative Metcalf testified in support of the bill. Refer: 59:40. He spoke on the proper treatment of 23% of the inmates having addiction problems ... new prison can help.

Representative Grande, 41st District, testified in support. She stated drug rehabilitation was a very aspect in the prospect of a new prison. There would be savings with maintenance, safety, and remodeling costs.

Representative Al Carlson, of District 41, testified in support and gave his prospective. Refer: 070:10 He stated the interim committee had met with the governor ... did look at bonding debt ... have to look at long term costs and analyze. Stated there were 3 options: 1. Remodel what you have; 2. Build new on new location; and 3. New facility on same grounds.

Representative Glassheim, District 18, testified in a neutral view. Concerned about 65 million differential with no additional beds.

Jeff Goodale, with HDR Architecture based in Omaha, NB and with his office being in Chicago, IL, testified. He answered questions regarding the proposal for the \$116 for a new facility, \$105 million estimate for the expansion and remodel of the existing facility. He stated key factors in determining costs would be: location of existing utilities and not knowing what shape of land would be. Questions and discussion regarding inflationary factor ... building prisons ... pre-cast systems ... limited construction season ... security ... use of prison labor.

Chairman Pollert stated no action today but more detailing next week.

Adjournment.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1159

House Appropriations Committee
Human Resources Division

Check here for Conference Committee

Hearing Date: February 12, 2007

Recorder Job Number: 3386

Committee Clerk Signature

Minutes:

Chairman Pollert continued the discussion on **HB 1159**, a Bill for an Act to authorize construction of a state correctional facility and related land acquisition; to require development of a prison facility master site plan and to require reports to the legislative council; to authorize the sale of department of corrections and rehabilitation land and buildings; and to provide an appropriation. All division members present: **Representatives Larry Bellew, Vice Chairman, James Kerzman, Ralph Metcalf, Mary Ekstrom, Jon Nelson, Gary Kreidt, and Alon Wieland.**

Representative Wieland proposed amendments 70438.0101 to HB 1159. An explanation was given as it was basically to reduce the costs from \$105 to \$85 million. Built on site. Changed the bill to reflect what was given in HB 1015. He stated that it was intention to adopt the amendments, then kill the bill as it was not needed.

Representative Kreidt made a motion to accept the amendments.

Representative Bellew: Seconded the motion.

Discussion.

Roll call vote: 6 yes and 2 no.

Representative Bellew: Made a motion "Do Not Pass".

Page 2

House Appropriations Committee

Human Resources Division

Bill/Resolution No. HB 1159

Hearing Date: February 12, 2007

Representative Metcalf: Seconded the motion.

Roll call vote: 8 yes and 0 no.

Carrier: Representative Kreidt

Adjournment.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1159

House Appropriations Committee

Check here for Conference Committee

Hearing Date: February 13, 2007

Recorder Job Number: 3468

Committee Clerk Signature

Shirley Branning

Minutes:

Chm. Svedjen called the meeting to order to take up Amendment .0101 to HB 1159, a bill to authorize construction of a state correctional facility and related land acquisition.

Rep. Pollert: It was amended to show \$85m. It mirrors what we did in HB 1015.

Rep Kreidt moved the Amendment .0101 to HB 1159. Rep. Pollert seconded the motion.

Rep Kreidt explained the amendment by referring to HB 1159 where \$116m was in the budget. It has been amended to reflect what had gone in HB 1015 with the \$85m.

The voice vote to adopt Amendment .0101 carried.

Rep. Kreidt moved a Do Not Pass to HB 1159. Rep. Weiland seconded the motion.

The Do Not Pass as amended motion carried by a roll call vote of 23 yea, 0 nay and 1 absent and not voting. Rep. Kreidt will be the carrier of the bill.

FISCAL NOTE
 Requested by Legislative Council
 01/05/2007

Bill/Resolution No.: HB 1159

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues					\$6,850,000	
Expenditures			\$60,000,000		\$45,000,000	
Appropriations			\$60,000,000		\$45,000,000	

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Bill provides a specific amount to site and construct a 950 correctional facility to replace the existing NDSP and MRCC. Directs the DOCR to sell the NDSP and MRCC property and to hire an expert to develop a master site plan.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This fiscal note addresses ONLY the projected costs to construct a new facility and does NOT attempt to estimate the cost of operating, staffing or maintaining a new facility.

Although this bill provides for a specific amount (\$60 million appropriated in 07-09; \$45 million in legislative intent in 09-11) to site and construct a 950 bed correctional facility to replace the existing NDSP and MRCC, it is the DOCR's position that the amount specified in HB1159 (\$105 million) is not adequate.

Recent information obtained from Ritterbush-Ellig-Hulsing / HDR Architecture, Inc. estimates the cost of 950 bed correctional facility, exclusive of land acquisition, to be \$116.3 million. This facility would be comparable in all areas (ie; bed space, security, medical, programming and treatment, industries, and auxiliary services) to the "NDSP proposed building project complete" and the current MRCC.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Revenues listed in 1A above for the 09-11 biennia consist of the following:

- Sale of MRCC - \$7,850,000
- Sale of NDSP - \$5,000,000
- Demolition of NDSP - \$(6,000,000)
- Estimated Net Proceeds from sale of property - \$6,850,000

The MRCC amount is per a 2/28/05 appraisal of the MRCC property completed by Dakota Appraisal and Consulting, LTD. The amount is based on 785 acres as-is market value (without riverbank stabilization easement)
 The NDSP amount is per a 12/28/06 appraisal of the NDSP property completed by Dakota Appraisal and Consulting, LTD. The amount is based on 80 acres on only the underlying land's market value.
 The NDSP demolition amount is an estimated amount per Ritterbush-Ellig-Hulsing / HDR Architecture, Inc.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenditure amounts listed in 1A above are equal to the appropriation and legislative intent amounts specified in HB1159.

It is the opinion of the DOCR that amount provided in HB1159 is not adequate to site and construct a 950 bed correctional facility that is comparable in all areas to the "NDSP proposed building project complete", and the current MRCC. Current estimate for a comparable 950 bed facility, exclusive of land acquisition, is \$116.3 million.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Appropriation amounts listed in 1A above are equal to the appropriation and legislative intent amounts specified in HB1159.

It is the opinion of the DOCR that amount provided in HB1159 is not adequate to site and construct a 950 bed correctional facility that is comparable in all areas to the "NDSP proposed building project complete", and the current MRCC. Current estimate for a comparable 950 bed facility, exclusive of land acquisition, is \$116.3 million.

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	01/14/2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1159

Page 1, line 1, remove "and related land"

Page 1, line 2, remove "acquisition"

Page 1, line 7, remove "acquire by purchase or exchange a tract of"

Page 1, line 8, remove "land in Burleigh County for a site for construction of a correctional facility and"

Page 1, line 9, remove "on the site acquired, using a two-phased approach"

Page 1, line 10, replace "2011" with "2009" and remove "for acquisition and"

Page 1, line 11, remove "construction" and replace "\$105,000,000" with "\$85,000,000"

Page 1, line 20, replace "\$60,000,000" with "\$85,000,000"

Page 1, line 21, remove "acquiring land and"

Page 1, line 22, remove "phase I of"

Page 2, line 1, replace "**LEGISLATIVE INTENT - FUTURE FUNDING FOR PHASE II OF THE**" with "**LOCATION OF MISSOURI RIVER CORRECTIONAL CENTER.** The services and programs provided at the Missouri River correctional center shall be relocated to the state penitentiary site after the correctional facility project authorized by this Act is operational."

Page 2, remove lines 2 through 4

Page 2, line 5, remove "**THE PENITENTIARY AND**"

Page 2, line 8, remove "current state penitentiary and"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment changes the bill to provide for a \$85,000,000 correctional facility on the site of the State Penitentiary, to provide for the relocation of the Missouri River Correctional Center when the facility is complete, and allow for the sale of the Missouri River Correctional Center land when the facility is complete.

Date: 2/13/07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1159

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number 70438-0101

Action Taken Adopt Amend. 0101

Motion Made By Kreidt Seconded By Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Representative Wald			Representative Aarsvold		
Representative Monson			Representative Gulleson		
Representative Hawken					
Representative Klein					
Representative Martinson					
Representative Carlson			Representative Glassheim		
Representative Carlisle			Representative Kroeber		
Representative Skarphol			Representative Williams		
Representative Thoreson					
Representative Pollert			Representative Ekstrom		
Representative Bellew			Representative Kerzman		
Representative Kreidt			Representative Metcalf		
Representative Nelson					
Representative Wleland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voices vote - carries

Date: 2/13/07
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1159

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass as Amended

Motion Made By Kreidt Seconded By Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleson	✓	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 23 No 0

Absent 1

Floor Assignment Kreidt

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

REPORT OF STANDING COMMITTEE

HB 1159: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1159 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and related land"

Page 1, line 2, remove "acquisition"

Page 1, line 7, remove "acquire by purchase or exchange a tract of"

Page 1, line 8, remove "land in Burleigh County for a site for construction of a correctional facility and"

Page 1, line 9, remove "on the site acquired, using a two-phased approach"

Page 1, line 10, replace "2011" with "2009" and remove "for acquisition and"

Page 1, line 11, remove "construction" and replace "\$105,000,000" with "\$85,000,000"

Page 1, line 20, replace "\$60,000,000" with "\$85,000,000"

Page 1, line 21, remove "acquiring land and"

Page 1, line 22, remove "phase I of"

Page 2, line 1, replace "**LEGISLATIVE INTENT - FUTURE FUNDING FOR PHASE II OF THE**" with "**LOCATION OF MISSOURI RIVER CORRECTIONAL CENTER.** The services and programs provided at the Missouri River correctional center shall be relocated to the state penitentiary site after the correctional facility project authorized by this Act is operational."

Page 2, remove lines 2 through 4

Page 2, line 5, remove "**THE PENITENTIARY AND**"

Page 2, line 8, remove "current state penitentiary and"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment changes the bill to provide for a \$85,000,000 correctional facility on the site of the State Penitentiary, to provide for the relocation of the Missouri River Correctional Center when the facility is complete, and allow for the sale of the Missouri River Correctional Center land when the facility is complete.

2007 TESTIMONY

HB 1159



REPRESENTATIVE
ALON WIELAND
District 13
P.O. Box 412
West Fargo, ND 58078-0412
awieland@nd.gov

HOUSE OF REPRESENTATIVES
**NORTH DAKOTA
LEGISLATIVE ASSEMBLY**

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Appropriations - Human
Resources Division

HB 1159

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE. FOR THE RECORD, MY NAME IS ALON WEILAND, REPRESENTATIVE FROM THE 13TH DISTRICT IN WEST FARGO. I AM HERE TODAY TO INTRODUCE HB 1159, A BILL TO CONSTRUCT A NEW PENITENTIARY BUILDING OR COMPLEX.

FOLLOWING THE 59TH LEGISLATIVE SESSION, THE BUDGET COMMITTEE ON GOVERNMENT OPERATIONS WAS ASKED TO DO A STUDY OF THE PERSON SYSTEM AND TO MAKE RECOMMENDATIONS REGARDING THE FACILITIES HOUSING PRISONERS IN THE NORTH DAKOTA CORRECTIONS AND REHABILITATION SYSTEM. THE FINAL REPORT HAS BEEN FILED WITH LEGISLATIVE COUNCIL AND I KNOW THAT YOU HAVE READ THE REPORT AND FAMILIARIZED YOURSELF WITH THE FINDINGS THE MAJOR FINDING IN THE REPORT WAS TO RECOGNIZE THAT THE PENITENTIARY HAS SERIOUS PROBLEMS WITH THE PHYSICAL PLANT AND IN AN 11-10 VOTE, RECOMMENDED TO REMODEL THE FACILITY WITH A PLAN ADOPTED BY THE DEPARTMENT OF CORRECTIONS AND REHABILITATION AT AN ESTIMATED COST OF \$42,000,000. OTHER SOLUTIONS WERE DISCUSSED

NEW FACILITY AS THE REMODEL PROPOSAL. HOWEVER, AN ESTIMATED COST HAS BEEN DEVELOPED WITH THE HELP OF THE DOCR ARCHITECT, AND IS AVAILABLE ON REQUEST.

THE REASONS FOR PROPOSING NEW CONSTRUCTION IS AS FOLLOWS:

1. EFFICIENCY OF OPERATION: IT WAS ESTIMATED BY THE DOCR THAT 3 CORRECTIONAL OFFICERS CAN BE SAVED EACH SHIFT. THIS IS ESTIMATED WITHOUT HAVING A BLUEPRINT. I BELIEVE IT COULD BE MORE. WITH THE HIGH TURNOVER, I BELIEVE THAT NO ONE WOULD LOSE THEIR JOB, AND EFFICIENCY OF OPERATION COULD BE IMPROVED IN OTHER WAYS.
2. EFFICIENCY OF UTILITIES: THE COST OF HEAT, ELECTRICAL, ETC. WOULD BE REDUCED: NOT JUST IN THE NEWLY REMODELED AREA, BUT IN THE ENTIRE FACILITY. WINDOWS WOULD BE AT A MINIMUM, AND OTHER COST SAVING IDEAS WOULD BE INCOPORATED. YOU MAY HEAR ABOUT A HEATING SOURCE THAT IS VERY EFFICIENT.
3. SAFETY: A NEW FACILITY HAS TO BE MUCH SAFER THAN A REMODELED FACILITY. THE DESIGN WOULD CERTAINLY INCOPORATE STATE OF THE ART COMMUNICATION, SECURITY CAMERA, LOCKS AND OTHER TYPES OF SAFETY ISSUES.
4. COSTS: WHEN REMODELING, OFTEN TIMES COSTS INCREASE. ELECTRICAL WIRES ARE FOUND THAT ARE SUBSTANDARD, SAGGING WALLS ARE FOUND, PLUMBING PROBLEMS ARE FOUND.

THIS CAN INCREASE COSTS. WHEN THE REMODELING IS COMPLETED, AND THE \$42,000,00 IS SPENT, THE OPPORTUNITY TO DO NEW CONSTRUCTION IN THE FUTURE IS LOST. AND THE ENTIRE PRISON WILL BE REBUILT OVER TIME, AND PROBABLY AT A MUCH HIGH COST THAN IF CONSTRUCTED TODAY.

5. LIFE OF THE FACILITY: SOME OF THE CURRENT FACILITY IS 100 YEARS OLD. WITH THE REMODELING, THE FACILITY IS ESTIMATED TO LAST UNTIL 2014. IN BETWEEN, OTHER MAINTENANCE ITEMS ARE ANTICIPATED TO BE REPAIRED OR REPLACED. IF PROJECTIONS SHOW THAT POPULATIONS ARE INCREASING, MORE ADDITIONS OR CHANGES WILL BE NEEDED. A NEW FACILITY, WITH A DESIGN TO ADD BEDS ONLY, COULD LAST UP TO ANOTHER 100 YEARS WITHOUT ADDITIONAL INFRASTRUCTURE CHANGES.
6. DESIGN: THE ARCHITECT HAS DESIGNED THE REMODELING PROJECT IN POD FORM. BUT THAT STILL LEAVES MUCH OF THE OLD FACILITY TO BE OF LINEAR OR OTHER DESIGN. POD DESIGNS ALLOW A FACILITY TO CLOSE DOWN A POD IF POPULATIONS GO DOWN, ADD TO THE FACILITY IF POPULATIONS INCREASE AND, ALL WITH OUT AFFECTING SAFETY, BUT MUCH EASIER TO DO. ALSO, A NEW FACILITY WOULD BE ON 1 FLOOR, WHICH AGAIN INCREASES SAFETY AND EFFICIENCY.
7. MORALE: I BELIEVE THAT A NEW FACILITY WOULD HAVE A DRAMMATIC EFFECT ON MORALE OF CORRECTIONS OFFICERS.

KNOWING THAT STATE OF THE ART SECURITY AND COMMUNICATIONS ARE PRESENT CREATES A CONFIDENCE IN THE ABILITY TO DO ONE'S JOB.

THE AGENCY ARCHITECT WAS GIVEN THE ASSIGNMENT, I BELIEVE, TO DO PLANS AND SPECS FOR THE REMODELING BECAUSE THE CURRENT COST IS CHEAPER, AND WOULD HAVE A BETTER CHANCE OF GETTING DONE. THE ORIGINAL ESTIMATES FOR REMODELING WERE \$38,000,000 FOR THE REMODELING, AND \$120,000,000 FOR A NEW 2,000 BED FACILITY. NOW THE ESTIMATES ARE \$41,000,000 FOR THE REMODELING AND \$116,000,000 FOR A NEW 950 BED FACILITY. I BELIEVE THAT A NEW FACILITY COULD BE CONSTRUCTED FOR \$105,000,000 AND THAT IS THE AMOUNT IN THE BILL. THAT DOES NOT INCLUDE LAND. HOWEVER, IT IS AN ESTIMATE, AND WHEN AND IF FINAL PLANS WERE TO BE PREPARED, IT MIGHT HAVE TO BE ADJUSTED AGAIN. IT WOULD BE A POD DESIGN WHICH ALLOWS FLEXIBILITY IN OPERATION, EXPANSION, REDUCTION, AND EFFICIENCY OF OPERATION.

THE LOCATION IS INTENDED TO BE OFF THE CURRENT SITE, BUT LOCATED IN THE BISMARCK-BURLEIGH COUNTY AREA, CLOSE TO BISMARCK. IT IS INTENDED TO INCLUDE MRCC, WHICH ALLOWS THE SALE OF THAT PROPERTY FOR RECOUPING SOME OF THE COSTS. THIS WILL BE DISCUSSED BY OTHERS. THE BILL INTENDS TO LEAVE IN OPERATION JRCC IN JAMESTOWN, THE WOMAN'S PRISON IN NEW ENGLAND, AND THE TREATMENT CENTER IN RUGBY. I HOPE WE CAN KEEP AN OPEN MIND ON

THIS BILL. YES, IT COSTS MORE NOW, BUT I BELIEVE IT WILL SAVE MONEY FOR THE PEOPLE OF NORTH DAKOTA IN THE LONG RUN, BOTH IN MAINTENANCE AND OPERATION. THE AGENCY ARCHITECT HAS STATED THAT OVER TIME, THE ENTIRE PENITENTIARY WILL BE REBUILT, SO IF WE REMODEL, THIS IS JUST THE START. SEVEN YEARS GOES BY FAST AND THEN, I BELIEVE, THAT THE NEXT PHASE OF THE REMODELING WILL BE SOUGHT.

THANK YOU, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, FOR ALLOWING ME TO PRESENT THIS BILL TO YOU TODAY. OTHERS ARE HERE TO TESTIFY, AND I WILL PROVIDE YOU WITH A COPY OF THIS TESTIMONY LATER THIS WEEK. ALSO, I WILL BE AVAILIBLE FOR QUESTIONS, NOW OR LATER.

Carlisle, Ron D.

From: Keller, Becky J.
Sent: Friday, January 12, 2007 2:55 PM
To: Carlisle, Ron D.
Subject: game and fish land

Representative Carlisle,

This email is in response to your question regarding acreage owned by the Game and Fish Department.

The Game and Fish Department identified the following tracts in Burleigh County owned by the department:

1. Arena Lake Wildlife Management Area – 800 acres – 6 miles east, 3 miles south, and ½ mile east from Wing
2. Bunker Lake WMA – 160 acres – 3 miles west, 6 miles north and ½ mile west from Wing
3. Phoenix Township WMA - 80 acres – 5 miles north and 4.5 miles east of Wing
4. Russell Stuart WMA – 735 acres – 1.5 miles north, 1 mile west, and 8.5 miles north of Regan
5. Wilton Mine WMA – 188 acres – 1 mile east of Wilton
6. Bismarck Office – 10 acres – 100 North Bismarck Expressway, Bismarck
7. Bismarck Shop Facility – 6 acres – 3001 Main Avenue, Bismarck
8. Old Bismarck Shop and Lab – 2 acres - 816 Airport Road, Bismarck
9. McKenzie Slough WMA – 680 acres – ½ miles south of McKenzie off I-94 exit 176
10. Moffit WMA – 160 acres – 13.5 miles south, ½ mile east of I-94 exit 182(Sterling)
11. Robert W. Henderson WMA – 566 acres – 6 miles east of Bismarck on Highway 10

Please contact this office if you have questions or need additional information.

Becky Keller
Fiscal Analyst
ND Legislative Council Staff
328-2916

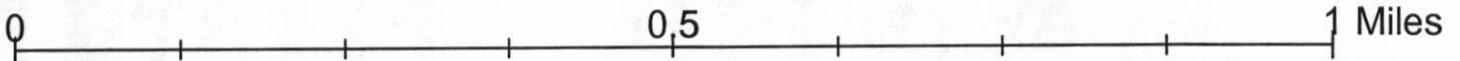
36-T139-R80

Burleigh County

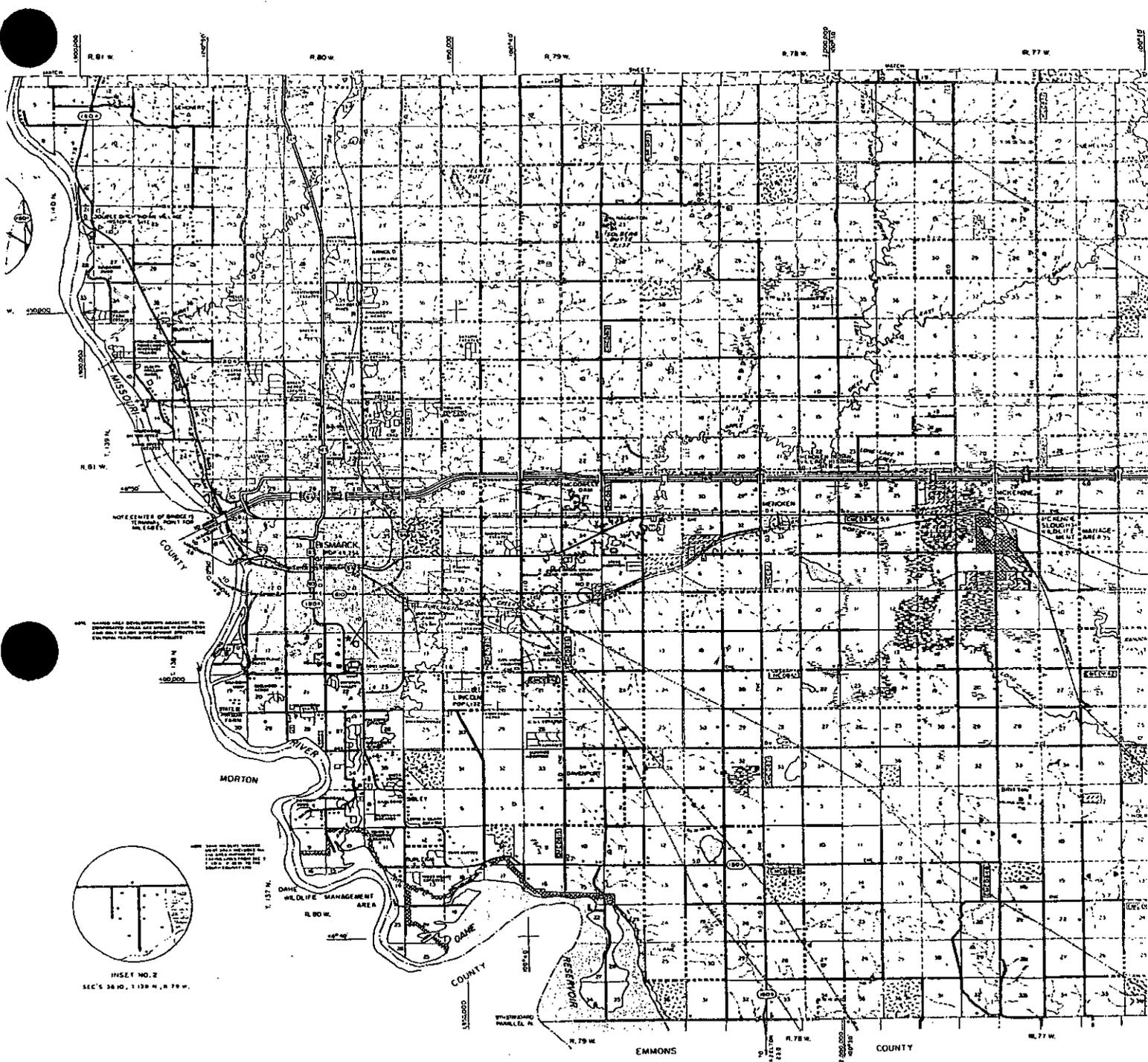
Township: Hay Creek



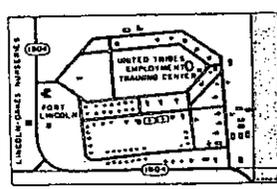
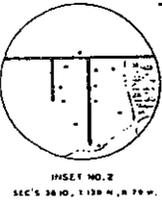
Map Datum is WGS 84 (same as NAD 83)



Printed: 1/15/2007 -- ND State Land Dept.



NOTE: This map is based on the original survey data and is not a reproduction of the original survey data. It is intended for general reference only and should not be used for legal purposes.



presented information regarding the authority used to provide an early retirement payment to the former director of the department. A copy of the information presented is on file in the Legislative Council office. Ms. Bertsch said NDCC Section 54-23.3-03 provides that the Governor shall set the salary of the director for the Department of Corrections and Rehabilitation and the early retirement payment for the former director was directed and authorized by the Governor. She said further statutory authority to provide the early retirement payment to the former director is provided for in Sections 54-52-27 and 54-52-29, which provide for the purchase of sick leave credits and employer service purchases.

In response to a question from Representative Carlson, Ms. Bertsch said the funds for the early retirement payment made to the former director of the Department of Corrections and Rehabilitation came from the department's 2005-07 biennium budget.

Representative Delzer said although there was legal authority for the early retirement payment made to the former director, it was not the intent of the 2005 Legislative Assembly that funds appropriated to the department for the 2005-07 biennium be used for that purpose.

Future Facility Needs

At the request of Chairman Carlson, Mr. Tim Schuetzle, Director, Prisons Division, Department of Corrections and Rehabilitation, presented information regarding recommendations for future facility needs for the department, including the number and type of beds needed and the recommended locations. A copy of the information presented is on file in the Legislative Council office. Mr. Schuetzle said he believes the committee needs to concentrate on the following three main issues during its study of the Department of Corrections and Rehabilitation and the future need for prison beds:

- What is the present value and expected usefulness of the existing physical plants versus constructing a new, all-encompassing prison to meet the future needs.
- Corrections is just one facet of the criminal justice system and in order to get control of incarceration costs to the state, the committee should be looking at the bigger picture. There could be changes made throughout the criminal justice system that would impact projected population growth and the need for future prison space. This committee needs to combine with members of both the executive and judicial branches of government to enact these changes.
- What is the cost benefit of privatizing corrections or building prisons as "economic development," considering the economies of scale, availability and cost of services, and the need

to maintain equity of services throughout the prison system.

Mr. Schuetzle said advantages of building a new 2,000-bed prison facility include:

- A new building design would be safer for both the inmates and the staff.
- Security staffing costs could likely be reduced due to new cellblock designs with improved site-lines.
- One facility for the entire state would have built-in economies of scale.
- A new facility would likely be more energy-efficient.
- The department would save transportation costs that are currently incurred due to the need to deliver and move inmates between the existing facilities.
- Sale of the existing land would help defray the cost of construction.

Mr. Schuetzle said a disadvantage to building a new 2,000-bed facility for both male and female inmates of all security levels would be the initial cost of construction, which is estimated to be approximately \$119 million. He said another disadvantage with building a new facility is that the three existing prison facilities still have usefulness and value. He said the condition of the prison buildings was thoroughly analyzed during the 2001 study conducted by Security Response Technologies, Inc., and that Volume III of the report illustrates that the state has invested over \$31 million in new construction and renovation in all three prison facilities over 20 years. He said the report states that "Each of the facilities is generally in good condition and can expect to provide useful service for the next fifteen to thirty years with reasonable care and maintenance being provided."

Mr. Schuetzle said a disadvantage to renovating the existing facilities is that older buildings will require more maintenance costs than a new building. He said if the renovation option is chosen, the state should consider adding additional bed space to the existing facilities to meet the need presented by the growing number of inmates and the east cellhouse and the administrative building at the State Penitentiary need to be replaced. He said an architectural study was completed during the 2003-04 interim which recommended a new 175-bed orientation/reception unit, a new 90-bed administrative segregation unit, the infirmary needs to be expanded and moved from the administrative building, and the east cellhouse should be demolished. He said this recommendation from the architect's study would cost approximately \$30 million and would increase the capacity at the State Penitentiary by 148 beds.

Mr. Schuetzle said his recommendations regarding the Department of Corrections and Rehabilitation facility needs are: