

2013 HOUSE APPROPRIATIONS

HB 1312

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1312
1/24/13
17677

Conference Committee

Committee Clerk Signature

Meredith Traubolt

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the department of corrections and rehabilitation to relocate the Missouri River correctional center; and to provide legislative intent.

Minutes:

You may make reference to "attached testimony."

Chairman Delzer opened the hearing on HB 1312.

Rep. Wieland: See Attachment 1.

05:45

Rep. Dosch: How did you come up with the \$12M?

Rep. Wieland: It is an estimate at this point.

Rep. Dosch: You've spoken with Parks & Rec and Game & Fish - are they interested in taking this on?

Rep. Wieland: I have not personally spoken with them, but Sen. Carlisle has.

Rep. Mike Nathe, District 30: I would like to add my support to this bill. The MRCC land is in our district, along the river, and it's a beautiful piece of land. I think this would be the best use for this land.

Chairman Delzer: There are close to 900 acres, how do you see the land being used?

Nathe: I would see the whole thing being used as a park, but I think that could be determined by Game & Fish or Parks.

Sen. Ron Carlisle, District 30: I agree now is the time to move it. I would like to see the whole thing as a park. I've talked to Parks & Rec, Game & Fish, they're well aware of it; they will have to come up with a plan. I would like to get the process started.

10:25

Rep. Monson: What do you see the \$12M being needed to do?

Carlisle: The money is Rep. Wieland's part of the bill; I just said if we're going to do this, we need to make it a park.

Rep. Kreidt: I speak in support of HB 1312. I've been on the subsection of appropriations that deals with the state pen, and I think this is an ideal opportunity to move forward with this project. My concerns are more of safety and security for the individuals that live in that area. We've been lucky there hasn't been a serious incident to date.

13:50

Mylo Candee, Posse for the Preservation of Nature Park on the Missouri: Presented testimony in support of part 2 of the bill, see Attachment 2.

20:15

Kelvin Hullet, President, Bismarck-Mandan Chamber: Our organization is always in favor of government efficiency. Also, we are seeing with younger generations that they do place a high factor on quality of life and where they want to live, and opportunities for recreation are essential. Thirdly, for the last four months I have been meeting with many sides on the outdoor heritage amendment. There is not a lot of appetite for acquisition of additional land into the public domain. This land is already there, and if there is an opportunity to transition that to recreational use, that would be a very worthwhile endeavor.

22:35

Mike McEnroe, ND Chapter of The Wildlife Society: See Attachment 3.

23:40

Leann Bertsch, Director, Department of Corrections and Rehabilitation: See Attachment 4.

31:25

Rep. Monson: Are you concerned about, if MRCC remains there, would you have to have some flooding issues resolved?

Bertsch: Regardless of whether MRCC remains or not, there is a plan in place to protect the south side of the city. As far as MRCC itself is concerned, no, 2011 was a fluke, and we are probably better able to maintain that land with inmate labor.

Rep. Pollert: There are a number of medium security inmates out there now, correct?

Bertsch: No, they are all minimum security.

Chairman Delzer closed the hearing.

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1312
2/12/13
Job 18851

Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the department of corrections and rehabilitation to relocate the Missouri River correctional center; and to provide legislative intent.

Minutes:

You may make reference to "attached testimony."

Rep. Wieland: This bill is to relocate the MRCC. Summarized original bill. Department of Corrections and Rehabilitation (DOCR) opposed the bill, so I got together with Mr. Krabbenhoft and Ms. Bertsch, asked what we could do to make the bill more palatable to them. That's where we came up with the amendment. **Distributed an amendment, 13.0347.02001.** With the amendment, the MRCC would not be moved to the prison site but would be moved to the Youth Correctional Center (YCC) location, which has adjacent acres. This eliminates a lot of the problems the corrections people had put in. Moving that to the YCC took a lot of their objections away. Instead of giving the land to the State Game and Fish and to Parks and Rec immediately, this amendment would allow them to get on the land to do a study, but not to do any work there until after MRCC was actually moved from the location. We put in an appropriation for \$200,000 for developing the plan and then asked that the \$12 million in the original bill would be transferred to the State Penitentiary Land Fund and then held until they are ready to build.

4:03

Chairman Delzer: Did you have any kind of language of what would trigger that money being used? Do they have to come before the Emergency Commission Budget Section or anything to say they're ready to expend that? How quickly do you think they'll be getting to that?

Rep. Wieland: I expect that they won't be ready to move for at least 1-2 years.

Chairman Delzer: What about the plan itself? Do you have anything in the amendment saying they have to bring the plan back to a committee for approval?

Rep. Wieland: It merely states that the plan must include a determination of facilities, services, and activities that may be used by MRCC and YCC. In other words, MRCC and

YCC would be combined in some areas, such as dining and laundry. Nothing that gives a specific time or that they have to come back to us.

Chairman Delzer: The difference to me is they were all gung ho about doing the prison; we're a little loose doing it this way.

Rep. Grande: I am looking at the last line of the original bill, and I don't see anything that repeals it off of the amendments, but it does say that the Park and Rec department shall report on the plan and progress to the committee designated by Legislative Management. Is that what you're looking for?

Chairman Delzer: No, that's only the use of the MRCC land, but not the plan the department would be doing for the new MRCC out at the YCC.

Rep. Wieland: I could review this and include a date. I think we would have an agreement with them on the date for the plan to be done and construction to be started.

7:18

Rep. Pollert: The way I read the bill right now, if the amendments were adopted is that we give them \$12M. But do we have any insight and any okay for the Legislature to approve it, or can they just build the \$12M. That's what I'm reading right now.

Chairman Delzer: If we passed it this way, they would have authority to spend that whenever they wanted to. It is limited to movement of MRCC, but the timeline is theirs.

Rep. Brandenburg: What is the plan for the land?

Chairman Delzer: The bill says turned over to G&F and P&R and will be used as a park.

Rep. Brandenburg: There are certain farmers who might like to farm that land.

Rep. Wieland: Quite a bit of the land can't be farmed due to flooding and easements. There are 400 acres being farmed right now, that's all.

Chairman Delzer: Did you discuss that with them? What I heard when they were here was that it would all farming would be stopped in the end.

Rep. Skarphol: I think the amendment needs to be redrafted. It does not say anything about removing lines 10-14, ending with department. It does not read right.

Chairman Delzer: Rep. Wieland would you take this up and address our concerns? Allen, how long does it take to do a marked up version? Do we have to adopt the amendment before you can do a marked up version?

Allen Knudson: No, once we do an amendment we can provide a marked up version.

Rep. Skarphol: I agree there needs to be a step for us to say okay, or get moving, or something. It's a little too flexible.

Allen Knudson: Once the money is in the land fund, it can't be spent without appropriation authority. All you're doing here is transferring the money into the fund. They would still need legislative appropriations to spend it out of the fund.

Chairman Delzer: So that would put it to the next legislative assembly before they could spend the money. But it doesn't do anything about the timing about how soon they have to come back with a plan.

11:00

Rep. Glassheim: Could you give me short description of YCC land and its appropriateness?

Rep. Wieland: Yes. Gave verbal description of land and passed around color pictures.

Chairman Delzer: Is that land owned by the state pen? How much of that is rented out for farmland?

Rep. Wieland: Yes, it's owned by the state pen. Not much is rented for farming; it's rough property.

Rep. Skarphol: If we don't know what the plan is going to be, why are we appropriating dollars?

Chairman Delzer: If we appropriate this so it can only be used for the movement of the MRCC, if the next legislature decides they do not like the plan, can they go in and recapture that money?

Allen Knudson: Yes, it could be transferred back to wherever you wanted.

Chairman Delzer: So it would be a case of setting aside this amount, not knowing for sure what they're doing to come up with, but with the next legislature having the ability to adjust that amount up or down.

14:45

Rep. Skarphol: I can appreciate the concept, but we are going to get in a discussion of doing things that are not sustainable. I'm not sure I agree with taking \$12M off the table.

Chairman Delzer: This has been a thorn for a long time, and quite a few of us that would like to see the MRCC moved. I think it is prudent to set aside the money to take care of this.

Rep. Monson: The \$12M was for the original plan. Maybe moving it to YCC will be way less or way more. I think we're appropriating \$12M and have no idea if it's the right number when we're changing the whole direction of where it's going to go.

Chairman Delzer: That's why I asked Allen whether the next legislature can recapture that if they chose.

Rep. Pollert: I agree the \$12M should go into the fund, but we've got to have a plan ready because if we don't have a plan ready, it will be four or six years before we move this.

Rep. Hawken: I am concerned about tying up \$12M. We need to start prioritizing.

Rep. Holman: When Leann Bertsch gave testimony and her ideas about the plan, she gave us a lot of information about mixing the populations and how it was going to be set up. We haven't heard any of that about this. That sounds like policy, but that's the planning.

Chairman Delzer: They were more concerned about contraband out at the state pen. Apparently they don't have the same issue as much on this other side.

Rep. Pollert: With Rep. Wieland brining this amendment, that means there has been a great deal of discussion with DOCR, and they are agreeing with this even though they have not come in front of us. They will be in front of the HR section in the second half. With this amendment, I doubt if Rep. Wieland brought it forward without their approval.

Rep. Wieland: This was their suggestion, instead of putting it up at the prison. They felt that YCC is very similar. There is no fence at YCC or at MRCC. They felt this was much better, more compatible.

Chairman Delzer: We'll ask Rep. Wieland to redo the amendment and bring us a marked up bill. Part of the reason people are in support of moving this is that MRCC needs \$5M or more worth of work. It's a question of which is the best way to use that.

Rep. Glassheim: Could we have a planning period and they appear before budget section before we release the money? If we do appropriate the money and there is something that comes before us, we'd still have control.

Chairman Delzer: That's certainly an option.

Rep. Brandenburg: I hate to see more farmland put into wildlife areas. This farmland has monetary value. There are farmers near there who would like access to that land. Some of it should be a park; some of it should be farmed.

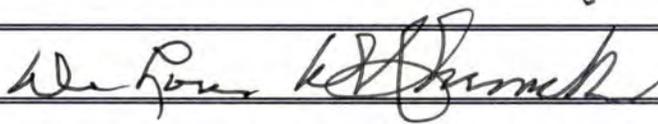
2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1312
February 26, 2013
Job # 19464

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

An Act to provide an appropriation to the department of corrections and rehabilitation to relocate the Missouri River correctional center; and to provide legislative intent.

Minutes:

Proposed amendment .02002

Chairman Delzer: Opened the meeting on HB 1312.

Rep. Wieland: (See amendment #.02002). It has changed some from the previous amendment that wasn't acted on anyway. It appropriates \$200,000 to the department of corrections and rehabilitation for the development of a plan for locating the Missouri River correctional center to the youth correctional center site for the biennium July 2013. It must include a determination of facilities, services and activities that may be shared. The department must present the plan to the legislative management by July 1, 2014. Section 2; there is appropriated the sum of \$12,000; which the office of Management and Budget shall transfer to the state penitentiary land fund established in section 54-23-04. It would be similar to what we did when we remodeled the prison. The intent of the Legislative Assembly at the 64 Assembly does not approve the relocation of the MRCC the fund transferred would be returned to the general fund. Section 3 Department of Corrections and Rehabilitation Budget request for 2015-17 funding provided in Section 2 of this act. Section 4 it is the intent of the 63 Legislative Assembly that once the Missouri River Correctional center is relocated to the YCC all remaining land be transferred to parks and recreation department for recreational purposes and may not be used for residence, business or industry. Parks and recreation has have access to the site prior to transfer of all remaining land and shall develop a 10 year plan. The idea there is they can go down for planning purposes, but they can't go on the site to actually do any work. State Game and Fish will work with the parks. Parks and Recreational shall report on the plan in progress to implement the plan periodically to a committee designated by legislative management.

Motion Made to Move the amendment .02002 by Rep. Wieland; Seconded by Rep. Grande

Discussion:

Rep. Glassheim: There was some concern earlier that the \$12 million might be enough but it doesn't come into effect for two years anyway so if it is not enough we can work on it the next legislative session.

Rep. Skarphol: The last sentence in Section 2 says if it is the intent of the legislative assembly that if the 64th Legislative Assembly does not approve the relocation the funds are returned to the general fund. Section 3 says the Department of Correction and Rehabilitation must include in its budget request for the 15-17 biennium funding provided in this section 2 of this article so it is saying you have to put it in there?

Chairman Delzer: It is saying you have to put it in there, but nothing says the 64th Legislative Assembly has to approve it. They want a plan brought forward with the amount of money they think they need to do it and then it is up to the next legislature whether they do it and if they do not do it then the \$12 million is returned to the general fund.

Rep. Brandenburg: It says all land being transferred to the parks and recreation department. I am concerned there is some farmland in there that some of that could still be farmed.

Rep. Skarphol: In thinking about that language; we sunset some things and I would almost have to call that language a sunrise.

Voice vote carried.

Do Pass As Amended Motion Made by Rep. Wieland; Seconded by Rep. Pollert

Vote: 21 Yes 1 No 0 Absent Carrier: Rep. Pollert

VK
2/26/13
1072

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1312

Page 1, line 2, after the semicolon insert "to provide a transfer; to provide for a report to the legislative management;"

Page 1, line 5, after "REHABILITATION" insert "- REPORT TO THE LEGISLATIVE MANAGEMENT"

Page 1, line 6, replace "\$12,000,000" with "\$200,000"

Page 1, line 7, after the second "of" insert "developing a plan for"

Page 1, line 8, replace "state penitentiary" with "youth correctional center"

Page 1, line 9, after the period insert "The plan must include a determination of facilities, services, and activities that maybe shared by the Missouri River correctional center and the youth correctional center. The department must present the plan to the legislative management by July 1, 2014."

SECTION 2. APPROPRIATION - TRANSFER - STATE PENITENTIARY LAND FUND - LEGISLATIVE INTENT. There is appropriated out of any moneys in the general fund in the state treasury, the sum of \$12,000,000, which the office of management and budget shall transfer on July 1, 2013, to the state penitentiary land fund established in section 54-23.3-04. The funds transferred and interest earned on the moneys transferred must be used for costs of relocating the Missouri River correctional center. It is the intent of the legislative assembly that If the sixty-fourth legislative assembly does not approve the relocation of the Missouri River correctional center, the funds transferred be returned to the general fund.

SECTION 3. DEPARTMENT OF CORRECTIONS AND REHABILITATION BUDGET REQUEST - 2015-17 BIENNIUM. The department of corrections and rehabilitation must include in its budget request for the 2015-17 biennium funding provided in section 2 of this Act for the relocation of the Missouri River correctional center."

Page 1, line 10, after "4." insert "LEGISLATIVE INTENT -"

Page 1, line 12, remove ", except for the land actually being used for the physical plant of the"

Page 1, remove line 13

Page 1, line 14, replace "correctional center be transferred to the parks and recreation department. Once" with "once"

Page 1, line 15, replace "state penitentiary" with "youth correctional center"

Page 1, line 16, remove ". Property transferred under this section must"

Page 1, line 17, remove the first "be used"

Page 1, line 17, remove "may"

Page 1, line 17, remove the second "be used"

2062

Page 1, line 18, after "shall" insert "have access to the Missouri River correctional center site prior to the transfer of all remaining land and shall"

Renumber accordingly

Date: 2/26/13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1312

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 02002

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Wieland Seconded By Rep. Grande

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------|-----|----|-----------------|-----|----|
| Chairman Delzer | | | Rep. Streyle | | |
| Vice Chairman Kempenich | | | Rep. Thoreson | | |
| Rep. Bellew | | | Rep. Wieland | | |
| Rep. Brandenburg | | | | | |
| Rep. Dosch | | | | | |
| Rep. Grande | | | Rep. Boe | | |
| Rep. Hawken | | | Rep. Glassheim | | |
| Rep. Kreidt | | | Rep. Guggisberg | | |
| Rep. Martinson | | | Rep. Holman | | |
| Rep. Monson | | | Rep. Williams | | |
| Rep. Nelson | | | | | |
| Rep. Pollert | | | | | |
| Rep. Sanford | | | | | |
| Rep. Skarphol | | | | | |

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

voice vote carries

Date: 2/26/13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1312**

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Wieland Seconded By Rep. Pollert

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------|-----|----|-----------------|-----|----|
| Chairman Delzer | X | | Rep. Streyle | X | |
| Vice Chairman Kempenich | X | | Rep. Thoreson | X | |
| Rep. Bellew | X | | Rep. Wieland | X | |
| Rep. Brandenburg | X | | | | |
| Rep. Dosch | X | | | | |
| Rep. Grande | X | | Rep. Boe | | X |
| Rep. Hawken | X | | Rep. Glassheim | X | |
| Rep. Kreidt | X | | Rep. Guggisberg | X | |
| Rep. Martinson | X | | Rep. Holman | X | |
| Rep. Monson | X | | Rep. Williams | X | |
| Rep. Nelson | X | | | | |
| Rep. Pollert | X | | | | |
| Rep. Sanford | X | | | | |
| Rep. Skarphol | X | | | | |

Total Yes 21 No 1

Absent 0

Floor Assignment Rep. Pollert

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

REPORT OF STANDING COMMITTEE

HB 1312: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1312 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide a transfer; to provide for a report to the legislative management;"

Page 1, line 5, after "**REHABILITATION**" insert "**- REPORT TO THE LEGISLATIVE MANAGEMENT**"

Page 1, line 6, replace "\$12,000,000" with "\$200,000"

Page 1, line 7, after the second "of" insert "developing a plan for"

Page 1, line 8, replace "state penitentiary" with "youth correctional center"

Page 1, line 9, after the period insert "The plan must include a determination of facilities, services, and activities that maybe shared by the Missouri River correctional center and the youth correctional center. The department must present the plan to the legislative management by July 1, 2014."

SECTION 2. APPROPRIATION - TRANSFER - STATE PENITENTIARY LAND FUND - LEGISLATIVE INTENT. There is appropriated out of any moneys in the general fund in the state treasury, the sum of \$12,000,000, which the office of management and budget shall transfer on July 1, 2013, to the state penitentiary land fund established in section 54-23.3-04. The funds transferred and interest earned on the moneys transferred must be used for costs of relocating the Missouri River correctional center. It is the intent of the legislative assembly that If the sixty-fourth legislative assembly does not approve the relocation of the Missouri River correctional center, the funds transferred be returned to the general fund.

SECTION 3. DEPARTMENT OF CORRECTIONS AND REHABILITATION BUDGET REQUEST - 2015-17 BIENNIUM. The department of corrections and rehabilitation must include in its budget request for the 2015-17 biennium funding provided in section 2 of this Act for the relocation of the Missouri River correctional center."

Page 1, line 10, after "4." insert "**LEGISLATIVE INTENT -**"

Page 1, line 12, remove ", except for the land actually being used for the physical plant of the"

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Page 1, line 17, remove the second "be used"

Page 1, line 18, after "shall" insert "have access to the Missouri River correctional center site prior to the transfer of all remaining land and shall"

Renumber accordingly

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1312

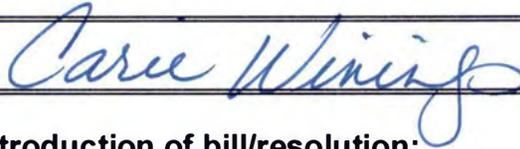
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1312
03/28/2013
Job Number 20593 and 20614

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the department of corrections and rehabilitation to relocate the Missouri River correctional center; to provide a transfer; to provide for a report to the legislative management; and to provide legislative intent.

Minutes:

Chairman Dever: Opened the hearing on HB 1312.

Representative Wieland, District13: Testified as sponsor and to explain the bill. See Attachment #1 for testimony.

(6:15) Senator Cook: How many prisoners are we talking about at the MRCC?

Representative Wieland: There are currently 147 prisoners at MRCC.

Chairman Dever: Can you enlighten us to the evolution of the bill?

Representative Wieland: There were amendments put on by appropriations. The bill originally called for the move to be made to the penitentiary site and that had considerable issues for the Department of Corrections. We sat down with them and came up with a compromise proposal to move it to YCC because it would be more compatible. The fence would not be a problem and they have some other reasons as well that I am sure they will give you more information on that.

Chairman Dever: Has parks and rec had input into this?

Representative Wieland: I don't know whether they have per say. I think Senator Carlisle can address that. He has been in touch with them more directly.

Chairman Dever: With the minimum security surrounding the MRCC, would that be a conflict with co-locating with YCC.

Representative Wieland: In my opinion not. There is no fence currently at YCC. I cannot see why there would be. The MRCC people are well controlled. They don't just roam around anywhere at their convenience. That is why they have not had any incidence.

Vice Chairman Berry: To qualify to become an inmate at MRCC, do you know exactly what qualifications an inmate must have to be placed there?

Representative Wieland: The warden of MRCC could answer that question. The intent would not be to change any part of that; that they would still be minimum security people; otherwise it would not work to have them at the YCC site.

Senator Nelson: I am concerned about the young people at the YCC. What are the chances of interaction with the older inmates at the MRCC?

Representative Wieland: I don't think there would be any interaction at all. The proposal is only to have it on a similar site adjacent to it because they could share in some costs. At YCC they are very well controlled.

(11:44)Senator Carlisle, District 30: Testified in support of the bill. There is 9000 feet of river frontage on that and the view shed from across the river to the park - that would be protected. That is why some of us feel very strongly that if parks and rec or game and fish were to get a hold of it, it will stay as a very low impact area. We own the land and it is a matter of changing the title. Others here will talk about the mix of prisoners. There will be no contact and that is why the head of DOCR was very adamant about not moving it out to the full prison facility. It is a concept now and a plan can be formulate over the interim with the money set aside to do this. The corrections officials need to be comfortable with the whole thing. Right now there is a location available in Mandan but it is a concept.

(14:29)Chairman Dever: Whose district would it be in?

Senator Carlisle: It will go across the river. There are buildings down there and they could be retrofitted to game and fish or other purposes. Right now it is the concept to park the money and get a good study and go from there.

Chairman Dever: I don't doubt the usability of parks and rec property, but I am concerned about the need to move it.

Senator Carlisle: There have not been any incidents, but there are homes around there and there is no fence. There is no room for error. I would be more comfortable if it got moved.

Senator Nelson: Representative Wieland's testimony sounds like they would share in dining, laundry, etc. I think he probably means food preparation, but he said dining and that is where I thought there might be some mingling of older and younger folks. How long is the lease that you have with the people that are currently farming the 400 acres?

Senator Carlisle: There is a nice piece that is being farmed and that lease is about three years. The dining would be separate but they could share the facility.

(17:30) Mylo Candee, Posse for the Nature Park Preservation: See Attachment #2 for testimony in support of the bill.

(18:53)Chairman Dever: I believe we visited about this before but at that time there was serious consideration of moving the MRCC; which was then set aside and now this is to put that back out. What is your interest?

Mylo Candee: Our interest has always been in the nature park angle. We hold no expertise in the give and take of moving the facility itself.

Chairman Dever: Closed the public hearing on HB 1312 and proceeded to ask the Department of Corrections to answer some questions for the committee.

Senator Cook: On the 1200 acres that the YCC is on, do you see the two facilities even being close or would it be completely separate?

Leann Bertsch: It would be complete facility in and of itself. We probably have over 1400 acres across the river. The sunny farms and that area and there is some land adjacent to the youth correctional center. Youth and adults have to be sight/sound separate by law. They cannot co-mingle. When we went through the flood in 2011 and we relocated 100 of the 150 inmates to the campus of YCC, we took all of our staff and they were in the gymnasium for several months. They had to shuttle across and we had to make sure that they never co-mingled. As far as dining, that would not happen. Potentially there is ability for a vocational building that could be co-used but never at the same time. There are needs on both campuses. We do have some needs at MRCC. The main building was only built in 1991. It is very adequate for us. However, the most requested need is a multi-purpose building and I don't see us getting funding for a building at MRCC at its current location. The kitchen we are using cannot even have insurance on it because it is pretty much rotted out. If we cannot get something done at MRCC, it is hard to fight with the argument for the multi-purpose building. I don't think that there is will to put any more investments into its current location even though the Department of Corrections would be perfectly fine to stay there and have some investments made but I understand that we do not make those decisions. It is up to you what you do with the 900 acres. I am glad our concerns were addressed on locating it at the penitentiary. That would have been extremely difficult to manage and would have caused some serious safety and security concerns up at the penitentiary. However, Roughrider Industry helps fund some of our vocational programs and we are concerned that the \$12 would probably be about half of the amount to build a new facility that is intended to go into the penitentiary land fund.

There has been substantial investment on behalf of Roughrider Industries into the land and the buildings. We have two companies that operate a big welding operation out of some buildings. We also just leased the irrigated farm land and we made the investments to irrigate that land and we have not recovered the investment off that irrigation system yet. That is approximately 350 acres and we just bid it out this past fall for \$415 per acre. That money helps offset the cost of Roughrider Industry and goes back into vocational programs. That would be a loss to us in relocating MRCC to the YCC site. I think the study would help us to figure out what would be an actual cost for a new minimum security facility and what some shared resources could be. There are still some concerns.

Senator Cook: People will be asking how it will affect Mandan if this gets in the newspaper. That is where my questions are coming from. I think there is a large barn on that land, correct?

Leann Bertsch: There is a lot of land. That is on the historical society. There is even land that is south of the YCC. I can get you a map to better picture the area with.

Senator Cook: The YCC has a railroad on one side and has the river on the other side and it is kind of landlocked so I assume it is on the other side of the river?

Leann Bertsch: It would be on the same side of the Heart River. For the criteria to be a minimum security inmate they have to be within three years of their release and they are heavily screened. Frequently there had been walk-aways, but I have been there almost eight years and there have not been any during that time. I think that is good management and how we are screening individuals. There is not a fence around the minimum security facility. You had them there in 2011 for several months and I think we managed them very well at that location.

Senator Cook: Had had more walk-aways from YCC than MRCC. I could just use some more information so that I can answer questions when I get them.

Leann Bertsch: I can absolutely do that.

Chairman Dever: How many acres do you need for the MRCC?

Leann Bertsch: I am not exactly sure how many acres. We will figure that out in the plan. That is one of our concerns, if you are going to move it that is fine, but if you are going to do it then do not open this unfettered to parks and the public until we are completely out of there. In fact we understand the value of the property around the MRCC for the public use and we have already worked for the last several months with game and fish to come up with an understanding for bow hunting that will be regulated. It has been easy to manage because of its remote site and away from the public. It is very useful to our system of managing inmates because we don't have a lot of public around there. I don't think the neighbors around there would say that we have been bad neighbors.

(28:40)Chairman Dever: You indicated the dollars are inadequate; is the timeframe indicated in here adequate or how do you read the timeframe?

Leann Bertsch: I don't think there is any timeframe. It says that we have to report back in 2014 about the plan, but then we have to request dollars for our appropriation in 2015. Hopefully with the study we would actually come up with a figure that was adequate to reconstruct a new minimum security facility. When we looked at this as part of the facility plans, there was committee that was studying the state penitentiary issue and the consultants at that time (2008) estimated about \$20 million. As we know construction costs have not gotten cheaper; I would guess it is even closer to \$25 million to replace the facility.

Chairman Dever: It appears there is \$12 million dollars from the general fund transferred to the state penitentiary land fund and that is just going to sit there.

Leann Bertsch: Yes. That is what they did before we got the \$64 million to take care of the other site in 2007. \$42 million was set aside in the penitentiary land fund for that project. Then in 2009 the appropriated the remaining money. That is what that fund is.

Chairman Dever: So the \$200,000 in Section 1 of the bill is to develop the plan and come back in the next session to request the additional?

Leann Bertsch: Yes.

Chairman Dever: Closed the hearing and asked DOC to get the additional information to the committee later in the day if possible.

Job Number 20614 starts here

Chairman Dever: Opened HB 1312 for committee discussion.

Senator Cook: I think it is a good bill and we should go forward with it, but I think Section 3 where we instruct that the Department of Corrections must put in its budget request funding to actually relocate the correctional center across the river should come out. I don't think we need to direct that to them. The other thing I would do is in Section 4, starting on line 8, that sentence that starts with "the parks and recreations shall have access", I would take that sentence out of there. We don't want them on there until MRCC is gone.

Senator Nelson: How about developing a plan?

Senator Cook: I don't think we need to tell them to do that.

Chairman Dever: I did come to a better understanding of this bill in the discussion with Leann. Really this is a two-step process. Right now we are providing the funding to develop the plan in Section 1. Section 2 is to appropriate \$12 million to start with into the fund that then Section 3 included the additional funding that would be necessary and would be considered in the next biennium. It seems to me they will be back with a request for additional funding.

Senator Cook: I don't think we need to mandate that it be in their budget bill. I think if they want it in their budget bill, they can elect to put it in there. If they elect not to, I think that there is a legislator that will put his name on a bill. Other than that, I need information from Leann so that I can answer questions that I know I will get. I do not need information to know what I want to do with this bill.

Chairman Dever: We will look at this again later and come to a decision. Closed the discussion on HB 1312.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1312
03/28/2013
Job Number 20648

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened committee discussion on HB 1312.

Senator Cook: See Attachment #1 and #2 for aerial photos of the area currently housing YCC and the proposed area where MRCC could be located.

Committee discussion: The committee discussed the area that the YCC facility owns and where the MRCC would be located and the issues there might be with it.

(8:30) Senator Cook: Moved to amend by removing Section 3 and remove the sentence starting on line 8 of page 2 and ends with recreational purpose.

Senator Nelson: Seconded.

Committee Discussion: Committee clarified the amendment proposed and discussed if that would take care of the concerns.

(10:30) Senator Schaible: I am questioning why we need the appropriation if we are doing the study?

Chairman Dever: I can only say that they are doing that because that is how they did it with the addition at the main prison location.

Senator Cook: We can further amend if necessary.

Vice Chairman Berry: I think they put it on there to indicate or guarantee that we are moving that direction and that we will look at it fresh two years from now.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion carries.

Committee Discussion: The committee discussed whether or not it was necessary to further amend the bill in order to take care of rest of the concerns of the committee on the intent of the study and use of the land. The use of the land for private development seems to be the main issue or concerns by others.

(16:30)Senator Nelson: Moved to amend by removing rest of line 10 and lines 11- 14 on page 2.

Vice Chairman Berry: Seconded.

Committee Discussion: The committee discussed the need for the amendments proposed and came up with a different plan to amend the bill.

Chairman Dever: Asked the committee's wishes.

Vice Chairman Berry: Moved to remove.

Senator Nelson: Seconded.

Senator Cook: Moved to reconsider action by which HB 1312 was amended.

Senator Nelson: Seconded.

A Voice Vote Was Taken: All were in favor.

Senator Cook: Moved to amend by removing Section 3 and then to remove just part of the sentence that starts on page 2 line 8 (parks and rec "shall" develop a 10 year plan for the property to be used for recreational purposes.), and remove the entirety of the next sentence that speaks of the game and fish and last sentence would stay in.

Senator Nelson: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Senator Nelson: Moved a Do Pass As Amended and Re-Refer to Appropriations.

Senator Cook: Seconded.

Senator Marcellais: I am going to have to vote against it because of the \$12 million that is set aside.

Vice Chairman Berry: I agree.

Chairman Dever: The purpose of the \$12 million is to put it in place and they will add to it next session so the effect of having that in there is to spread the cost over bienniums.

A Roll Call Vote Was Taken: 4 yeas, 3 nays, 0 absent.

Senator Cook: Carrier.

13.0347.03001
Title.04000

Adopted by the Government and Veterans
Affairs Committee

March 28, 2013

3/28/13
TV

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1312

Page 1, remove lines 22 and 23

Page 2, remove lines 1 and 2

Page 2, line 8, remove "shall have access to the Missouri River correctional"

Page 2, line 9, remove "center site prior to the transfer of all remaining land and"

Page 2, line 10, remove "The game and fish department shall work with"

Page 2, remove line 11

Page 2, line 12, remove "correctional center property."

Re-number accordingly

Date: 3/28

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1312

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number Remove Sect. 3 + PS 2 lines + remove sentence

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Cook Seconded By Senator Nelson

| Senators | Yes | No | Senator | Yes | No |
|-----------------------------|-----|----|----------------------------|-----|----|
| Chairman Dick Dever | ✓ | | Senator Carolyn Nelson | ✓ | |
| Vice Chairman Spencer Berry | ✓ | | Senator Richard Marcellais | ✓ | |
| Senator Dwight Cook | ✓ | | | | |
| Senator Donald Schaible | ✓ | | | | |
| Senator Nicole Poolman | ✓ | | | | |
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Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 3/29

Roll Call Vote #: 3

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 132

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number Remove Section 3 *pg. 2 line 8 the parties +*

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment *rec. "shall develop + remove"*

Rerefer to Appropriations Reconsider *game + last sentence in*

Motion Made By Senator Cook Seconded By Senator Nelson

| Senators | Yes | No | Senator | Yes | No |
|-----------------------------|-----|----|----------------------------|-----|----|
| Chairman Dick Dever | ✓ | | Senator Carolyn Nelson | ✓ | |
| Vice Chairman Spencer Berry | ✓ | | Senator Richard Marcellais | ✓ | |
| Senator Dwight Cook | ✓ | | | | |
| Senator Donald Schaible | ✓ | | | | |
| Senator Nicole Poolman | ✓ | | | | |
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Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 3/28
 Roll Call Vote #: 4

2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES

BILL/RESOLUTION NO. 1312

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0347.03001 04000

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Nelson Seconded By Senator Cook

| Senators | Yes | No | Senator | Yes | No |
|-----------------------------|-----|----|----------------------------|-----|----|
| Chairman Dick Dever | ✓ | | Senator Carolyn Nelson | ✓ | |
| Vice Chairman Spencer Berry | | ✓ | Senator Richard Marcellais | | ✓ |
| Senator Dwight Cook | ✓ | | | | |
| Senator Donald Schaible | ✓ | | | | |
| Senator Nicole Poolman | | ✓ | | | |
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Total (Yes) 4 No 3

Absent 0

Floor Assignment Senator Cook

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

REPORT OF STANDING COMMITTEE

HB 1312, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1312 was placed on the Sixth order on the calendar.

Page 1, remove lines 22 and 23

Page 2, remove lines 1 and 2

Page 2, line 8, remove "shall have access to the Missouri River correctional"

Page 2, line 9, remove "center site prior to the transfer of all remaining land and"

Page 2, line 10, remove "The game and fish department shall work with"

Page 2, remove line 11

Page 2, line 12, remove "correctional center property."

Renumber accordingly

2013 SENATE APPROPRIATIONS

HB 1312

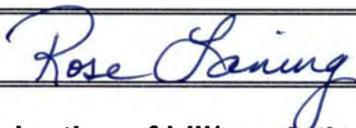
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1312
April 4, 2013
Job # 20864

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the department of corrections and rehabilitation to relocate the Missouri River Correctional Center

Minutes:

Testimony # 1

Legislative Council - Becky J. Keller
OMB - Joe Morrissette

Chairman Holmberg opened the hearing on HB 1312.

Rep. Alon Wieland, District 13 - West Fargo, ND. As bill sponsor he explained HB 1312. It provides for a transfer of MRCC in its current location by the river to a location adjacent to YCC in Mandan or just outside the city. That land is currently owned by Dept. of Corrections.

(01:15) He spoke about reasons for moving it - repairs, flooding, etc.

(02:40) He explained the two money situations. (1) \$200,000 appropriated to Dept. of Corrections for the purpose of developing a plan of moving MRCC to YCC. This would begin July 1, 2013 ending June 30, 2015. Their plan must determine how facilities, services and activities are shared. They must present the plan to legislative management by July 1, 2014.

(2) A general fund appropriation of \$12M which OMB would transfer to the state penitentiary land fund. It's the intent of the legislative assembly that if the 64th Assembly does not approve the new location the money transferred would be returned to the general fund.

The land where MRCC is now located would be given to Parks & Rec. It would be made into recreational purposes. They shall develop a 10 year plan for the property to be used for that purpose.

V. Chairman Bowman: Why put the \$12M aside before the study is done? Shouldn't that come after the study so we could make the proper appropriation at that time?

Rep. Wieland: I thought there would be ample funds in this biennium after the plan was developed. It looked like this was the biennium to do it.

Senator O'Connell: Is the timing wrong? It will take approximately a year to get everything on line. Is your concern that maybe corrections has enough for the time being and it should be pushed down the road?

Rep. Wieland: That's the reason for delaying the study two years. Nothing would be started for at least two years under this proposal. It should not interfere with anything that's happening at the penitentiary. The original bill called for moving it to the Penitentiary site. After discussions that would not work out. There would now be no interference.

Senator Krebsbach: The \$12M is strictly set aside for re-locating. If the study showed not to move it, what happens to the money? Could it be utilized for the updating and upgrading of the existing facilities?

Rep. Wieland: That would be up to the next legislative session to make that determination.

Chairman Holmberg: I'm troubled to set aside \$12M. We've done similar things in the past specifically for the renovation of the prison. Should we set aside the \$12M or should it be used for other purposes?

Senator Kilzer: Did you say moving the MRCC to the state pen is NOT an option?

Rep. Wieland: I don't think it is an option. There are quite a few reasons for not doing it. We thought we had land up there but after remodeling, there isn't much space. The DOCR said that the pen is fenced. MRCC is not. It becomes a question of security.

Senator Kilzer: I'm shocked to hear that. When we chose the site for the pen it was clearly stated that would remain an option.

V. Chairman Bowman: Is the absolute reason we are doing this because of the flooding or is it because of a park? Is a dike cheaper if it's because of the flood?

Rep. Wieland: It's not my reason for wanting to move it. My reason is in the interest of being more efficient in our operation. I find it difficult to see us having two correctional facilities in the same community. The YCC and penitentiary already exist. The 3rd site is where the inefficiency comes in.

Senator Wanzek: How did you come up with the \$12M?

Rep. Wieland: It's a carryover from when we did the study four years ago. It may cost more than that today. It depends on how much sharing can be done. There's another building that needs to be moved. The only thing remaining at MRCC that is of value is the housing. It's not more than 20 years old. There are a lot of buildings that are very small.

Senator Carlisle: In answer to Sen. Bowman's question concerning the park, he said the park was his district. It has 9000 feet of river frontage and the idea is no commercial

development at this point. It would be an ideal scenario set aside for a low impact day use park. There is a lot of support to not do any development because once it's developed, it's gone. It would go to the parks and rec as part of a 10 year plan.

Milo Candee, citizens group, spoke in support of HB 1312. See attached testimony #1.

V. Chairman Bowman: Dealing with the issue of building a flood area to protect the city from a flood. You made a statement that we shouldn't be doing that. Are you saying don't build these dikes to protect these properties?

Mr. Candee: I was only advocating that where you can keep people and flood waters apart is a wise course of action. That's what we are proposing. The committee might be interested that 48th avenue is the main thoroughfare into that. There is long range planning where that could possibly become a bridge over to the Veterans Memorial Cemetery cutting through the heart of the MRCC property.

Leann Bertsch, Director, ND Corrections and Rehabilitation, (21:20)

When this bill was first proposed, we were opposed. The department's position is that we'd like MRCC to stay where it's at. The main building was built in 1991. It has good life in it. It would cost way more than \$12M to replace MRCC. It would be better utilized to update some of our aging facilities.

What isn't addressed are the inmate jobs that would be eliminated by relocating MRCC to any site.

It remains on the public land and she explained how they have been good stewards of the land.

She pointed out that they really aren't concerned about the flooding issue.

Senator Warner asked to address the issue of security if they move it to YCC. There would be two unfenced compounds separated by nothing.

Leann Bertsch answered that the nice thing about MRCC is that it's in a remote location. So is YCC. This helps with contraband issues. If we moved to another campus, it's very likely that one would end up being fenced. There would have to be changes on one or the other campus. You cannot mix adults and juveniles.

The hearing on HB 1312 was closed.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1312
04-08-2013
Job # 20952

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL regarding relocating the Missouri River Correctional Center

Minutes:

You may make reference to "attached testimony."

Chairman Holmberg called the committee to order on Monday, April 08, 2013 in regards to HB 1312. All committee members were present.

Becky J. Keller- Legislative Council
Joe Morrissette- OMB

Senator Carlisle: Stated he thought the \$12M would be a long shot, but would like the study for \$200,000 to stay in.

Chairman Holmberg: Do you have amendments for 1312? He was told no. On 1312 we could if we did it on trust that we would remove the funding and just leave the study and the funding for the study. It has to be understandable, and I think it is, then your motion in the bill is to remove the funding for banking money.

Senator Carlisle moved. 2nd by Senator Robinson.

Chairman Holmberg: it would be Section 2 in the bill, the appropriation of \$12M.

Senator Carlisle: asked if you take the \$12M out and leave the \$200,000 for the study in would that work.

Senator Krebsbach questioned if this wasn't done at the time the study was done for the prison and expressed concern about the study

Senator Carlisle: commented that Senator Kilzer had some observations relative to this bill but was not present at the time.

Chairman Holmberg: We will wait then. The hearing was closed on HB 1312.

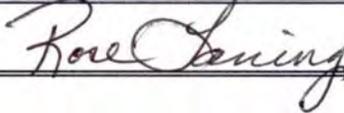
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1312
April 8, 2013
Job # 20966

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

This is a discussion on HB 1312 which relates to an appropriation to the department of corrections and rehabilitation to relocate the Missouri River correctional center

Minutes:

Legislative Council - Becky J. Keller
OMB - Joe Morrissette

Chairman Holmberg opened the discussion on HB 1312 and said it removes the \$12M that would be put into a fund that would help underwrite the cost of a move.

Becky J. Keller, Legislative Council: In the bill we would keep section 1, which is the study for the relocation of the facility (3000 version of HB 1312I). It should say first engrossment, engrossed HB 1312. There should be no Senate amendments to it yet.

Chairman Holmberg: We have to amend the House version of the bill.

Becky J. Keller: We will keep section 1 and remove sections 2, 3 and 4. Change the language to reflect that it is a study into the relocation of the MRCC. We will take out language that says to provide a transfer. We will keep the language that says to report to legislative management and remove the legislative intent language. So we will end up with section 1.

Senator Robinson: I'd be ok if the bill just went away. I'm questioning the need for the \$200,000 for the study.

Senator Erbele: I am still bothered with section 1 and that it is directing it to the DOCR to look at a plan for moving it. I'd rather have the study look at a plan for the land use. There are 900 acres out there. What portion do you need for a park? How much of it could remain in irrigated ag land. I would like to see the study as a land use plan.

Senator Kilzer: I agree with Senator Erbele on the need for a study of the land use. I'm still disturbed by Representative Wieland's testimony of returning the MRCC to the main campus is not an option because there's not space. We were told that was an option and we were told there was space in the north area. The railroad entry went around the west

side of the administration area. I want to lie to rest the contradicting ideas of the possibility of returning the MRCC to the main campus.

Senator Robinson: Would we need the \$200,000?

Senator Kilzer: I don't know the specific amount but these are questions that need to be answered.

Vice Chairman Bowman: The head of the prison's testimony was to leave it alone. Why are we studying something we don't need? She was specific when she made that statement.

Senator Robinson I remember that conversation, but in the course of that review, there were red flags that surfaced when you brought the two populations to the same geographic area. I would still question the need for \$200,000 for a study. I think most of the information is before us, it is just a matter of reviewing it and putting it back in proper form.

Senator O'Connell: The DOCR people were against having two groups on same campus.

Discussion followed on location and use of land and whether we need the \$200,000 for a study or rather it be used for repairs. There was continued discussion on land use and ways to isolate the clients better.

Senator Carlisle: MRCC has another 900 acres across the River.

Senator Erbele: That is a revenue stream for them.

Senator Robinson asked if there was money in the short term to address the immediate needs for physical improvement in the next upcoming biennium.

Senator Wanzek: During the first go around on the budget, those issues were not presented to us as an emergency. We heard about them the first time with this bill.

Chairman Holmberg: Was there an OAR from corrections that dealt with remodeling of the facility.

Joe Morrisette, OMB: I don't think so. They have in past but not in this one.

Senator Mathern: I think we should re-word the study to put no money in the bill and pass it on.

Chairman Holmberg Any money for remodeling should be in DOCR when we get the bill back.

Senator Wanzek: We will look into that. It never came up as a concern. It was probably something that is a definite need.

Senator O'Connell: When we went out to visit, they had no issue with the study, but they had their hands full. It takes a year to get their kinks out.

Senator Carlisle: Is the amendment to take out the \$12 million?

Chairman Holmberg: Yes and the motion was made and seconded.

Senator Robinson: I would be willing to withdraw my second if language was included to address a study more on land use.

Senator Carlisle has withdrawn the motion.

Senator Robinson and Senator Carlisle will visit with Becky J. Keller and re-do the amendment.

Chairman Holmberg adjourned.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1312
April 9, 2013
Job # 21046

Conference Committee

Committee Clerk Signature

Rose Lanning

Explanation or reason for introduction of bill/resolution:

This is a vote on relocating the Missouri River Correctional Center.

Minutes:

Testimony attached # 1

Legislative Council - Becky J. Keller
OMB - Lori Laschkewitsch

Chairman Holmberg opened the discussion on HB 1312.

Senator Carlisle handed out amendment 13.0347.03004 and said the bill has \$12M for relocating the MRCC and \$200,000 for a study. There wasn't support in this committee for the \$12M and there wasn't even support for the \$200,000 study. So as news travels fast, over on the House side, they've already put the \$12M and the \$200,000 into the DOCR budget and Senator Wanzek will have that in conference committee. The chairman directed Senator Erbele and me to work with Becky and we need \$50,000 and will run it through OMB. There are a couple of good areas for farming. They're irrigating. We could leave that in the study for a day use park - that's roughly 400 acres. There's over 900 acres in the total package. That would leave another 500 acres for hopefully, one day, a day use low impact park. There's still 9000 feet of river frontage and all the trees, but the fields that are being used for agricultural purposes now, there's potential that they could work out something with the entity that is still running the irrigation because there is good agricultural land down there.

The idea would be no development, no residential, no commercial. We put that again in the study and development is not part of that so basically what's left of HB 1312 is \$50,000 and a possible study run through OMB.

Chairman Holmberg and the committee discussed various scenarios with the bill.

Senator Carlisle: It's my understanding is that Rep. Wieland is putting it on the DOCR budget, the \$12M plus the \$200,000 - the whole bill.

Senator Carlisle withdrew his amendment.

Senate Appropriations Committee
HB 1312
April 9, 2013
Page 2

**Senator Grindberg moved Do Not Pass on HB 1312.
Senator Krebsbach seconded the motion.**

A roll call vote was taken. Yea: 13 Nay: 0 Absent: 0

Senator Carlisle will carry the bill and explain what they are doing.

The next day **Senator Carlisle** decided to change his vote to No and **Chairman Holmberg** is going to carry the bill on floor.

Date: 4.9.13

Roll Call Vote # 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1312

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0347.03004

Action Taken Adopt Amendment Do Pass
 Do Pass as Amended Do Not Pass

Motion Made By Carlisle Seconded By _____

| Senators | Yes | No | Senator | Yes | No |
|------------------------------|-----|----|-------------------------|-----|----|
| Chairman Ray Holmberg | | | Senator Tim Mathern | | |
| Co-Vice Chairman Bill Bowman | | | Senator David O'Connell | | |
| Co-Vice Chair Tony Grindberg | | | Senator Larry Robinson | | |
| Senator Ralph Kilzer | | | Senator John Warner | | |
| Senator Karen Krebsbach | | | | | |
| Senator Robert Erbele | | | | | |
| Senator Terry Wanzek | | | | | |
| Senator Ron Carlisle | | | | | |
| Senator Gary Lee | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

~~Vote~~
~~Vote~~
Withdrawn
4-9-13

Date: 4-9-13

Roll Call Vote # 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1312

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment Do Pass
 Do Pass as Amended Do Not Pass

Motion Made By Grindberg Seconded By Krebsbach

| Senators | Yes | No | Senator | Yes | No |
|------------------------------|-----|----|-------------------------|-----|----|
| Chairman Ray Holmberg | ✓ | | Senator Tim Mathern | ✓ | |
| Co-Vice Chairman Bill Bowman | ✓ | | Senator David O'Connell | ✓ | |
| Co-Vice Chair Tony Grindberg | ✓ | | Senator Larry Robinson | ✓ | |
| Senator Ralph Kilzer | ✓ | | Senator John Warner | ✓ | |
| Senator Karen Krebsbach | ✓ | | | | |
| Senator Robert Erbele | ✓ | | | | |
| Senator Terry Wanzek | ✓ | | | | |
| Senator Ron Carlisle | ✓ | | | | |
| Senator Gary Lee | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 13 No 0

Absent 0

Floor Assignment AVA. Carlisle

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

REPORT OF STANDING COMMITTEE

HB 1312, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO NOT PASS (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1312, as amended, was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1312

HB 1312
1/24/13
Attachment 1

Mr. Chairman, Members of the Committee; for the record, my name is Alon Wieland, Representative from West Fargo, District 13. I am here to introduce HB 1312 and to testify in favor of the bill.

For the last 3 sessions, there has been talk of moving the Missouri River Correctional Center from the edge of the Missouri River on the south side of Bismarck to the State Penitentiary site. The move was included to be considered in the next biennium with the bill to remodel the State Penitentiary which is now near completion, but there was some disagreement as to what would be done with the land, and therefore it was not considered.

Why does MRCC exist? MRCC is a carryover from the days when the State Corrections Department had a farm. Labor was furnished by those incarcerated, who for the most part were minimum security prisoners. Things have changed. MRCC is no longer a farm, and we were told several years ago that there are fewer minimum security prisoners in there now, and more medium security. There is no fence, and that increases the opportunity for an incident, although there has not been a noticeable incident in recent years, that does not mean that it can't or won't happen in the future. Without the fence, the location and setting make it a "Country Club" setting, and makes it a cakewalk for those lucky enough to be assigned to MRCC instead of one of the other facilities in the state. There are approximately 150 inmates in MRCC.

One reason to move it is that it flooded last year. Some say it can be protected from flooding again, but tell that to Minot. Minot was supposed to be protected, but after 44 years, it did flood, and what a flood. Every time it does flood, the prisoners have to be moved, and the buildings could be destroyed, if it does. The moving also creates an opportunity to have an incident as well.

One more reason to move is that repairs will be needed soon. There are about 17 buildings on the site, and except for the cells, they are

fairly old. There is a building used for training for automotive repair, which can be moved.

Then, there is a duplicate cost. There are two wardens, two sets of roads to repair and move snow, and many other duplicates that make having a second site in one city efficient.

You might hear that the timing is not right, well then when is it right? When there is another flood, a serious incident, after we've spent a lot of money for repairs, and then have the cost double or triple what it would cost today? You may also hear about contraband being a problem. I know that our staff are competent, and will be able to overcome any problems that could arise. I saw the competency when the prison remodeling was in the design stage.

The time is right now. It makes no sense to have 2 prison sites in one community, and we are now committed to the current penitentiary site with the \$64,000,000 remodel, soon to be completed. We do have money for one time funds, and the \$12,000,000 proposed should be adequate.

Now, as to the land, the bill proposed to gift the land to State Game and Fish and State Parks and Rec it is now public land, and always would be under this bill. Others will talk about the benefits of that proposal but it just makes sense. There are some easements on a lot of the 900 plus acreage, and housing development may not be feasible. Yes there is 400 acres of irrigated land being leased for farming, but even that could be flooded as well, and should not be a reason to reject this proposal. I ask for your support and would be glad to answer any questions that I can.

HB 1312
1/24/13
Attachment:

Support of HB-1312
January 24, 2013
Mylo Candee
2107 N 7th St
Bismarck, ND 58501
223-1855

Introduction
Distribute handouts
Rep Martinson 2011 Study Amendment

HB-1312 **Part I**- consolidate MRCC

Part II Posse enthusiastically endorses Part 2
-allows MRCC to occupy its current facility footprint (35-75 acres?) until DOC agrees to relocate. (see aerial photo handout)
- Remaining 900-950 acres transferred to State Parks for use as Nature Park on the Missouri.

-Develop a master plan for **passive** recreational and educational purposes (Funding need \$200,000):
No motorized activity
*walking and Biking Trails
*Cross Country Skiing, Boy Scouts winter camping,
*wildlife photography-observation, birding
* Feasibility for safe swimming beach,
* " for canoe landing, boat ramp
* student/class field trips
*** shoreline fishing

Economic Impacts

*No loss of tax base- Public ownership (Spain, France, USA, (Lewis & Clark); transfer to State of North Dakota in 1941)
*Parks are major Quality of Life attraction-people work where they want to live.
*Cost avoidance- no degradation of view shed of Ft Lincoln, Block Houses, Indian Village, Custer home.
* Floodplain- massive public cost avoidance

Line 14

...correctional center be transferred to the parks and recreation department July 1, 2013.

Line 17

..be used for passive recreational and natural heritage educational purposes and may not be used for residential, business, or industrial..

Line 19

..be used for passive recreational and outdoor educational purposes.

Line 20

...recreation department to study compatible public access to the river on the former Missouri River correctional..



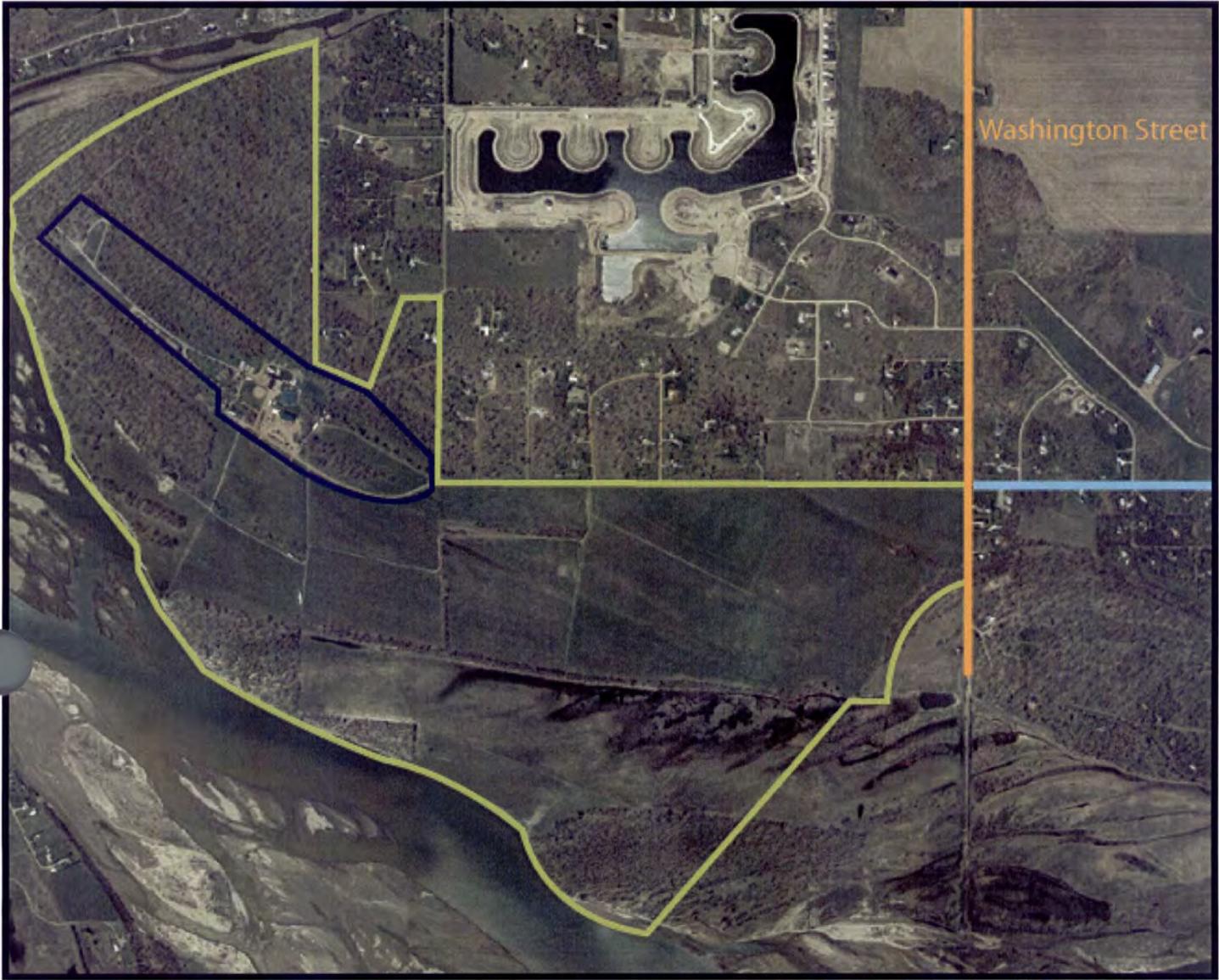
NATURE PARK

on the Missouri



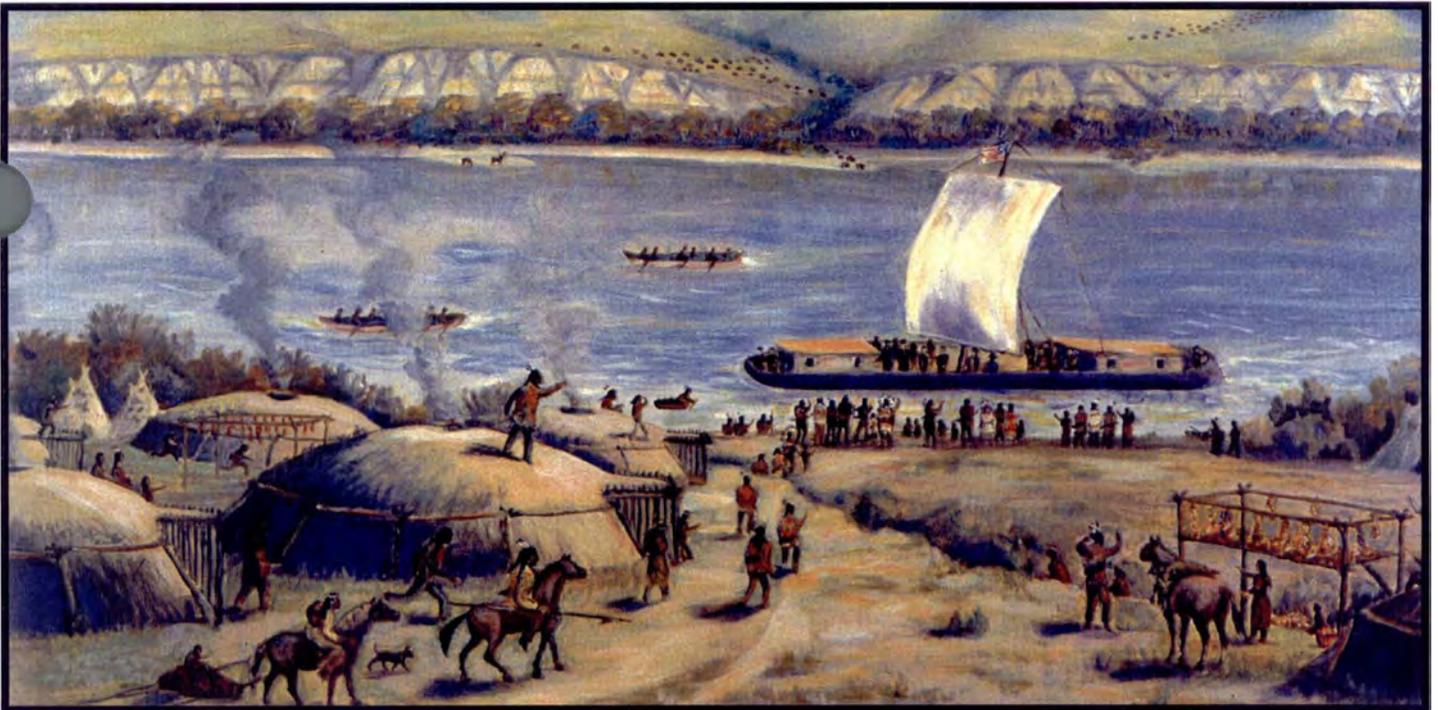
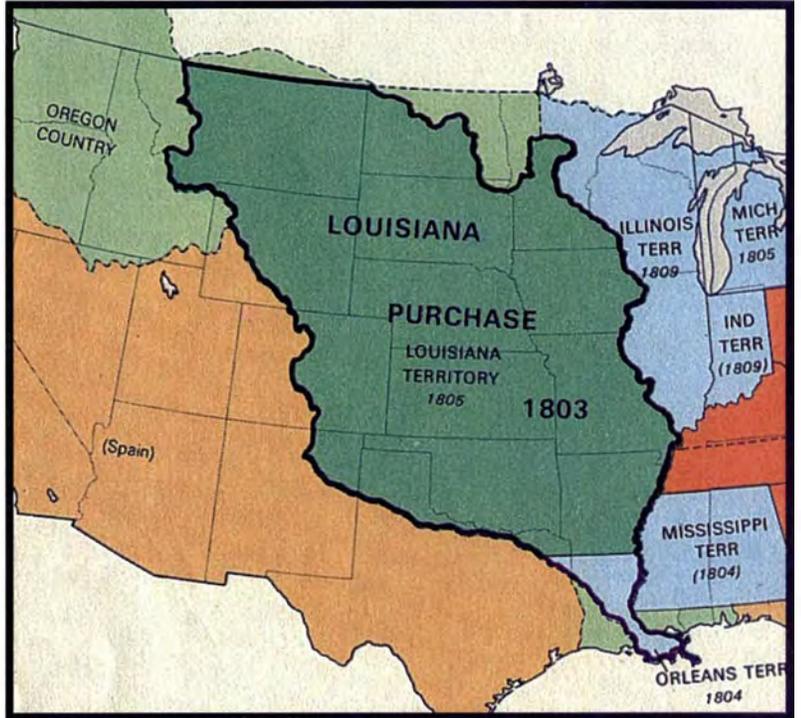
1. Mandan
2. North Dakota Capitol
3. Airport
4. Ft. Lincoln State Park
5. General Sibley Campground
6. MRCC







A 1,000-Year History

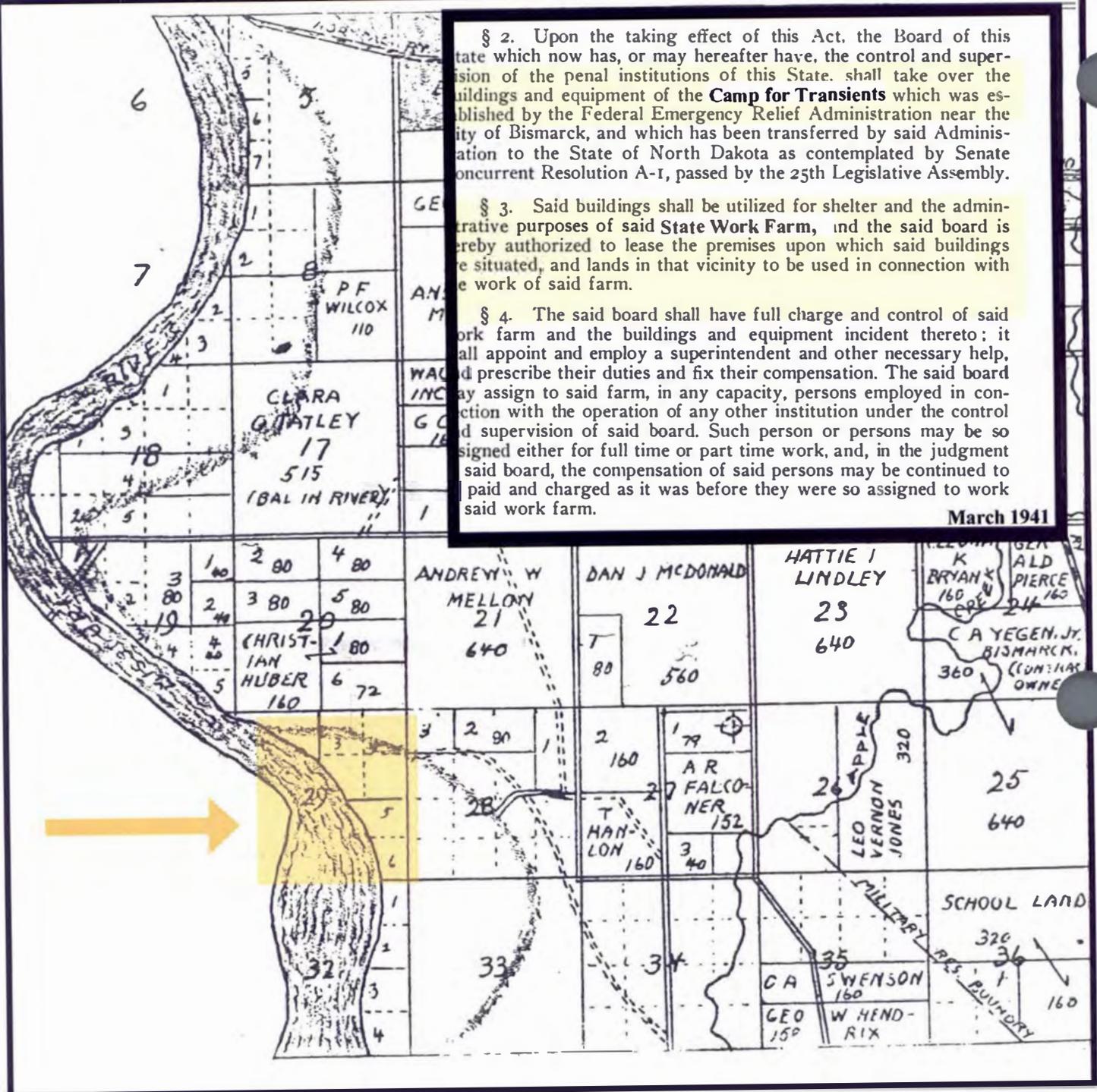


§ 2. Upon the taking effect of this Act, the Board of this state which now has, or may hereafter have, the control and supervision of the penal institutions of this State, shall take over the buildings and equipment of the **Camp for Transients** which was established by the Federal Emergency Relief Administration near the city of Bismarck, and which has been transferred by said Administration to the State of North Dakota as contemplated by Senate concurrent Resolution A-1, passed by the 25th Legislative Assembly.

§ 3. Said buildings shall be utilized for shelter and the administrative purposes of said **State Work Farm**, and the said board is hereby authorized to lease the premises upon which said buildings are situated, and lands in that vicinity to be used in connection with the work of said farm.

§ 4. The said board shall have full charge and control of said work farm and the buildings and equipment incident thereto; it shall appoint and employ a superintendent and other necessary help, and prescribe their duties and fix their compensation. The said board may assign to said farm, in any capacity, persons employed in connection with the operation of any other institution under the control and supervision of said board. Such person or persons may be so assigned either for full time or part time work, and, in the judgment of said board, the compensation of said persons may be continued to be paid and charged as it was before they were so assigned to work said work farm.

March 1941

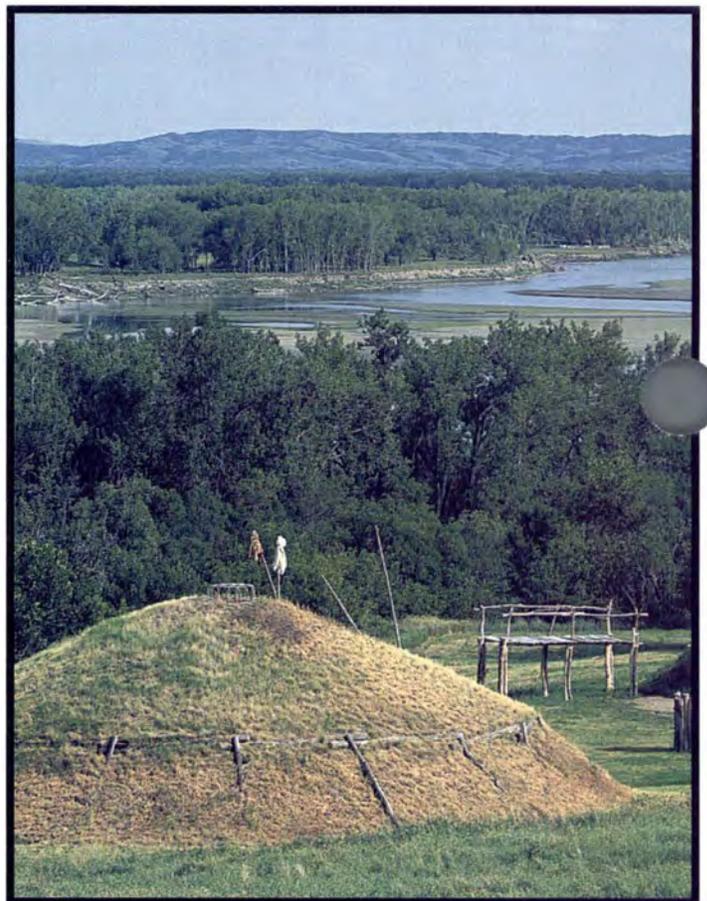
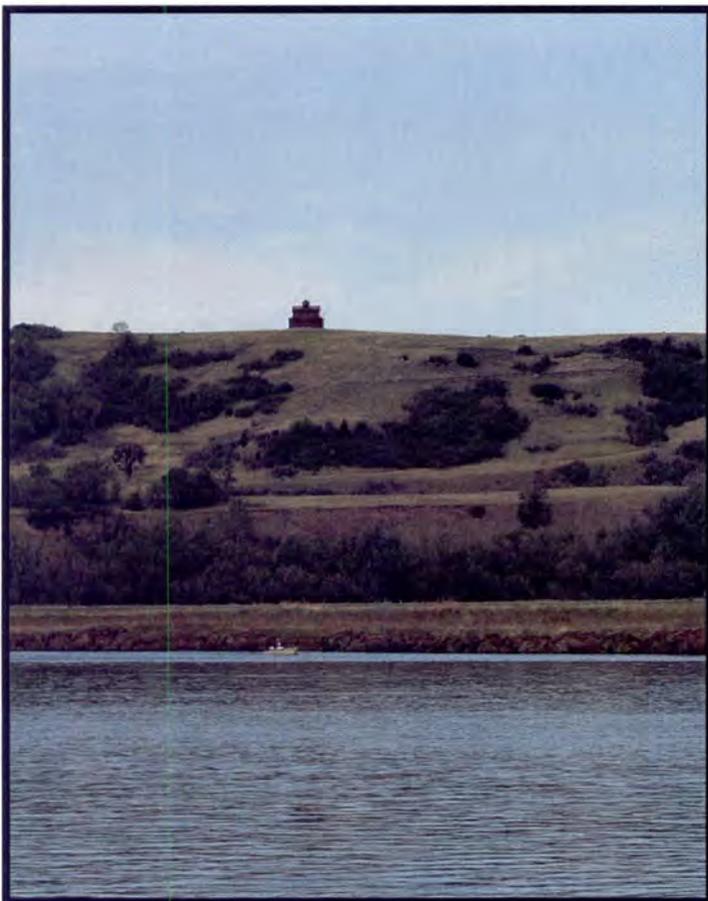


**Missouri River
Flooding
Spring 2009
Summer 2011**



A Crown Jewel of North Dakota

History
Culture
Tourism
Natural Heritage





1/3 of All
North Dakotans
Regularly Visit
or
Live Within One
Hour



Executive Summary

#1 Objective:

Citizens want every square foot of this public property to remain public property.

#2 Objective:

Undertake a very careful planning process with widespread and meaningful public involvement.

*A precious
and fragile resource.*



Genesis

The State Legislature has debated the future of the State Prison. The 985-acre, 150-prisoner Missouri River Correctional Center (State Farm) is one consideration.

Quality of Life Benefits

Passive, low-no impact enjoyment – such as nature trails, wildlife and bird watching, photography, cross country skiing, etc.

Shore fishing – two miles of Missouri River shoreline. The river is one of our greatest public fisheries yet many young families are denied access because they can not afford a boat and trailer or private dock.

Open space – park's role in economic development.

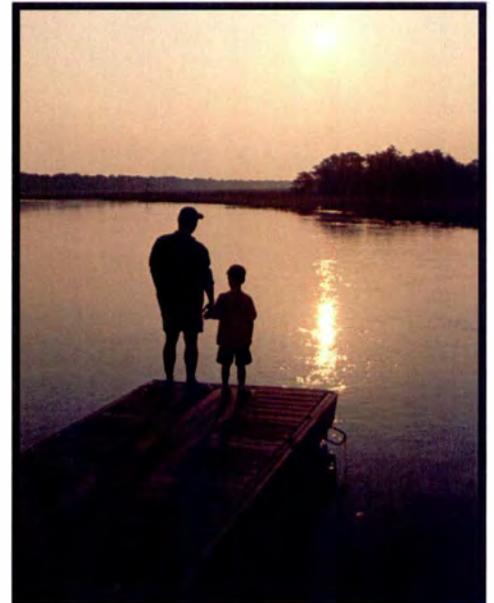
Public Cost Avoidance

Floodplain – Flood of 2009, Flood of 2011

Avoid degradation of historic and tourism assets – such as Ft. Lincoln, On-a-Slant Indian Village, Ft. McKeen, Custer Home and the Veteran's Cemetery.

NATURE PARK

on the Missouri

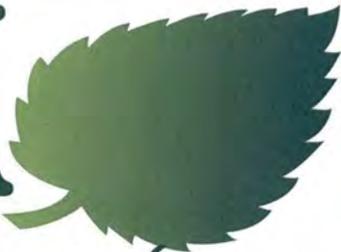


NO – Hurry to Develop

YES – 50 or 100-Year Vision



Posse for the Preservation of

**NATURE
PARK** 
on the Missouri

Mylo Candee
Acting Deputy



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MICHAEL R. McENROE
NORTH DAKOTA CHAPTER, THE WILDLIFE SOCIETY
HOUSE BILL 1312
HOUSE APPROPRIATIONS COMMITTEE
JANUARY 24, 2013**

Chairman Delzer and members of Committee:

My name is Mike McEnroe and I am representing the North Dakota Chapter of The Wildlife Society, a professional organization representing over 350 wildlife biologists, land managers, law enforcement officers, university professors and researchers in the natural resource field. I am here today to support House Bill 1312.

The legislature has considered bills dealing with the Missouri River Correctional Center (MRCC) for the past several sessions. The MRCC property is and always has been public land, largely undeveloped along the Missouri River. Incorporation into the State Park system would provide much needed outdoor recreation space near Bismarck.

The Chapter has never asked nor suggested the Department of Corrections or the MRCC to move so the North Dakota Parks and Recreation Department or the Game and Fish Department could take over. Our position has been that when MRCC functions are no longer appropriate or best served at the current location, that the land remain in public ownership, likely as a State Park or Wildlife Management Area.

To a degree HB 1322 does this; it proposes to leave the MRCC buildings and function on site on 35 acres as long as needed. Though often referred to as the “prison farm” and although some of the land is hayed

or farmed under irrigation, the land is cash rented for agriculture. The residents do not farm as part of the training program.

The remainder of the land, some 900 acres would be turned over to Parks and Recreation for management and low intensity outdoor recreation such as primitive or small unit camping, shore fishing, bird watching, hiking and photography. HB 1312 suggests development of a boat ramp, but this is a difficult stretch of the Missouri River on which to develop a new public ramp.

The Chapter would support an extension on the time frame to protect the Department of Corrections' use and interest in the MRCC complex. The exact acreages needed to continue to serve the MRCC purposes and the acreage to be developed as a State Park could be negotiated between the State agencies as the process proceeds.

Thank you and I will answer any questions the Committee may have.

HB 1312
1/24/13
Attachment 2

HOUSE APPROPRIATIONS COMMITTEE
Representative Jeff Delzer, Chairman
January 24, 2013

North Dakota Department of Corrections and Rehabilitation
Leann K. Bertsch, Director

Presenting Testimony concerning House Bill 1312

Mr. Chairman and members of the Committee, I am Leann Bertsch, Director of the Department of Corrections and Rehabilitation. (DOCR). The DOCR recognizes that it is the legislature's decision as to how state land is used and we just ask that you consider some of the serious concerns the DOCR has with some of the provisions of House Bill 1312.

We agree that the discussion of relocating MRCC is timely, however, the time to act in relocating MRCC is not this biennium. This is especially true in light of the significant increase in criminal activity within the state. Rather than replacing minimum security beds that serve the DOCR's needs, the discussion may need to be about adding higher security beds. The growth and prosperity in our state comes with a cost that is reflected in what is happening within the DOCR. As our state has grown, so too has the probation, parole and inmate population the DOCR manages. Spearheading the increase is the number of felony filings throughout the state. In January 2011 there were 352 felony filings and as recently as August 2012, there were 572 which is a 220 case net increase. Over the last six years the adult inmate population had been relatively stable. However, that trend has changed. We have experienced a significant increase in the number inmates in the last 3 months, breaking record numbers each day. As of today, we have 1554 inmates. Based on the felony filings, we expect the number of inmates to continue to increase. Because this upward trend in crime is impacting local corrections as well as state corrections, many of the county jails are also at or over capacity. We have recently had to add additional bunks at James River Correctional Center (JRCC) and North Dakota State Penitentiary

(NDSP) to accommodate the influx of inmates. Although this is not ideal and increases the stress within the prisons, we will continue to do this until the new housing units within NDSP are ready to be occupied. The current demand for bed space is for medium and maximum security beds. The type of inmate is increasingly more violent and dangerous, requiring a more secure placement. We also have a growing challenge managing the increasing treatment and mental health needs of our inmate population. Approximately 52% of the inmate population is diagnosed with a mental illness and 30% are prescribed psychiatric medications. The severely mentally ill, to include psychotic and bipolar disorders, represent 8% of the prison population. As the number of offenders with mental illness in prison increases, so do the associated behavior management challenges. The Special Assistance Unit (SAU) currently houses 24 mentally ill or vulnerable offenders in need of individualized housing plans. We have a need for more of these types of beds to manage the increasing number of mentally ill inmates.

In addition to all the current dynamics placing stress on the resources of the DOCR, the proposed DUI legislation has the potential to significantly impact correctional resources and require additional beds to be constructed.

If your intent is to relocate MRCC, please consider other locations other than the ground of NDSP. The DOCR has other land in the Bismarck-Mandan area that would be viable sites for a minimum security prison. We have very serious security concerns about moving MRCC to the grounds of NDSP. The area around the secure perimeter of NDSP is currently congested and there is not much open space. We must observe our perimeter for security threats that may arrive in a vehicle or on foot and the congestion is not conducive to good visibility. Potential threats involve both escape and introduction of contraband. Security staff assigned to the towers must be able to discern if incoming vehicle and pedestrian traffic poses a threat to security. If MRCC is moved to the NDSP complex the amount of vehicle and pedestrian traffic will increase and make it much more difficult for security staff to assess the threat level of vehicle and

pedestrian traffic. We already have some experience with this because of the trailer near our perimeter that houses sex offenders. There have been incidents of suspicious vehicles coming close to our secure perimeter to either drop off someone living in the trailer or attempting to visit someone in the trailer. We are required to send a staff member to the area to investigate. We do not have staff assigned to roving perimeter security and we are required to pull an officer out of an existing security post to investigate.

Because of their lower custody level MRCC inmates have easier access to contraband than maximum custody inmates. Currently MRCC is somewhat isolated because of the location, but if MRCC is moved to the NDSP complex they will be near Expressway and Main Street. This will increase the minimum custody inmates' ability to access contraband. Contraband such as tobacco, drugs, weapons and cell phones are problematic for any facility, but they pose a greater danger in a maximum facility than in a minimum facility. Because of the close proximity between the facilities and the easier access to contraband for MRCC inmates, the amount of contraband will increase. It is a real possibility that a weapon or cell phone may get into the secure perimeter of NDSP by being thrown over the fence. These items are dangerous for inmates, staff and the public and may be used in escape attempts.

Perceived efficiencies from sharing services may not be realized because every inmate brought into NDSP must be thoroughly searched coming in and going out. Although MRCC inmates are currently brought up for some dental and medical services, increasing the amount of minimum custody inmate movement on the grounds of NDSP will increase the security workload.

We also have concerns about the impact on the safety and security of MRCC if moved to the grounds of NDSP. Our ability to use MRCC as an effective means to transition some of our more dangerous offenders would be greatly impacted. MRCC is currently the only facility where 85% Truth in Sentencing inmates and sex offenders are offered transitional opportunities. If a public recreational site

was near the facility the DOCR would have to reconsider the continuance of this program. The purpose of a transitional facility or minimum custody facility is to provide more freedom of movement. We want inmates to be given opportunities in the least restrictive environment possible. Inmates would no longer have the freedom of movement that is normally given to minimum security. If MRCC was relocated, this would require a fence to have defined separation of minimum and max offenders. This would have an effect on inmate behavior and operations.

The current location of MRCC allows the facility to operate with less staff where as the proposed location (NDSP) would require more staff for enhanced perimeter security. The proposed location is between main roads in Bismarck, the probability of contraband would increase, requiring additional staff to conduct searches, supervise movement and enhance perimeter security. The proposal implies that the penitentiary tower officers could assist, but the freedom of movement at a minimum security facility could distract officers at the maximum security facility. Putting the minimum security facility in the middle of town would obstruct security operations creating additional traffic and hindrances to the operation and line of sight.

If the proposed plan is approved and a public park is placed on MRCC grounds, public safety will be compromised. Trying to control the flow of contraband in a secluded area is difficult enough, but allowing a park to be next to a prison would make it impossible. It would be extremely difficult to maintain a secure environment without constructing a fence. MRCC has been seemingly left out of the synthetic marijuana epidemic that has impacted other correctional and treatment facilities. This is believed to be attributed to the location of MRCC. As of today, MRCC has had no positive tests for any synthetic marijuana substance. The proposed recreation area on the existing site would increase traffic exponentially. We currently have very limited traffic through the MRCC grounds. A public recreation site would obviously make it very difficult to control both

vehicle and foot traffic. The remote location reduces the likelihood of escapes given the fact that we have inherent seclusion from active roadways.

The remote location also is believed to lead to less incidents of institution violence. Inmates have the freedom of movement and the larger area allows inmates to evaluate situations and react as a pro-social individual.

Approximately 45 inmate jobs would be eliminated by the relocation of MRCC. These include RRI welding, sandbagging crews, which both benefit Rough Rider Industries. The sandbagging crews provide a service for numerous construction companies in the region. With the location of MRCC, there is little overhead cost to this program since sand is abundant. MRCC plants a large garden each year which is maintained by the inmates. This past year, approximately \$7,500 of produce was harvested and consumed by the inmate population. In the near future, MRCC intends to look towards better utilization of inmate labor and an increase in self sustainment through agriculture programs. Without the land, many of these goals would be eliminated.

Rough Rider Industries has a financial vested interest in the operations of the Missouri River Correctional Center. Income derived from the management of irrigated farmland, sandbagging operations, welding operations, and joint partnership with the Hettinger Research Station has provided a valuable revenue source which helps sustain Rough Rider Industries in a self-funded manner.

Rough Rider Industries manages approximately 850 of the 900 acres of MRCC land. Included in this managed acreage is 313 acres of irrigated river bottom farmland. Rough Rider has installed three separate irrigation pivots and has invested over \$200,000 of their own funding in these additions. A grant from the Natural Resources Conservation Service (NRCS) was also obtained and used for this project for \$71,000. The addition of the irrigation system has increased the land rental value to \$415 per acre and will generate \$129,895 of annual

disposable income to Rough Rider Industries for the next three years for a contract total of \$389,685.

MRCC land is also home to a sandbagging operation managed by Rough Rider Industries. Sand that was deposited from the flood of 2011 is used to fill these sandbags and has provided another work opportunity for MRCC inmates. This is a revenue source that would not be able to be duplicated if MRCC were to be relocated. The raw material of river bottom sand is a free natural resource and abundant in nature at this location. This operation continues to grow yearly and generated \$29,856 of revenue for RRI.

Rough Rider Industries invested \$385,249 in a building structure to house a welding operation which manufactures cattle and windbreak panels. An additional \$62,570 was spent on lot improvements and repairs to accommodate these operations. This operation employs 20 inmate workers and 2 staff members, and yielded a revenue stream for fiscal 2012 of \$77,932. The revenue generated from this source was based on only 8 months of production due to the 2011 flood.

Rough Rider Industries also works in collaboration with the NDSU Hettinger Research Center in providing the Center with approximately 400 acres of pasture land for the grazing of sheep. These sheep provide a valuable benefit in helping control the grass and noxious weed problem on the MRCC grounds, namely leafy spurge. RRI receives \$2,000 annually for allowing the grazing of this acreage and provides jobs for inmate workers in the watering and care of the sheep, and maintenance of the surrounding fences.

RRI has invested approximately \$650,000 in its MRCC operations and received \$154,769 in revenue from their overall fiscal 2012 operations. Revenue projections for fiscal 2013 are estimated to be around \$450,000 based on the operations listed above. Revenue generated from these operations goes towards

helping fund supplemental inmate educational and vocational programs such as a welding and auto mechanics program both located on the MRCC grounds.

In summary, if you are going to relocate MRCC, please consider alternative sites that will lessen or avoid some of the serious safety and security concerns that we have with relocating the MRCC onto the NDSP grounds. We would request that you not transfer the control of any of the land until MRCC would be relocated to another site. Thank you for your consideration.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1312

Page 1, line 2, after the semicolon insert "to provide a transfer;"

Page 1, line 6, replace "\$12,000,000" with "\$200,000"

Page 1, line 7, after the second "of" insert "developing a plan for"

Page 1, line 8, replace "state penitentiary" with "youth correctional center"

Page 1, line 9, after the period insert "The plan must include a determination of facilities, services, and activities that may be used by the Missouri River correctional center and the youth correctional center."

SECTION 2. APPROPRIATION - TRANSFER - STATE PENITENTIARY LAND FUND. There is appropriated out of any moneys in the general fund in the state treasury, the sum of \$12,000,000, which the office of management and budget shall transfer on July 1, 2013, to the state penitentiary land fund established in section 54-23.3-04. The funds transferred and interest earned on the moneys transferred must be used for costs of relocating the Missouri River correctional center."

Page 1, line 15, replace "state penitentiary" with "youth correctional center"

Page 1, line 18, after "shall" insert "have access to the Missouri River correctional center site prior to the transfer of all remaining land and shall"

Re-number accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1312

Page 1, line 2, after the semicolon insert "to provide a transfer; to provide for a report to the legislative management;"

Page 1, line 5, after "**REHABILITATION**" insert "**- REPORT TO THE LEGISLATIVE MANAGEMENT**"

Page 1, line 6, replace "\$12,000,000" with "\$200,000"

Page 1, line 7, after the second "of" insert "developing a plan for"

Page 1, line 8, replace "state penitentiary" with "youth correctional center"

Page 1, line 9, after the period insert "The plan must include a determination of facilities, services, and activities that maybe shared by the Missouri River correctional center and the youth correctional center. The department must present the plan to the legislative management by July 1, 2014.

SECTION 2. APPROPRIATION - TRANSFER - STATE PENITENTIARY LAND FUND - LEGISLATIVE INTENT. There is appropriated out of any moneys in the general fund in the state treasury, the sum of \$12,000,000, which the office of management and budget shall transfer on July 1, 2013, to the state penitentiary land fund established in section 54-23.3-04. The funds transferred and interest earned on the moneys transferred must be used for costs of relocating the Missouri River correctional center. It is the intent of the legislative assembly that if the sixty-fourth legislative assembly does not approve the relocation of the Missouri River correctional center, the funds transferred be returned to the general fund.

SECTION 3. DEPARTMENT OF CORRECTIONS AND REHABILITATION BUDGET REQUEST - 2015-17 BIENNIUM. The department of corrections and rehabilitation must include in its budget request for the 2015-17 biennium funding provided in section 2 of this Act for the relocation of the Missouri River correctional center."

Page 1, line 10, after "4." insert "**LEGISLATIVE INTENT -**"

Page 1, line 12, remove ", except for the land actually being used for the physical plant of the"

Page 1, remove line 13

Page 1, line 14, replace "correctional center be transferred to the parks and recreation department. Once" with "once"

Page 1, line 15, replace "state penitentiary" with "youth correctional center"

Page 1, line 16, remove ". Property transferred under this section must"

Page 1, line 17, remove the first "be used"

Page 1, line 17, remove "may"

Page 1, line 17, remove the second "be used"

Page 1, line 18, after "shall" insert "have access to the Missouri River correctional center site prior to the transfer of all remaining land and shall"

Renumber accordingly

Mr. Chairman, Members of the Committee; for the record, my name is Alon Wieland, Representative from West Fargo, District 13. I am here to introduce HB 1312 and to testify in favor of the bill.

For the last 3 sessions, there has been talk of moving the Missouri River Correctional Center from the edge of the Missouri River on the south side of Bismarck to the State Penitentiary site. The move was included to be considered in the next biennium with the bill to remodel the State Penitentiary which is now near completion, but there was some disagreement as to what would be done with the land, and therefore it was not considered. However, this bill would move the MRCC to the YCC site in Mandan. There is about 1200 acres adjacent to the YCC owned by the DOCR that is available.

Why does MRCC exist? MRCC is a carryover from the days when the State Corrections Department had a farm. Labor was furnished by those incarcerated, who for the most part were minimum security prisoners. Things have changed. MRCC is no longer a farm. While there is some leased land, the state no longer does any farming. There is no fence, but there has not been a noticeable incident in recent years. Without the fence, the location and setting adjacent to a residential neighborhood make it possible for an incident to occur. There are approximately 147 inmates in MRCC.

One reason to move it is that it flooded last year. Some say it can be protected from flooding again with a dike, but every time it does flood, the prisoners have to be moved, and the buildings could be destroyed. The inmates did a good job of helping to protect it the last time, but a more rapid rise may make it more difficult to protect. The moving also creates an opportunity to have an incident as well.

One more reason to move is that repairs will be needed soon. There are about 17 buildings on the site, and except for the cells, they are fairly old. There is a building used for training for automotive repair, which can be moved to the new site.

Then, there are duplicate costs. There are two sets of roads to repair and remove snow and many other duplicates that make having a second site in one city inefficient. I think the timing is right. We should not wait until we have another flood, or after we spend a lot of money on repairs in the current location. It makes no sense to have 2 prison sites in one community and by moving MRCC adjacent to YCC it is more compatible with minimum security prisoners. They should be able to share in dining, laundry, etc. We are now committed to the current pen site with the \$64,000,000 remodel, soon to be completed, but because of the fence it would not be compatible to move MRCC to the prison site.

Now, as to the land, the bill proposes to gift the land to State Game and Fish and State Parks and Rec. It is now public land and would continue to be public land, and always would be under this bill. Others will talk about the benefits of that proposal but it just makes sense. There are some easements on a lot of the 900 plus acreage, and housing development may not be feasible. Yes there is 400 acres of irrigated land being leased for farming, but even that could be flooded as well, and should not be a reason to reject this proposal. The Parks and Rec would be able to work on a plan but not be able to use the site until after the MRCC has moved. \$200,000 is recommended for the DOCR to plan for the move over the next 2 years and \$12,000,000 would be set aside in the Penitentiary Land Fund for the actual move and construction. It would require the 64th Legislature to approve the relocation. I ask for your support and would be glad to answer any questions that I can.

Attademat #2

28 March 2013

Senate Govt and Veterans Committee
House Bill 1312

Mylo Candee
2107 N 7th St
223-1855
Bismarck, ND 58501
Posse, Nature Park on the Missouri

Chairman Deaver
Committee Members

Our citizens group has been supporting a plan to transfer approximately 900 acres of river bottom from the Missouri River Correction Center to State Parks and Recreation for use as a Nature Park.

We commend the sponsors of House Bill 1312 and the House Appropriations Committee for arriving at a compromise plan that takes the first steps to make a Nature Park a reality.

The only concern we have is in Section 4 line 11 where the State Game and Fish is directed to establish a boat landing. We are fully supportive of a canoe landing but the residents of this quiet neighborhood and our group do not want to see a gas station, bar, roads, ramps and parking lots necessary to launch and load powerboats and pontoons.

That concern being noted, we urge a Do Pass Recommendation on HB 1312.

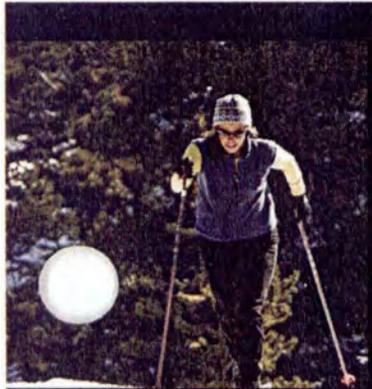
I'd be happy to respond to any questions committee members may have.



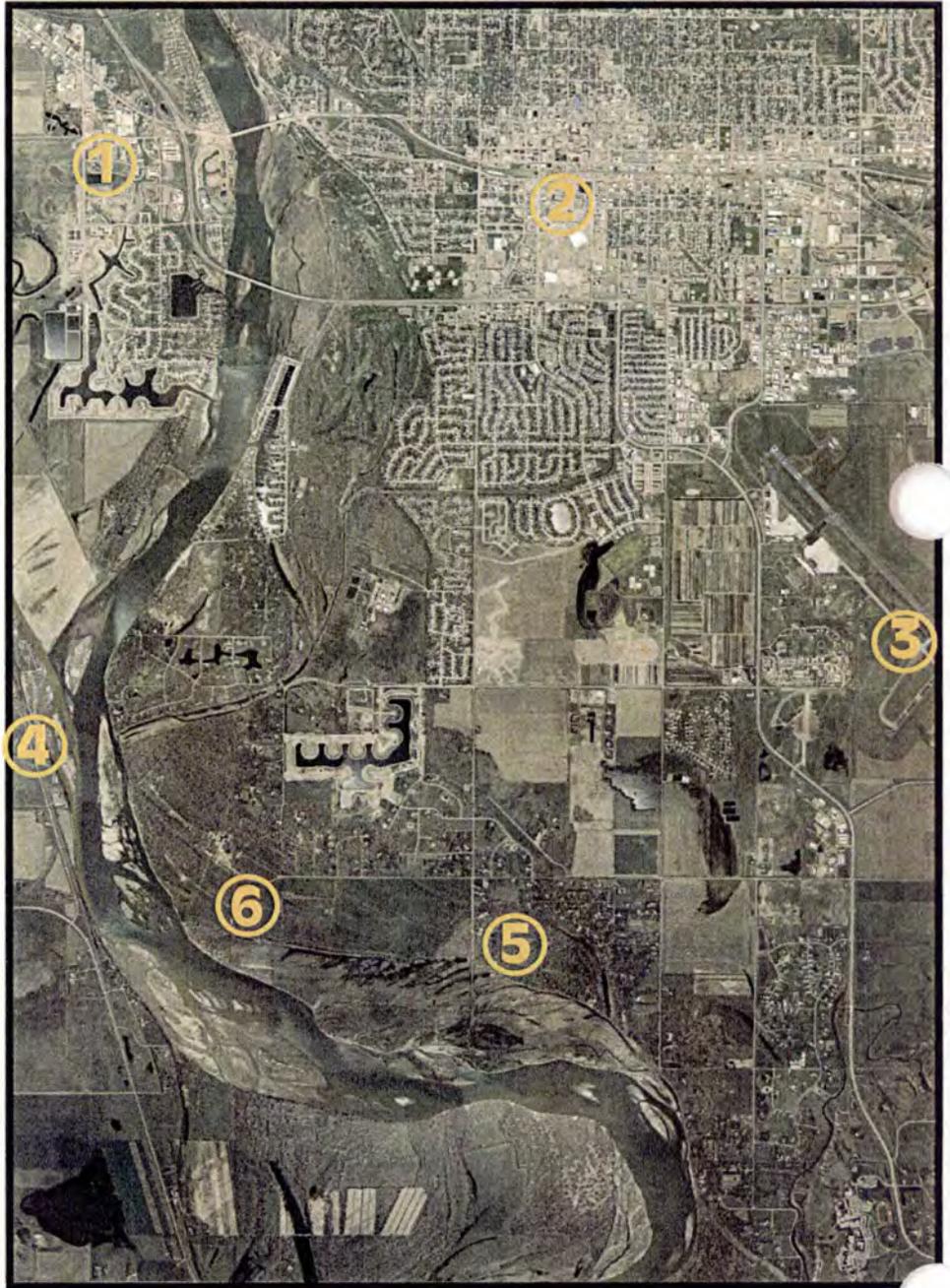
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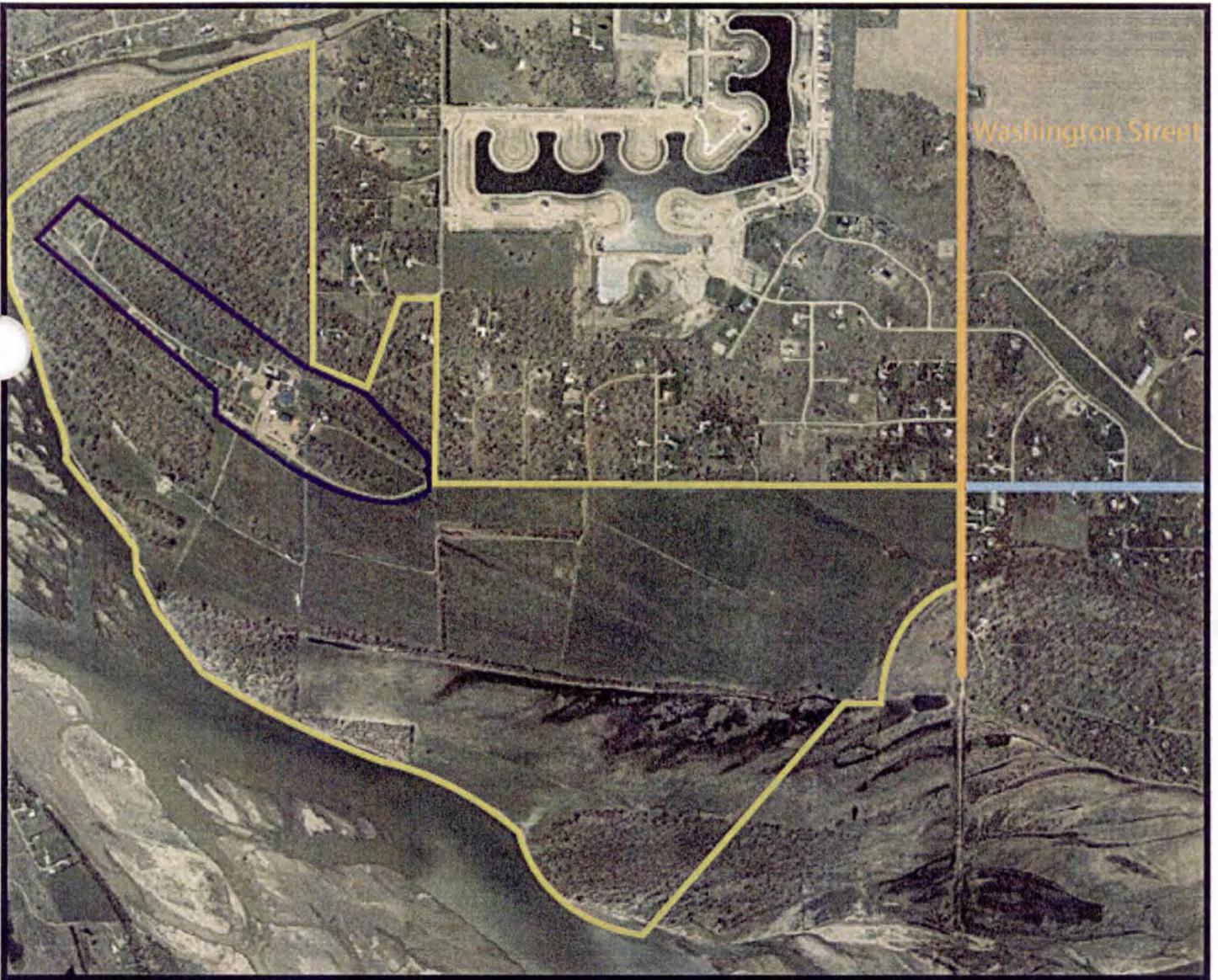
NATURE PARK

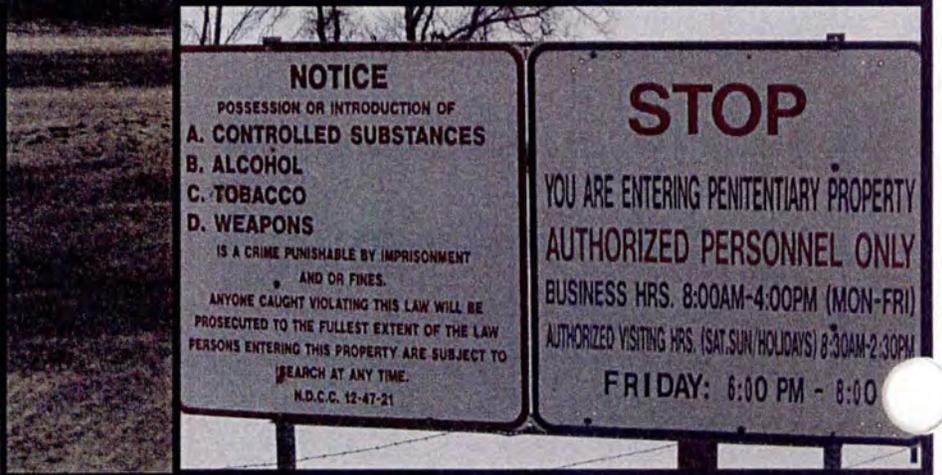
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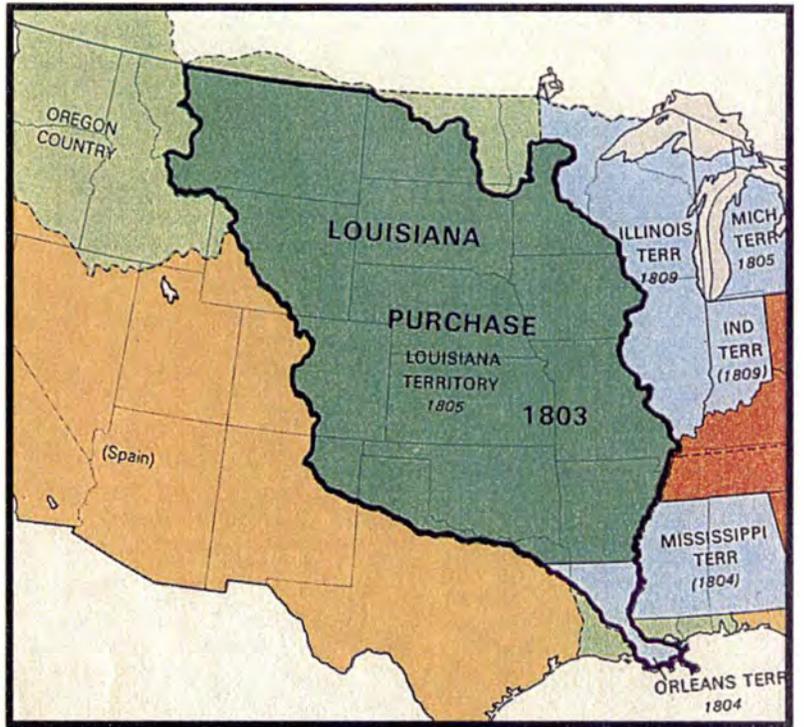
- 1. Mandan
- 2. North Dakota Capitol
- 3. Airport
- 4. Ft. Lincoln State Park
- 5. General Sibley Campground
- 6. MRCC







A 1,000-Year History

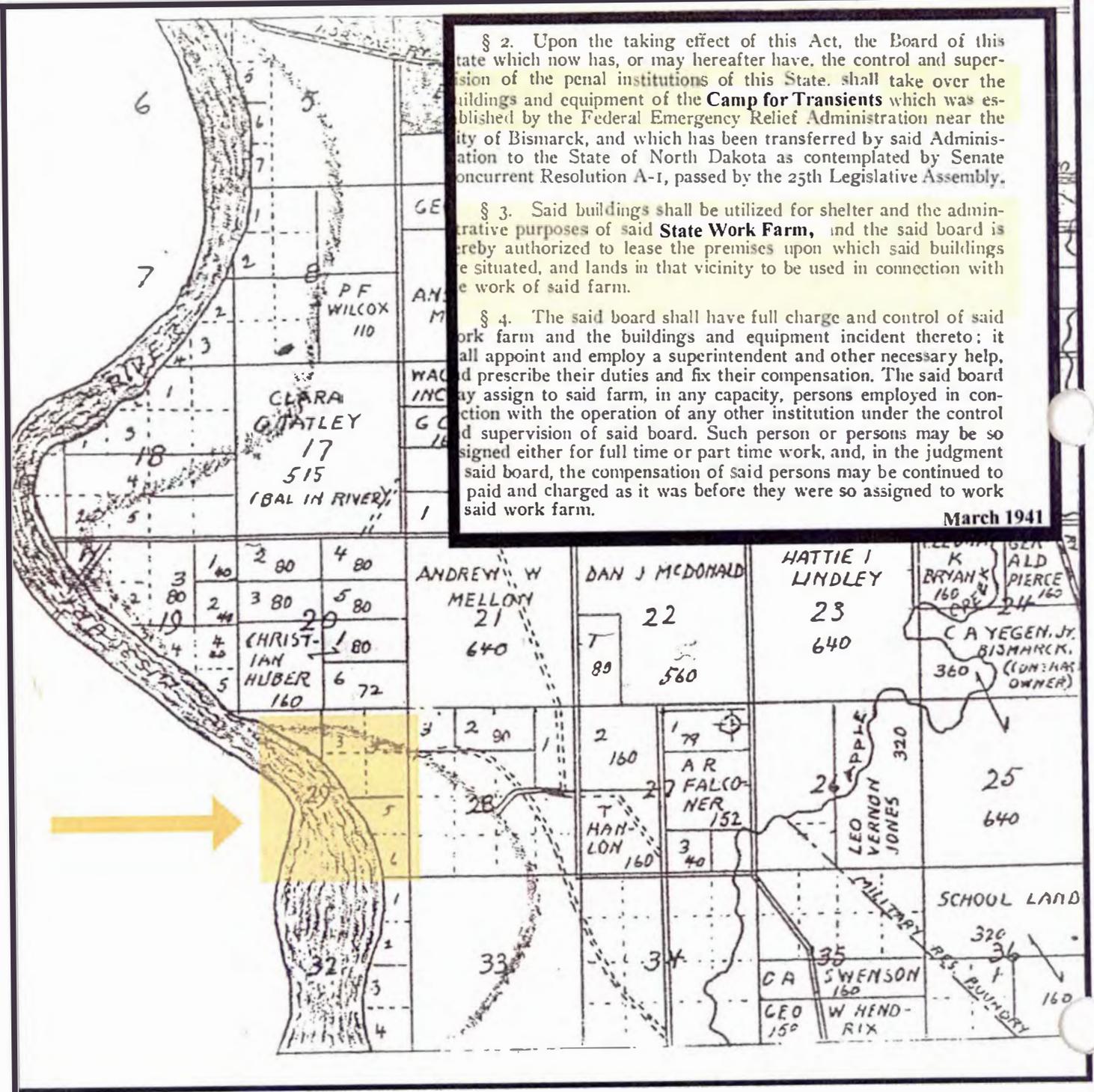


§ 2. Upon the taking effect of this Act, the Board of this state which now has, or may hereafter have, the control and supervision of the penal institutions of this State, shall take over the buildings and equipment of the **Camp for Transients** which was established by the Federal Emergency Relief Administration near the city of Bismarck, and which has been transferred by said Administration to the State of North Dakota as contemplated by Senate Concurrent Resolution A-1, passed by the 25th Legislative Assembly.

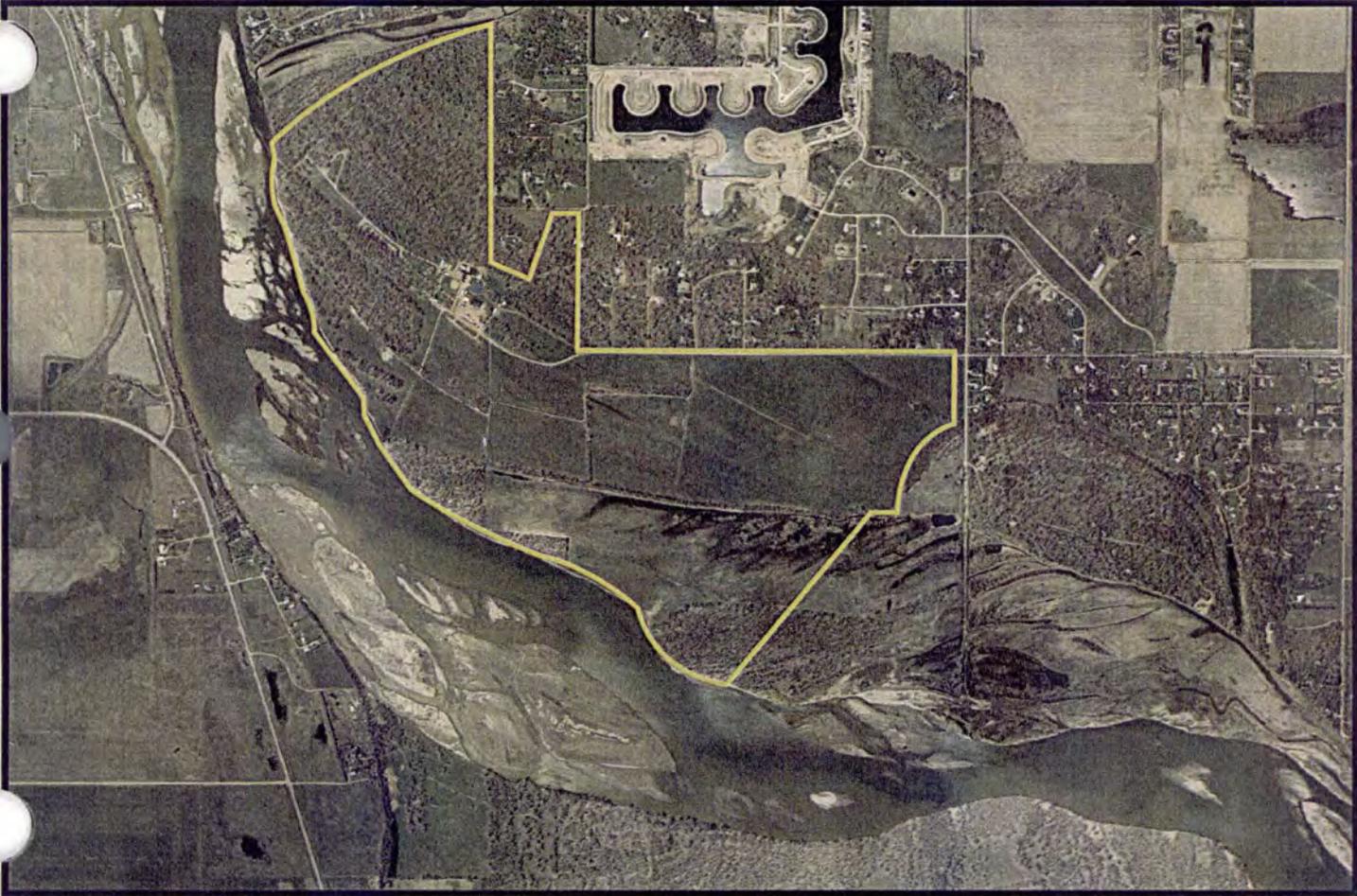
§ 3. Said buildings shall be utilized for shelter and the administrative purposes of said **State Work Farm**, and the said board is hereby authorized to lease the premises upon which said buildings are situated, and lands in that vicinity to be used in connection with the work of said farm.

§ 4. The said board shall have full charge and control of said work farm and the buildings and equipment incident thereto; it shall appoint and employ a superintendent and other necessary help, and prescribe their duties and fix their compensation. The said board may assign to said farm, in any capacity, persons employed in connection with the operation of any other institution under the control and supervision of said board. Such person or persons may be so assigned either for full time or part time work, and, in the judgment of said board, the compensation of said persons may be continued to be paid and charged as it was before they were so assigned to work said work farm.

March 1941

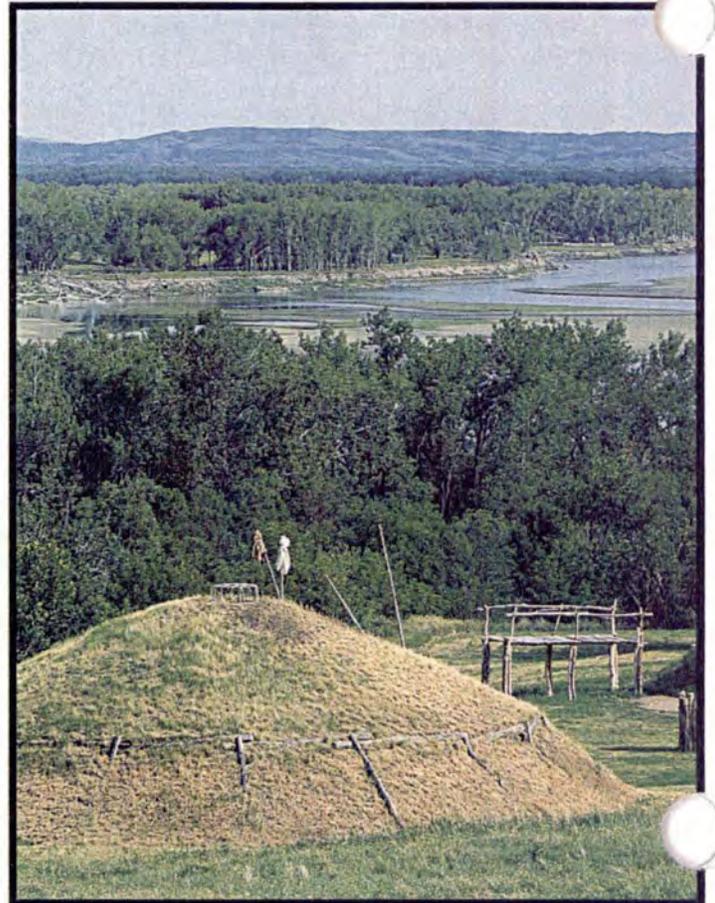
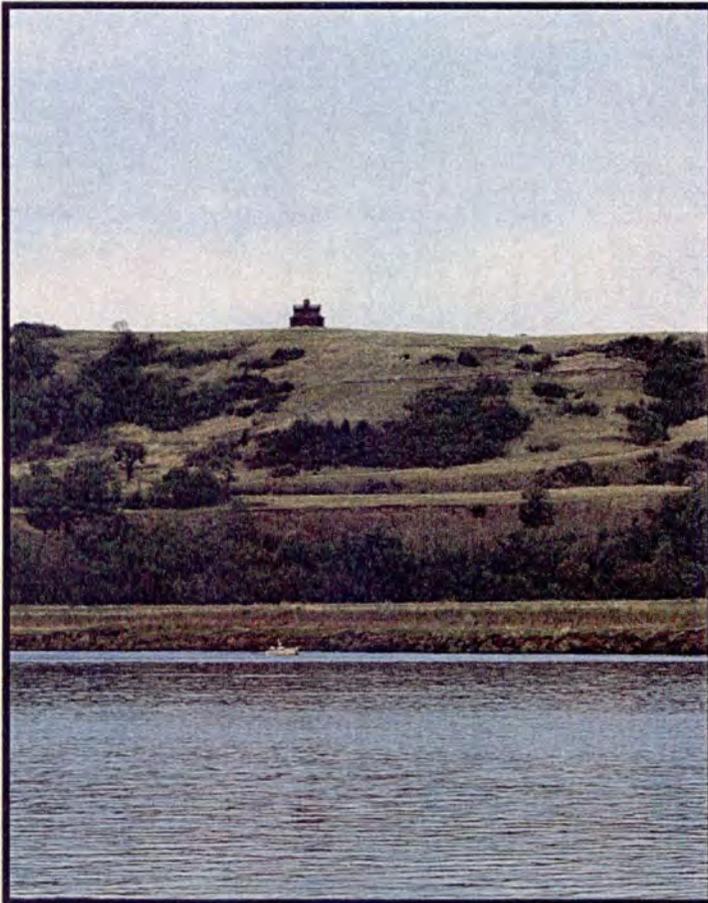
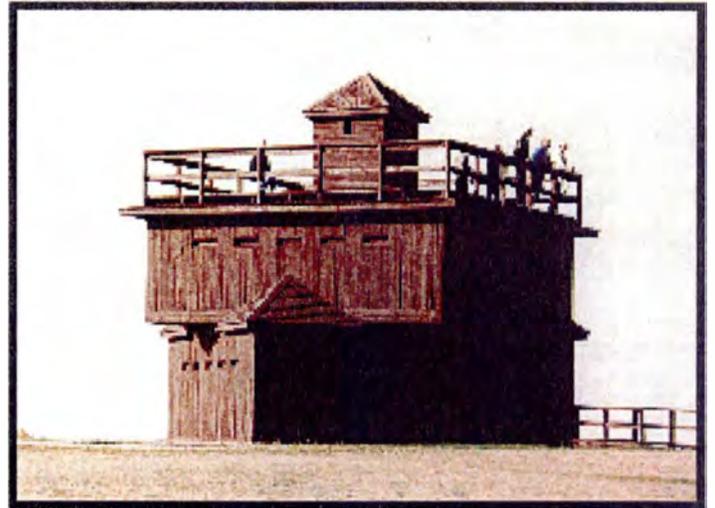


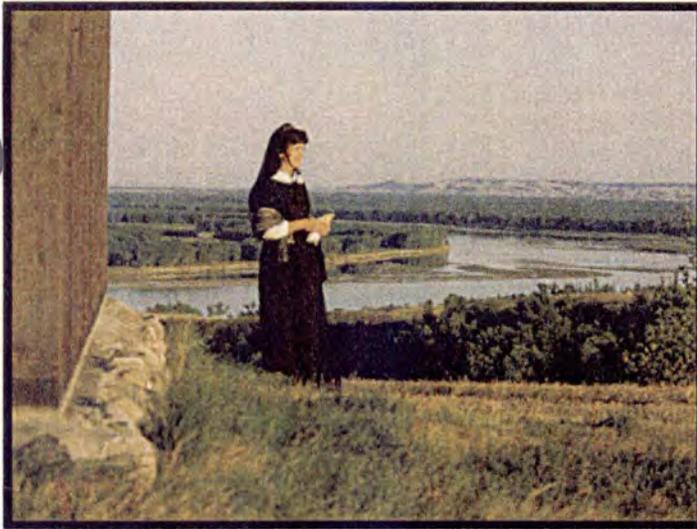
**Missouri River
Flooding
Spring 2009
Summer 2011**



A Crown Jewel of North Dakota

History
Culture
Tourism
Natural Heritage





1/3 of All
North Dakotans
Regularly Visit
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Live Within One
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Executive Summary

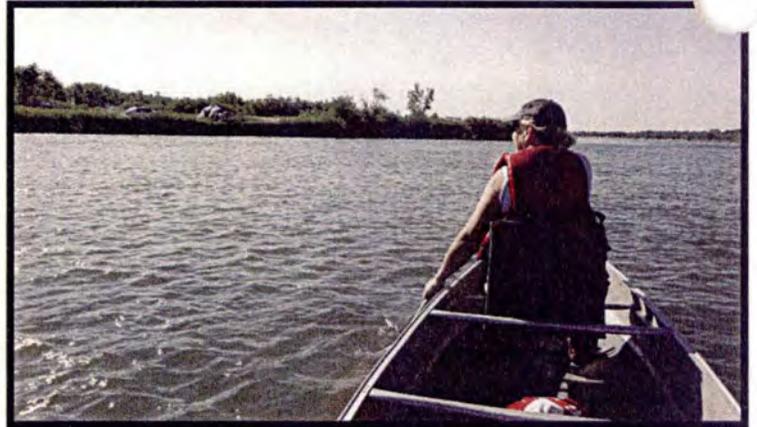
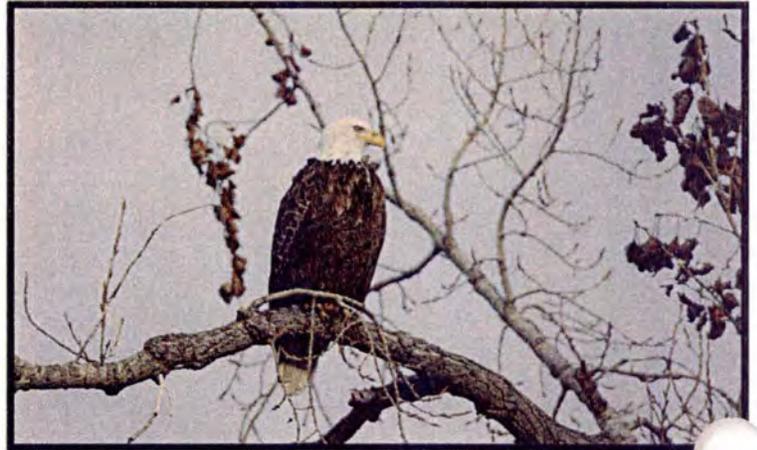
#1 Objective:

Citizens want every square foot of this public property to remain public property.

#2 Objective:

Undertake a very careful planning process with widespread and meaningful public involvement.

*A precious
and fragile resource.*



Genesis

The State Legislature has debated the future of the State Prison. The 985-acre, 150-prisoner Missouri River Correctional Center (State Farm) is one consideration.

Quality of Life Benefits

Passive, low-no impact enjoyment – such as nature trails, wildlife and bird watching, photography, cross country skiing, etc.

Shore fishing – two miles of Missouri River shoreline. The river is one of our greatest public fisheries yet many young families are denied access because they can not afford a boat and trailer or private dock.

Open space – park's role in economic development.

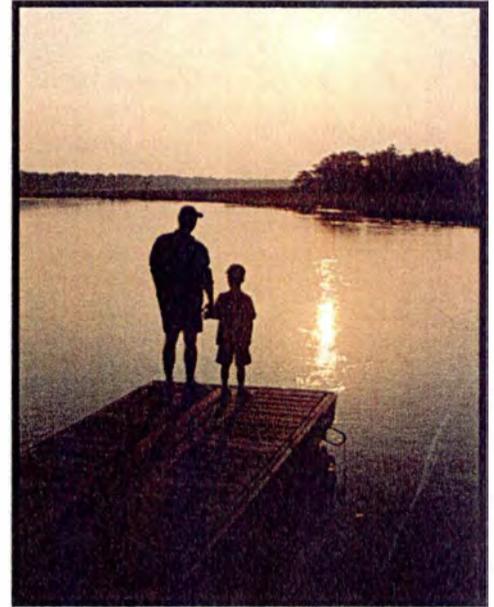
Public Cost Avoidance

Floodplain – Flood of 2009, Flood of 2011

Avoid degradation of historic and tourism assets – such as Ft. Lincoln, On-a-Slant Indian Village, Ft. McKeen, Custer Home and the Veteran's Cemetery.

NATURE PARK

on the Missouri

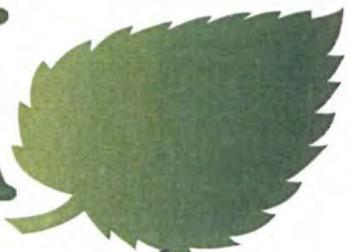


NO – Hurry to Develop

YES – 50 or 100-Year Vision



Posse for the Preservation of

**NATURE
PARK** 
on the Missouri

Mylo Candee
Acting Deputy



Attachment 2



4 April 2013

Mylo Candee

#1

HB 1312

4-4-13

Senate Appropriations Committee
House Bill 1312

Mylo Candee
2107 N 7th St
223-1855
Bismarck, ND 58501
Nature Park on the Missouri

Chairman Holmberg
Committee Members

Our citizens group fully supports House Bill 1312 which relocates the minimum security prison and transfers approximately 900 acres of river bottom from the Missouri River Correction Center to State Parks and Recreation for use as a Nature Park.

The current prison location is bordered by residential development on north side and nearly two miles of the Missouri River on the southern border.

The property involved has been in public ownership since President Jefferson purchased it from France and sent Lewis and Clark to explore the Missouri River.

The MRCC is located on a flood plain and has been forced to evacuate its prisoners twice due to flooding in the past 4 years.

With awareness of the flooding in Minot, Grand Forks and Fargo, it is wise public policy to move people from this zone and allow only low impact, passive public recreation such as shoreline fishing, walking and biking trails associated with a Nature Park On the Missouri.

We respectfully urge favorable action House Bill 1312.

I'd be happy to respond to any questions committee members may have.

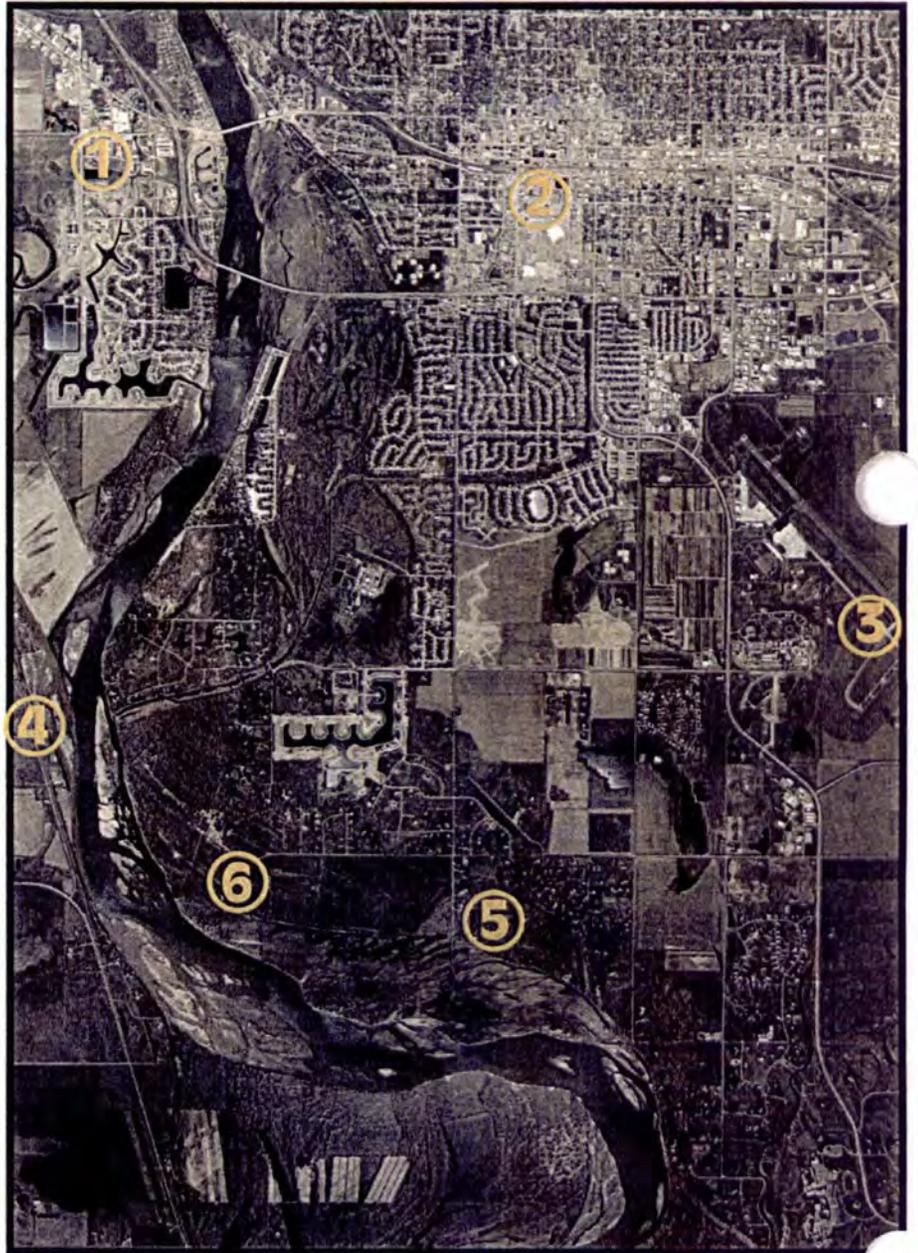


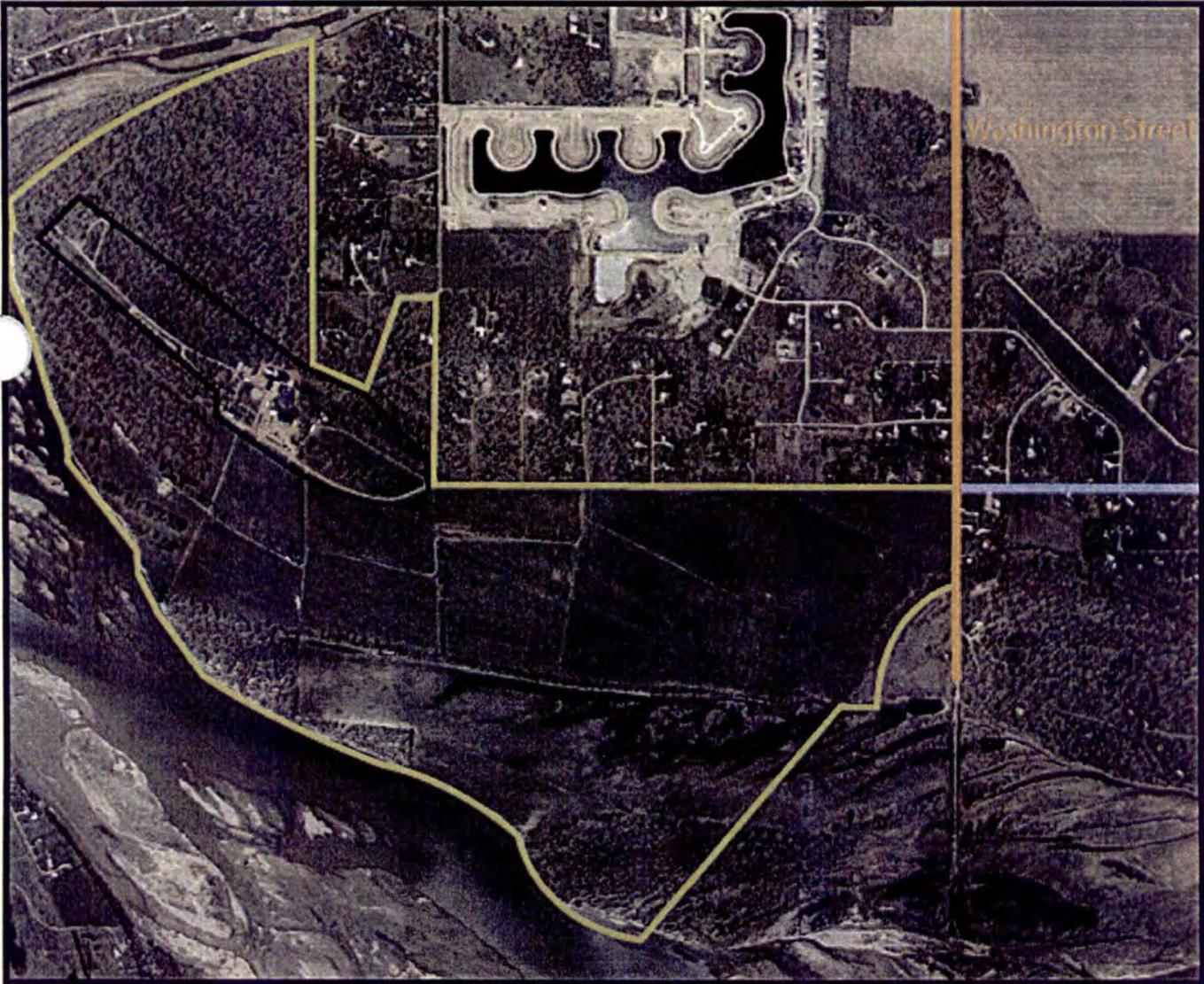
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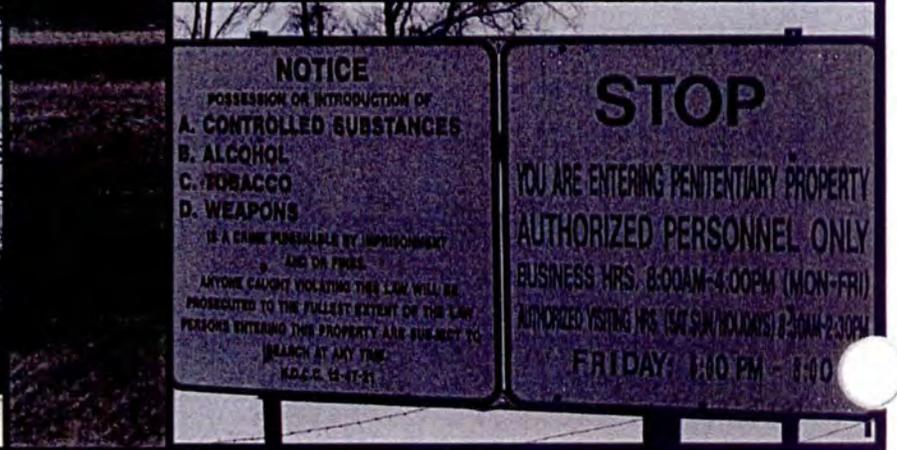
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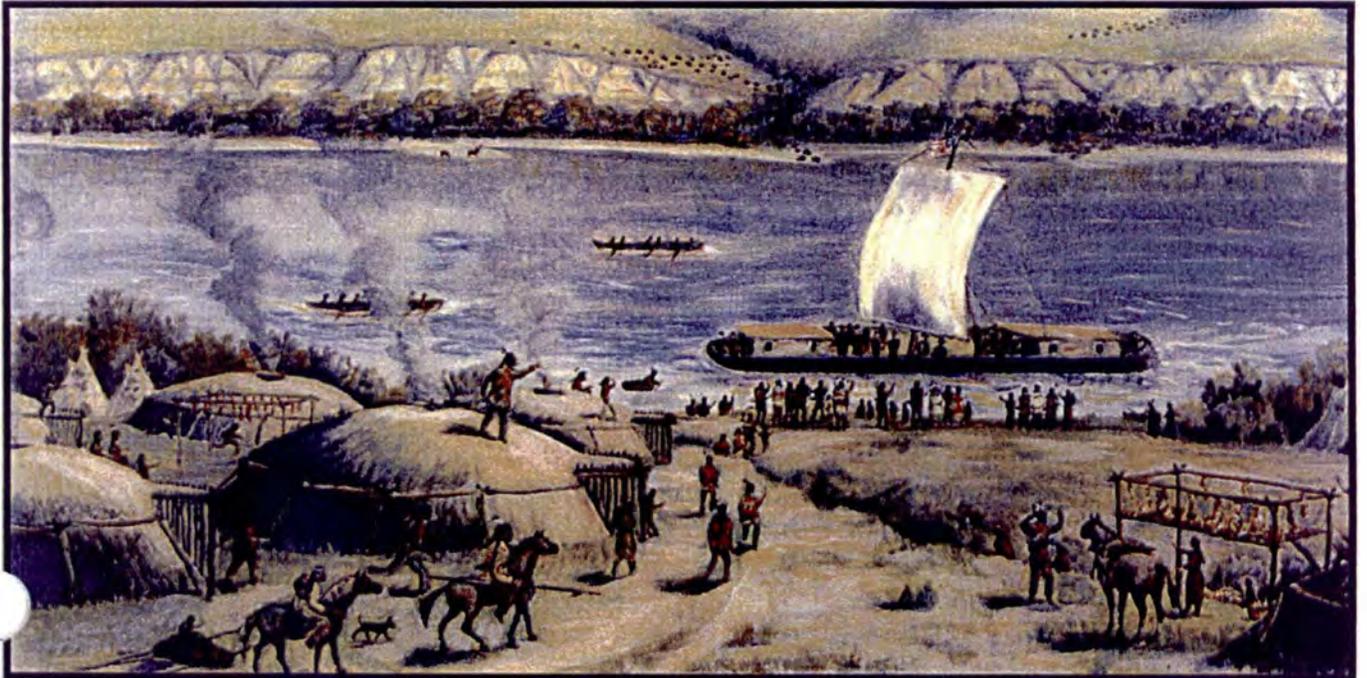
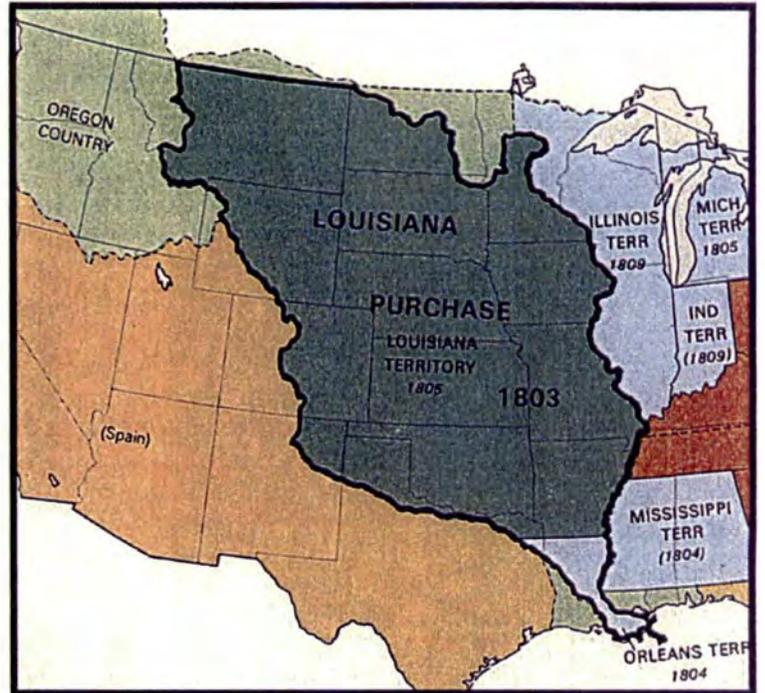
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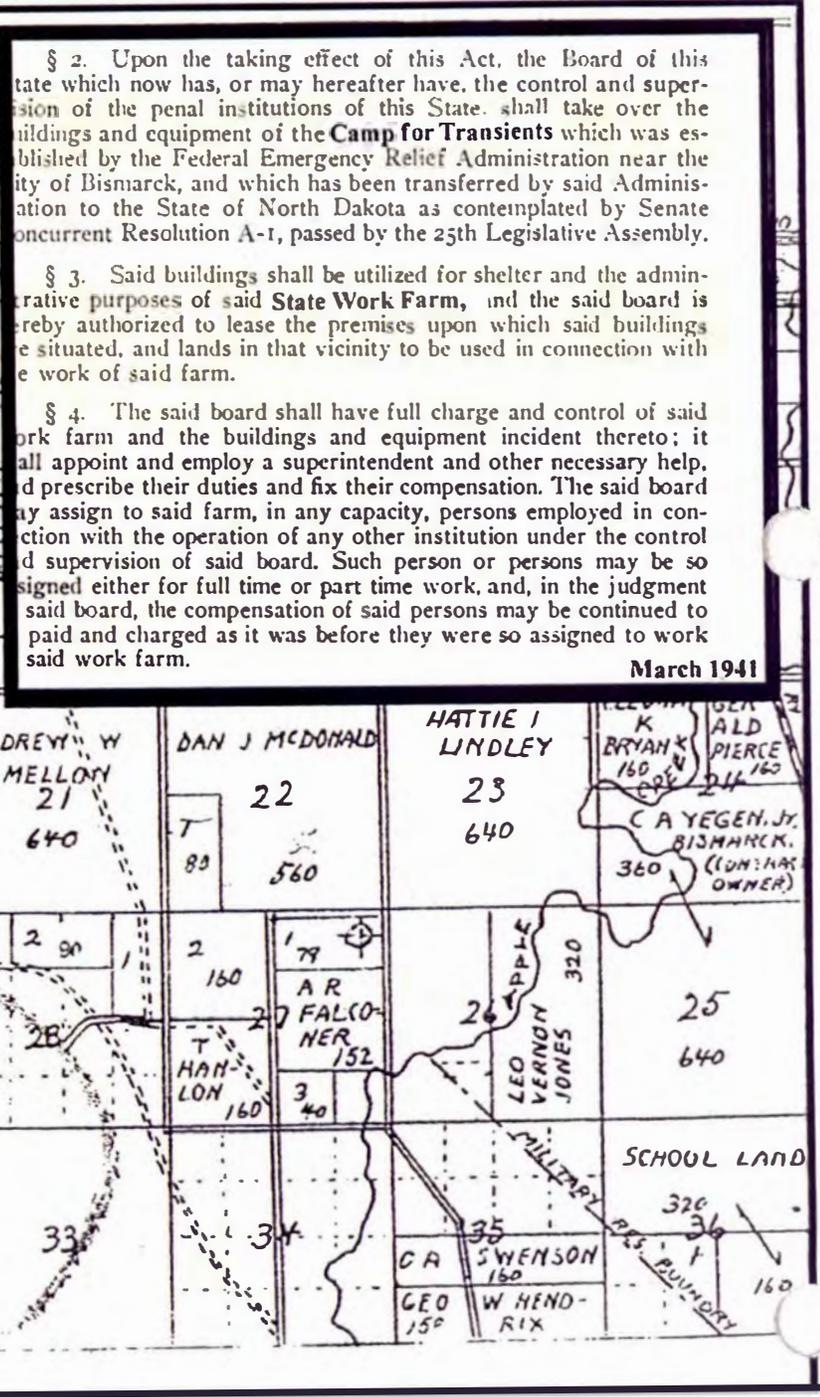
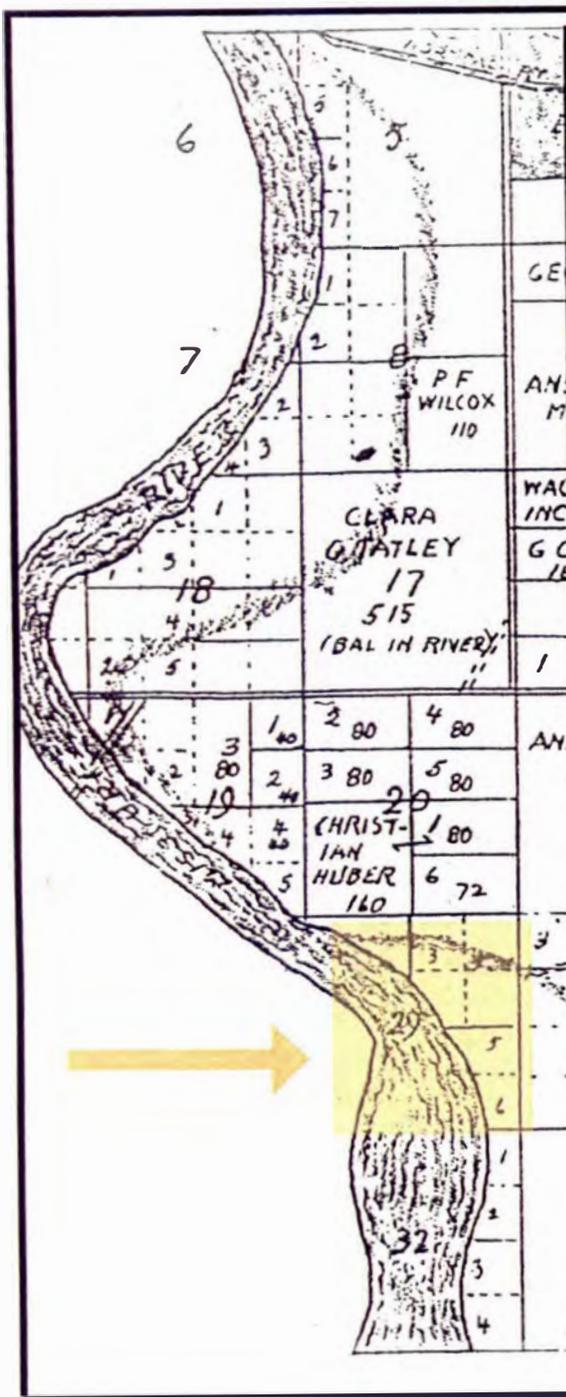
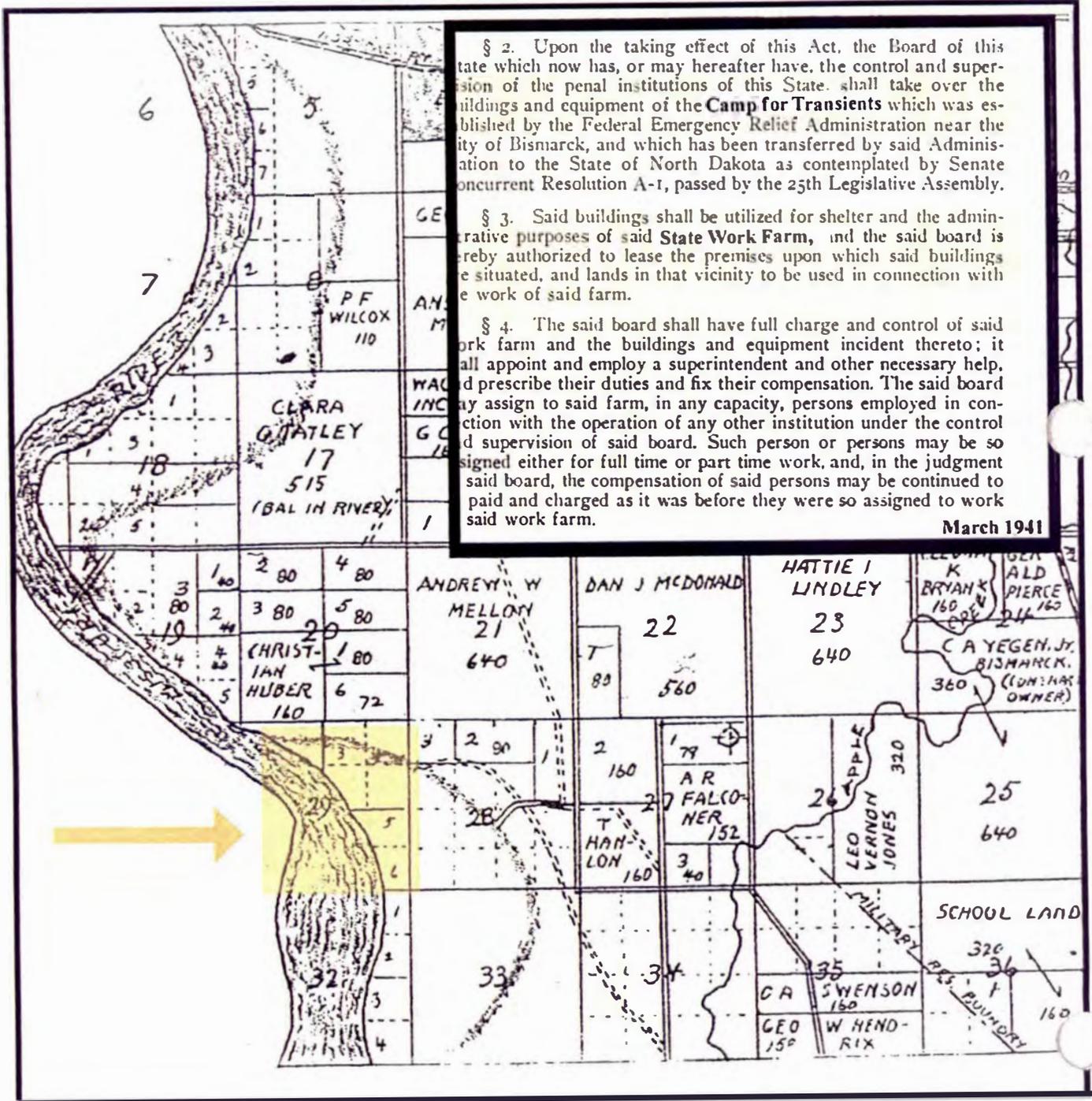




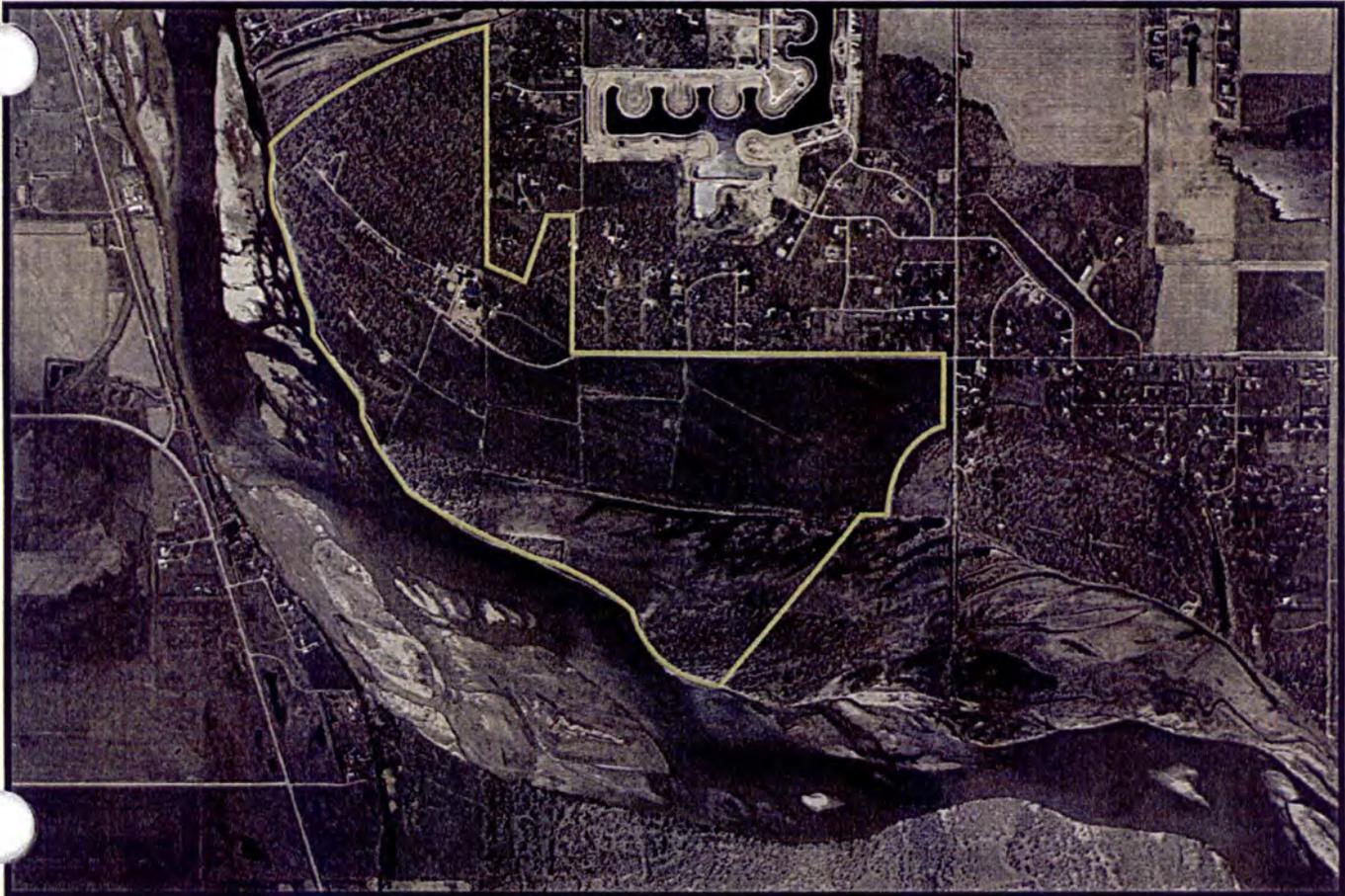


A 1,000-Year History



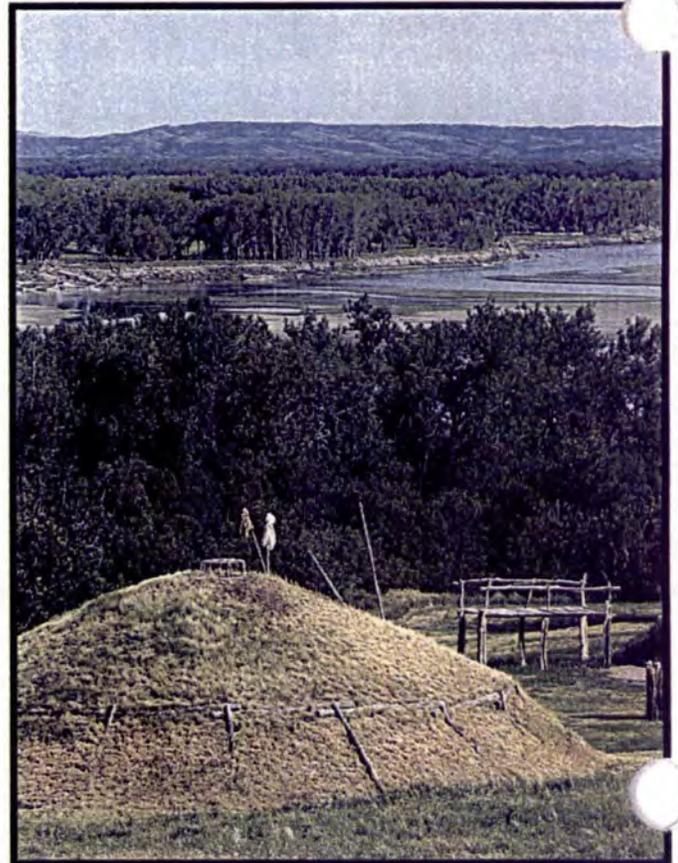
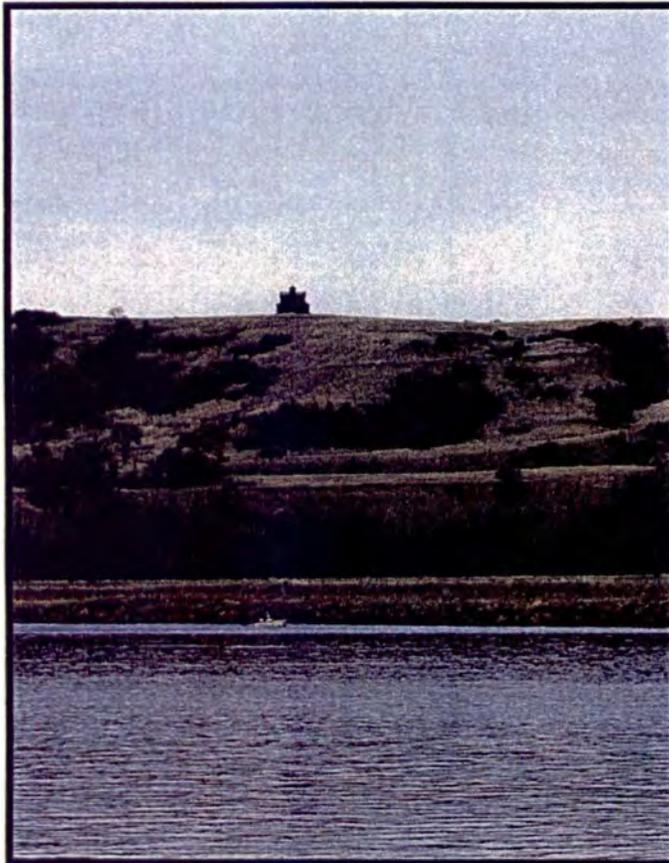
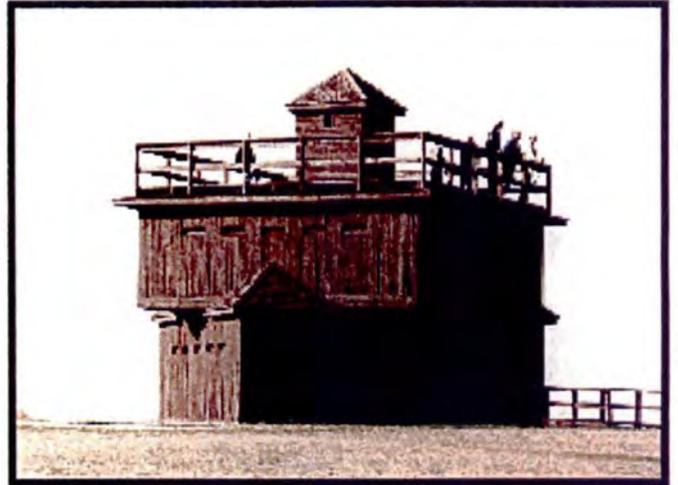


**Missouri River
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Executive Summary

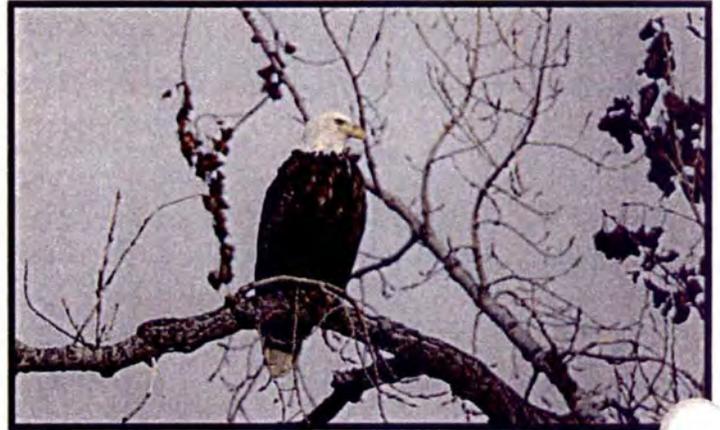
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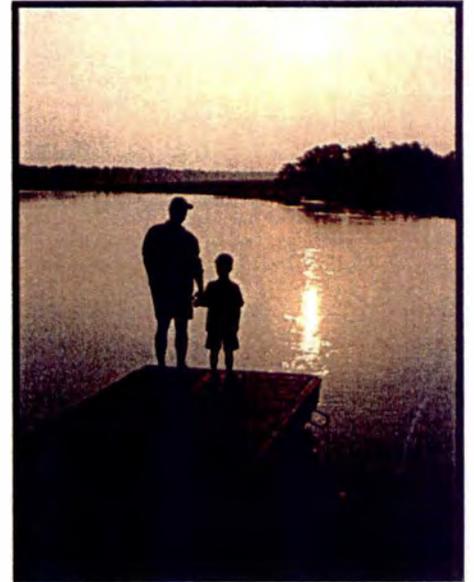
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on the Missouri

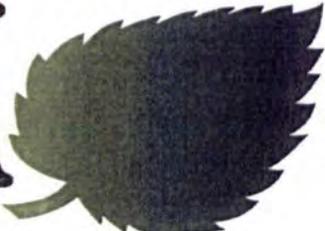


NO – **Hurry to Develop**

YES – **50 or 100-Year Vision**



Posse for the Preservation of

**NATURE
PARK** 
on the Missouri

Mylo Candee
Acting Deputy

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1312

In lieu of the amendments adopted by the Senate as printed on page 951 to 952 of the Senate Journal, Engrossed House Bill No. 1312 is amended as follows:

Page 1, line 1, after "ABILL" replace the remainder of the bill with "for an Act to provide an appropriation to the office of management and budget for a land use study of the Missouri River correctional center site."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of contracting for a land use study of the Missouri River correctional center site, for the biennium beginning July 1, 2013, and ending June 30, 2015. The study should include a review of relocating the Missouri River correctional center to other department of corrections and rehabilitation properties, leaving the Missouri River correctional center at its current location, the number of acres of land surrounding the Missouri River correctional center site that should be used for a day park, and the number of acres that should remain for agricultural purposes. The study may not include any plans for development of the land."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1312 - Summary of Senate Action

| | Executive Budget | House Version | Senate Changes | Senate Version |
|---------------------------------|------------------|---------------|----------------|----------------|
| Office of Management and Budget | | | | |
| Total all funds | \$0 | \$0 | \$50,000 | \$50,000 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$0 | \$50,000 | \$50,000 |
| DOCR | | | | |
| Total all funds | \$0 | \$12,200,000 | (\$12,200,000) | \$0 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$12,200,000 | (\$12,200,000) | \$0 |
| Bill total | | | | |
| Total all funds | \$0 | \$12,200,000 | (\$12,150,000) | \$50,000 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$12,200,000 | (\$12,150,000) | \$50,000 |

House Bill No. 1312 - Office of Management and Budget - Senate Action

| | Executive Budget | House Version | Senate Changes | Senate Version |
|-----------------------|------------------|---------------|----------------|----------------|
| Land use study | | | \$50,000 | \$50,000 |
| Total all funds | \$0 | \$0 | \$50,000 | \$50,000 |
| Less estimated income | 0 | 0 | 0 | 0 |

| | | | | |
|--------------|------|------|----------|----------|
| General fund | \$0 | \$0 | \$50,000 | \$50,000 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

Department No. 110 - Office of Management and Budget - Detail of Senate Changes

| | Adds Funding for Land Use Study ¹ | Total Senate Changes |
|-----------------------|--|----------------------|
| Land use study | \$50,000 | \$50,000 |
| Total all funds | \$50,000 | \$50,000 |
| Less estimated income | 0 | 0 |
| General fund | \$50,000 | \$50,000 |
| FTE | 0.00 | 0.00 |

¹ Funding is appropriated to the Office of Management and Budget for a land use study of the Missouri River Correctional Center site.

House Bill No. 1312 - DOCR - Senate Action

| | Executive Budget | House Version | Senate Changes | Senate Version |
|-------------------------------------|------------------|---------------|----------------|----------------|
| Correctional center relocation plan | | \$200,000 | (\$200,000) | |
| Transfer to penitentiary land fund | | 12,000,000 | (12,000,000) | |
| Total all funds | \$0 | \$12,200,000 | (\$12,200,000) | \$0 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$0 | \$12,200,000 | (\$12,200,000) | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

Department No. 530 - DOCR - Detail of Senate Changes

| | Removes Funding for Missouri River Correctional Center Relocation Plan ¹ | Removes Transfer to Penitentiary Land Fund ² | Total Senate Changes |
|-------------------------------------|---|---|----------------------|
| Correctional center relocation plan | (\$200,000) | | (\$200,000) |
| Transfer to penitentiary land fund | | (12,000,000) | (12,000,000) |
| Total all funds | (\$200,000) | (\$12,000,000) | (\$12,200,000) |
| Less estimated income | 0 | 0 | 0 |
| General fund | (\$200,000) | (\$12,000,000) | (\$12,200,000) |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding appropriated to the Department of Corrections and Rehabilitation for a study on the relocation of the Missouri River Correctional Center is removed.

² Funding provided for a transfer from the general fund to the state penitentiary land fund is removed.