

2023 HOUSE POLITICAL SUBDIVISIONS

HB 1433

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1433
1/27/2023

To authorize the department of corrections and rehabilitation to acquire certain real property in Burleigh or Morton Counties; and to provide a continuing appropriation.

Chairman Longmuir opened the hearing on HB 1433 at 9:30 A.M. Members present Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Klemin, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Warrey, Rep. Davis, Rep. Hager

Discussion Topics:

- Conveyance of Land
- Women's Correctional Facility
- Sunnyside Industry

Rep. Schatz: Introduced the bill. Testimony #17330, #18441

Dave Krabbenhoft, Director, Dept. Corrections and Rehabilitation: Testimony #17283

Rick Gardner, League of Cities: Oral testimony.

Rep. Klemin moved a Do Not Pass;
Seconded by Rep. Hagar

| Representatives | Vote |
|------------------------------------|------|
| Representative Donald W. Longmuir | Y |
| Representative Clayton Fegley | N |
| Representative Jayme Davis | Y |
| Representative LaurieBeth Hager | Y |
| Representative Patrick Hatlestad | N |
| Representative Matt Heilman | Y |
| Representative Dawson Holle | Y |
| Representative Jim Jonas | Y |
| Representative Lawrence R. Klemin | Y |
| Representative Mike Motschenbacher | Y |
| Representative Mitch Ostlie | Y |
| Representative Nico Rios | Y |
| Representative Nathan Toman | Y |
| Representative Jonathan Warrey | Y |

House Political Subdivisions Committee
HB 1433
January 27, 2023
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Roll Call Vote: 12 Yes 2 No 0 Absent Carrier Rep. Toman

Hearing closed at 10:10 AM.

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1433: Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1433 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1433

**HOUSE POLITICAL SUBDIVISIONS COMMITTEE
REPRESENTATIVE DONALD LONGMUIR, CHAIR
JANUARY 27, 2023**

Dave Krabbenhoft, Director, Department of Corrections and Rehabilitation
Testimony on House Bill 1433

Chairman Longmuir and members of the Political Subdivisions Committee, my name is Dave Krabbenhoft, and I am the Director of the North Dakota Department of Corrections and Rehabilitation (DOCR). I stand before you today to provide testimony in opposition to House Bill 1433.

House Bill 1433 Requirements:

- Sell Missouri River Correctional Center (MRCC) land
- Sell Youth Correctional Center and Heart River Correctional Center land
- Sell all other State land under the control of the DOCR located in Morton County
- Locate State owned land in Burleigh County to be used for the purpose of constructing new facilities to replace MRCC and YCC
- Possession of land remain with the DOCR until the new replacement facilities have been constructed
- Proceeds from the sale of the land are to be retained by the DOCR to be used for construction of the new replacement facilities.
- Use of low-cost steel as construction material in new facilities

Roughrider Industries a division of DOCR manages all land under control of DOCR (in excess of 3,000 acres in Burleigh County and Morton County)

- All land under control of DOCR currently leased
- Land lease income - \$242,000 / bien

- Sandbag operations - \$100,000 / bien
- Ag Research – USDA and Hettinger

MRCC Property – HCR #3002 – 67th Legislative Assembly

- ND Parks and Recreation option to acquire

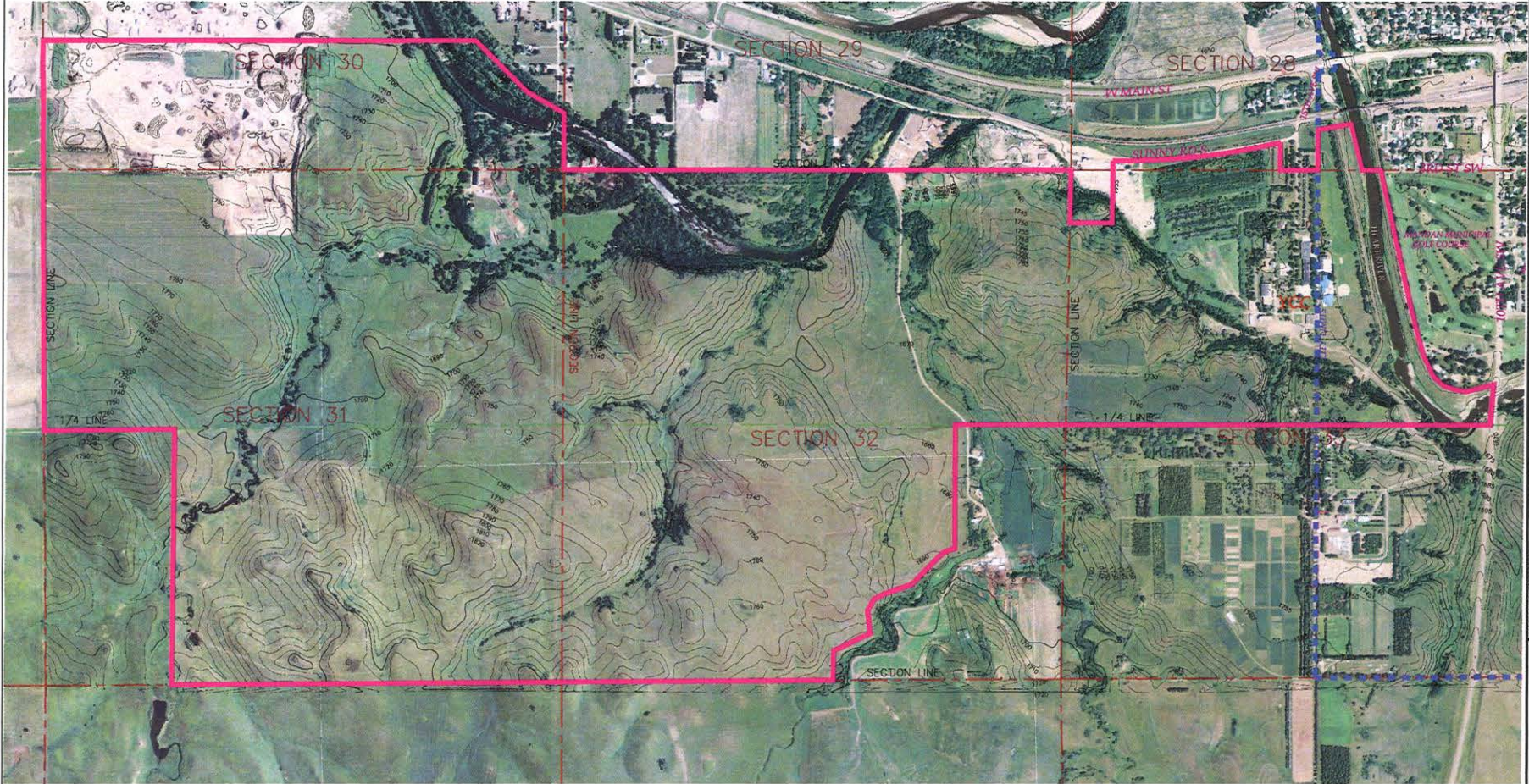
2019-21 Legislative Interim Study (Moss Report)

- Preferred location women's facility
- Women relocate closer to Bismarck
- MRCC viable for another 10 years, or sell property
- YCC property is an asset with potential to be repurposed for a dual campus space (adults and youth)
- DWCRC repurpose from prison to community mission (residential treatment)

2021-23 Legislative Interim – Capital Planning (BWBR)

- Facilities concept study – Women's, Men's Minimum, Juvenile
- Women's facility – HRCC / YCC campus in Mandan – \$161 million executive recommendation; 260 beds
- Juvenile facility – South of YCC campus – Bluff Site - \$119 million – NOT recommended in executive recommendation; 64 beds
- Men's Minimum Facility – State Penitentiary Campus - \$307 million – NOT recommended in executive recommendation; 300 beds

North Dakota Youth Correctional Center Boundary



LEGEND

- PROPERTY BOUNDARY
- - - - - CITY LIMITS
- - - - - SECTION LINE
- - - - - QUARTER LINE
- CONTOUR

REVISION

**NORTH DAKOTA
YOUTH CORRECTIONAL CENTER**
Section 33, T. 139N, R. 81W

PROJECT:

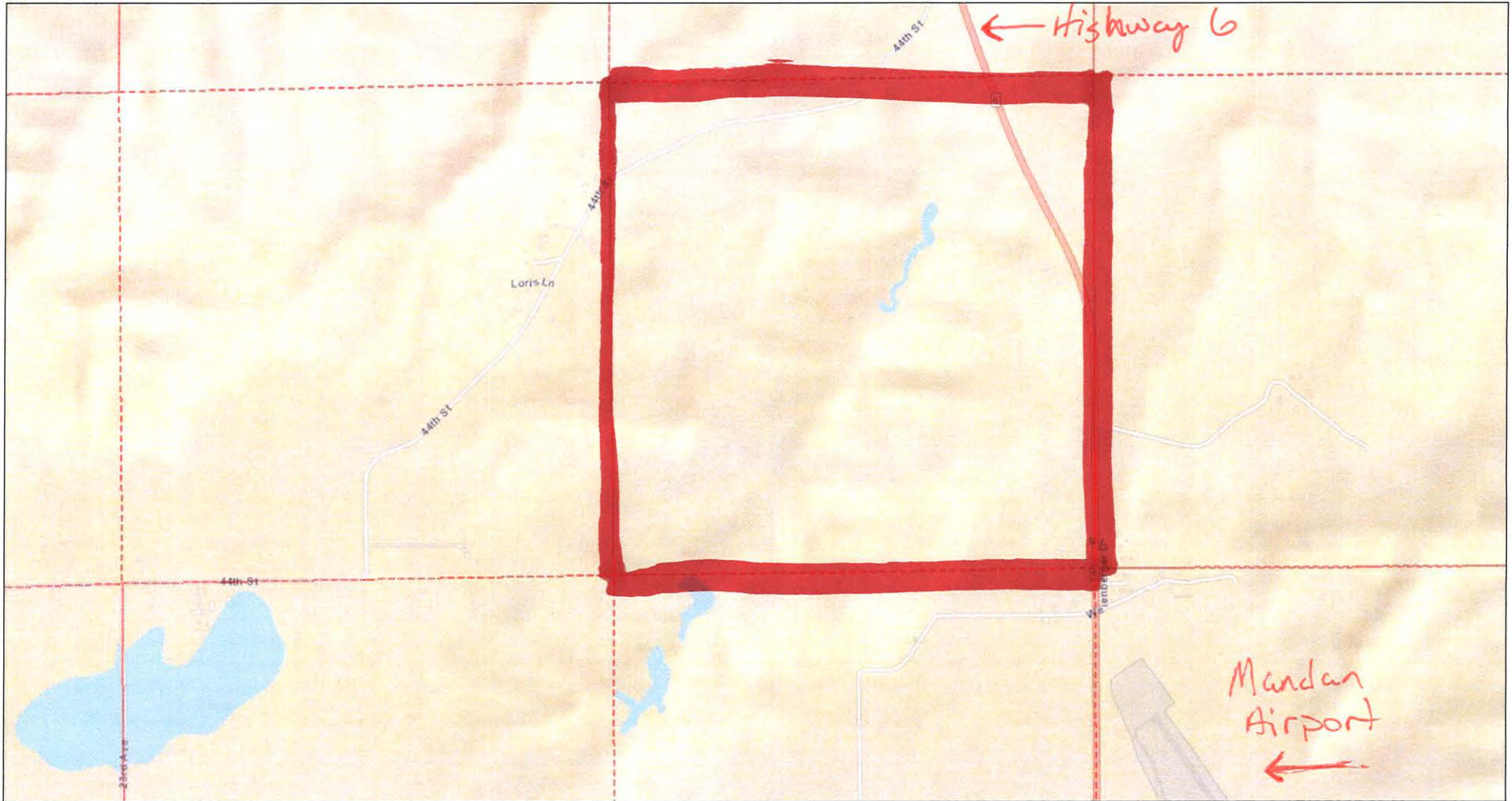
SWENSON, HAGEN & COMPANY P.C.
1000 15th Avenue
Bismarck, ND 58504
Phone: 701.223.4444
Fax: 701.223.4444
www.swhagen.com



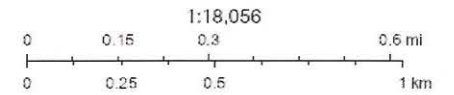
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DATE: 1/20/14
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DRAWING TITLE: JUVIL CORRECTIONAL CENTER
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SHEET
1 OF 7

ArcGIS Web Map *City of Mandan*
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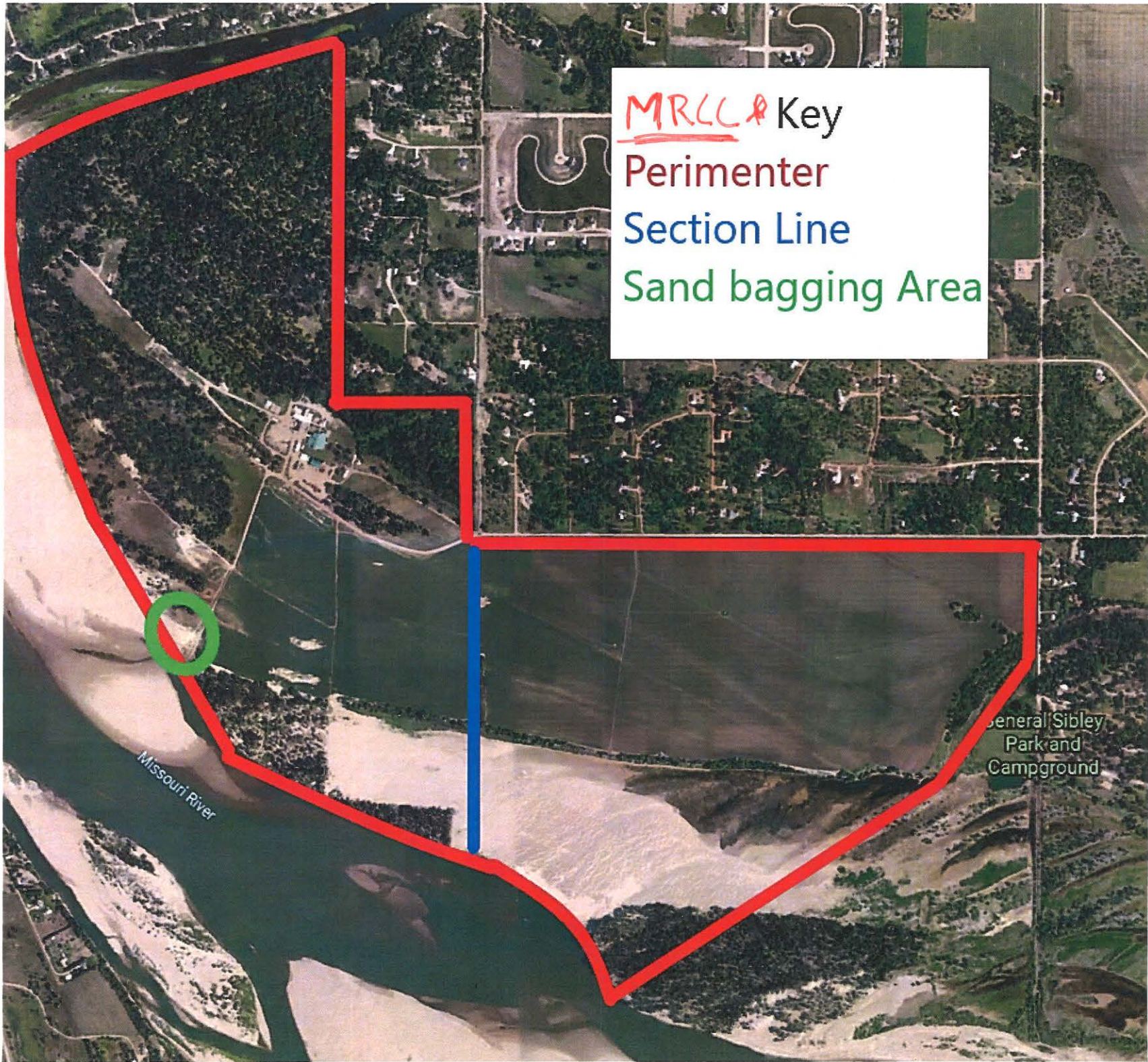
State of North Dakota, Esri, HERE, Garmin,
INCREMENT P, NGA, USGS

Web AppBuilder for ArcGIS
State of North Dakota, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

MRLL Key
Perimeter
Section Line
Sand bagging Area

Missouri River

General Sibley
Park and
Campground



Search all layers listed under the dropdown arrow.



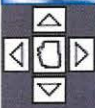
Basemap

Map Layers

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Identify & Selection Results Show X



9/4/2011

DOCR Gun Range



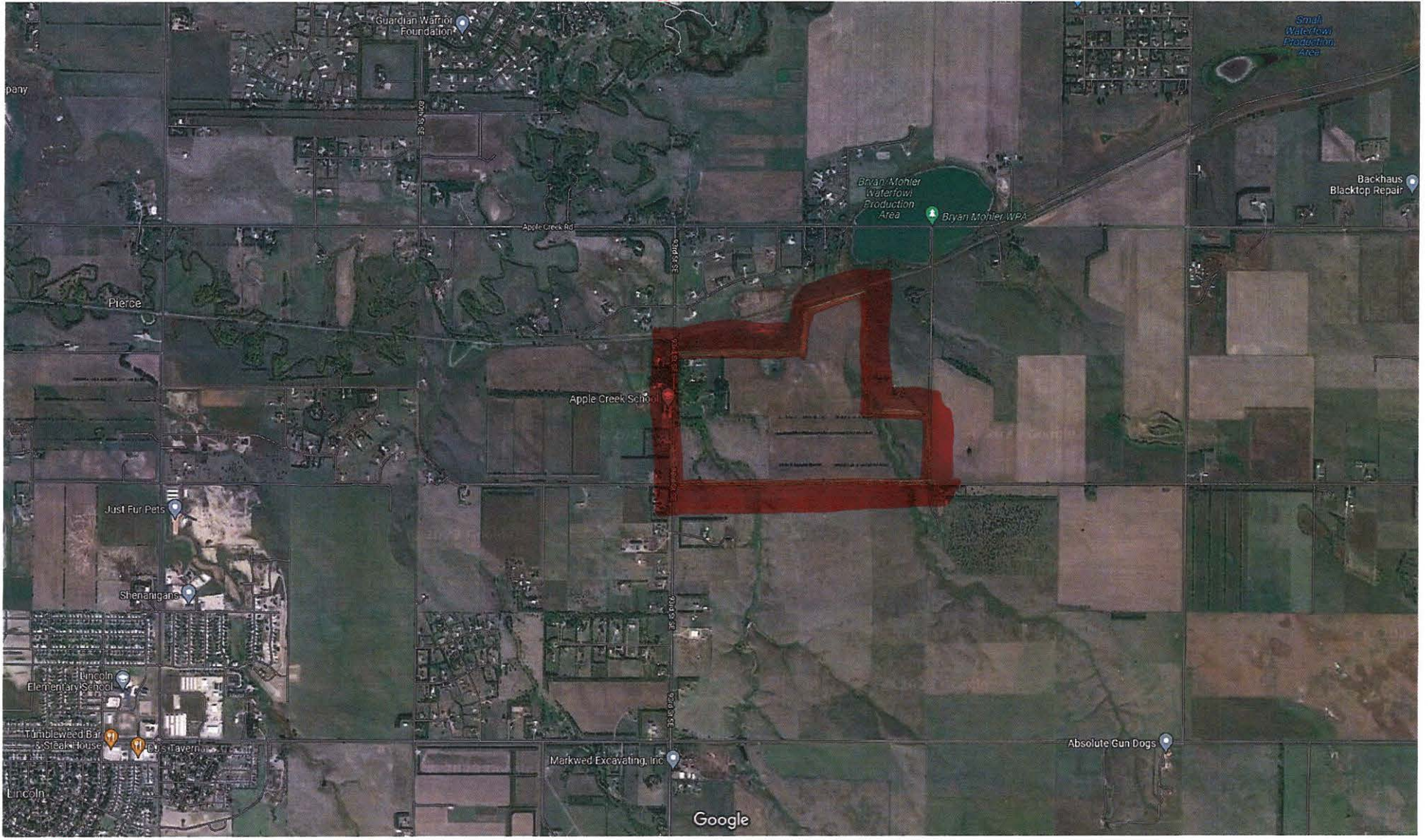
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Google

2011 1997

46°47'02.29" N 100°38'13.53" W elev 1720 ft

Apple Creek
Country Club
↓



↑
City of
Lincoln

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE CONCURRENT RESOLUTION NO. 3002
(Legislative Management)
(Government Finance Committee)

A concurrent resolution recognizing the memorandum of understanding and option to acquire land entered by the Department of Corrections and Rehabilitation, by and through the State Penitentiary and the Missouri River Correctional Center and the Parks and Recreation Department.

WHEREAS, the Department of Corrections and Rehabilitation, by and through the State Penitentiary and the Missouri River Correctional Center, previously known as the North Dakota State Farm, is in continuous and open possession and custody of the real property owned by the State of North Dakota and located in the northwest quarter and northeast quarter of Section 29, Township 138 North, Range 80 West, Burleigh County, described as part of Government lots 1, 2, 3, and 4, and the northwest quarter and northeast quarter of Section 29, and what is described as Auditor's Lot "A" in the plat recorded with the Burleigh County Recorder as Document No. 851887 and as Exhibit A to Document No. 851886; and that part of the northeast quarter and the northwest quarter of Section 30, Township 138 North, Range 80 West, Burleigh County, and what is now described as Auditor's Lot "A" in the plat recorded with the Burleigh County Recorder as Document No. 851888 and as Exhibit B to Document No. 851886, but subject to any designated sovereign lands within the ordinary high water mark of the Missouri River in accordance with North Dakota Century Code Section 61-33-03; and

WHEREAS, the described property was originally managed and farmed by the State Penitentiary, which in 1941 became known as the North Dakota State Farm and is now known as the Missouri River Correctional Center, an affiliated facility of the State Penitentiary, which includes approximately 300 acres of irrigated crop land as authorized under Water Permit No. 939 issued by the state engineer; and

WHEREAS, North Dakota State University used parts of the property described as Auditor's Lot "A" in Section 29 and Auditor's Lot "A" in Section 30, along with other property under the management of the Department of Corrections and Rehabilitation, for agricultural research, including multispecies grazing research and the management of noxious weeds; and

WHEREAS, the custody of the property, Auditor's Lot "A" in Section 29 and Auditor's Lot "A" in Section 30, was transferred to the Parks and Recreation Department in 2016, to develop into a state park; and

WHEREAS, in 2017, the Parks and Recreation Department determined it was not in the position to develop the state property into a state park, but the Department of Corrections and Rehabilitation had immediate management needs for return of the custody of the transferred land to the Department of Corrections and Rehabilitation, and in 2017, custody of the property was subsequently transferred to the Department of Corrections and Rehabilitation; and

WHEREAS, the Missouri River Correctional Center includes a campus and adjacent property located in Section 19, Township 138 North, Range 80 West, Burleigh County; and

WHEREAS, in July 2018, the Department of Corrections and Rehabilitation and the Parks and Recreation Department, entered a memorandum of understanding and option to acquire land, providing if the Department of Corrections and Rehabilitation determines to discontinue the operation of the Missouri River Correctional Center in Sections 19, 29, and 30 in Township 138 North, Range 80 West, Burleigh County, and to divest itself of custody of such state property, the Department of Corrections and Rehabilitation grants to the Parks and Recreation Department the option to acquire custody of the property, or a portion of the premises, subject to the approval of the Legislative Assembly, and the

ability, resources, and available appropriations of the Parks and Recreation Department to develop the property into a state park.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

The Sixty-Seventh Legislative Assembly supports the memorandum of understanding and option to acquire land entered by the Department of Corrections and Rehabilitation and Parks and Recreation Department; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Department of Corrections and Rehabilitation and Parks and Recreation Department.

MEMORANDUM AND OPTION TO ACQUIRE

WHEREAS, the North Dakota Department of Corrections and Rehabilitation, by and through the North Dakota State Penitentiary and the Missouri River Correctional Center, previously known as the North Dakota State Farm, is in continuous and open possession and custody of the real property owned by the State of North Dakota and located in the Northwest Quarter and Northeast Quarter of Section 29, Twp. 138 N, R. 80 W, Burleigh County, ND, described as part of Government lots 1, 2, 3, and 4, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, and what is described as Auditor's Lot "A" in the plat recorded with the Burleigh County Recorder as Doc. 851887 and as Exhibit A to Doc. No. 851886; and that part of the Northeast Quarter and the Northwest Quarter of Section 30, Twp. 138 N, R 80 W, Burleigh County, North Dakota, and what is now described as Auditor's Lot "A" in the plat recorded with the Burleigh County Recorder as Doc. No. 851888 and as Exhibit B to Doc. No. 851886 (the State Property), but subject to any designated sovereign lands within the ordinary high water mark of the Missouri River in accordance with N.D.C.C. § 61-33-03; and,

WHEREAS, the above described State Property was originally managed and farmed by the North Dakota State Penitentiary, and which in 1941 became known as the North Dakota State Farm, and is now known as the Missouri River Correctional Center, an affiliated facility of the North Dakota State Penitentiary, and which includes approximately 300 acres of irrigated crop land as authorized under Water Permit No. 939 issued by the State Engineer; and,

WHEREAS, North Dakota State University utilized parts of the State Property described as Auditor's Lot A in Section 29 and Auditor's Lot A in Section 30, along with other property under the management of the North Dakota Department of Corrections and Rehabilitation, for agricultural research, including multi-species grazing research and the management of noxious weeds; and,

WHEREAS, The custody of the State Property, Auditor's Lot A in Section 29 and Auditor's Lot A in Section 30, was briefly transferred to the North Dakota Parks and Recreation Department in late 2016, a North Dakota state agency, to develop the State Property into a state park; and,

WHEREAS, in 2017, the North Dakota Parks and Recreation Department determined it was not currently in the position to develop the State Property into a state park, but the North Dakota Department of Corrections and Rehabilitation had immediate management needs for return of the custody of the transferred land back to the North Dakota Department of Corrections and Rehabilitation, and, accordingly, in 2017, custody of the State Property was subsequently transferred back to the North Dakota Department of Corrections and Rehabilitation; and,

WHEREAS, the Missouri River Correctional Center also includes a campus and adjacent property located in Section 19, Twp. 138 N, R. 80 W, Burleigh County, North Dakota.

NOW, THEREFORE, it is agreed by and between the North Dakota Department of Corrections and Rehabilitation and the North Dakota Parks and Recreation Department, that in the event the North Dakota Department of Corrections and Rehabilitation determines to discontinue the operation of the Missouri Correctional Center and management of all State real property that comprises the Missouri River Correctional Center in Sections 19, 29, and 30 in Township 138 North, Range 80 West, Burleigh County, North Dakota and to divest itself of custody of such State Property, the North Dakota Department of Corrections and Rehabilitation grants to the North Dakota Parks and Recreation Department the option to acquire custody of such State Property, or a portion of the premises, contingent upon, and subject to, the approval of the Governor of North Dakota, and the ability, resources, and available appropriations of the North Dakota Parks and Recreation Department to develop the State Property into a state park.

The Director of the North Dakota Department of Corrections and Rehabilitation and the Director of the North Dakota Parks and Recreation Department cause this Memorandum and Option to Acquire to be duly executed.

North Dakota Department of Corrections and Rehabilitation


Dated this 25th day of July, 2018.



Leann K. Bertsch, Director

North Dakota Parks and Recreation Department

Dated this 30th day of July, 2018.



Melissa Baker, Director



Parcel Viewer

Search all layers listed under the dropdown arrow.



Basemap

Map Layers

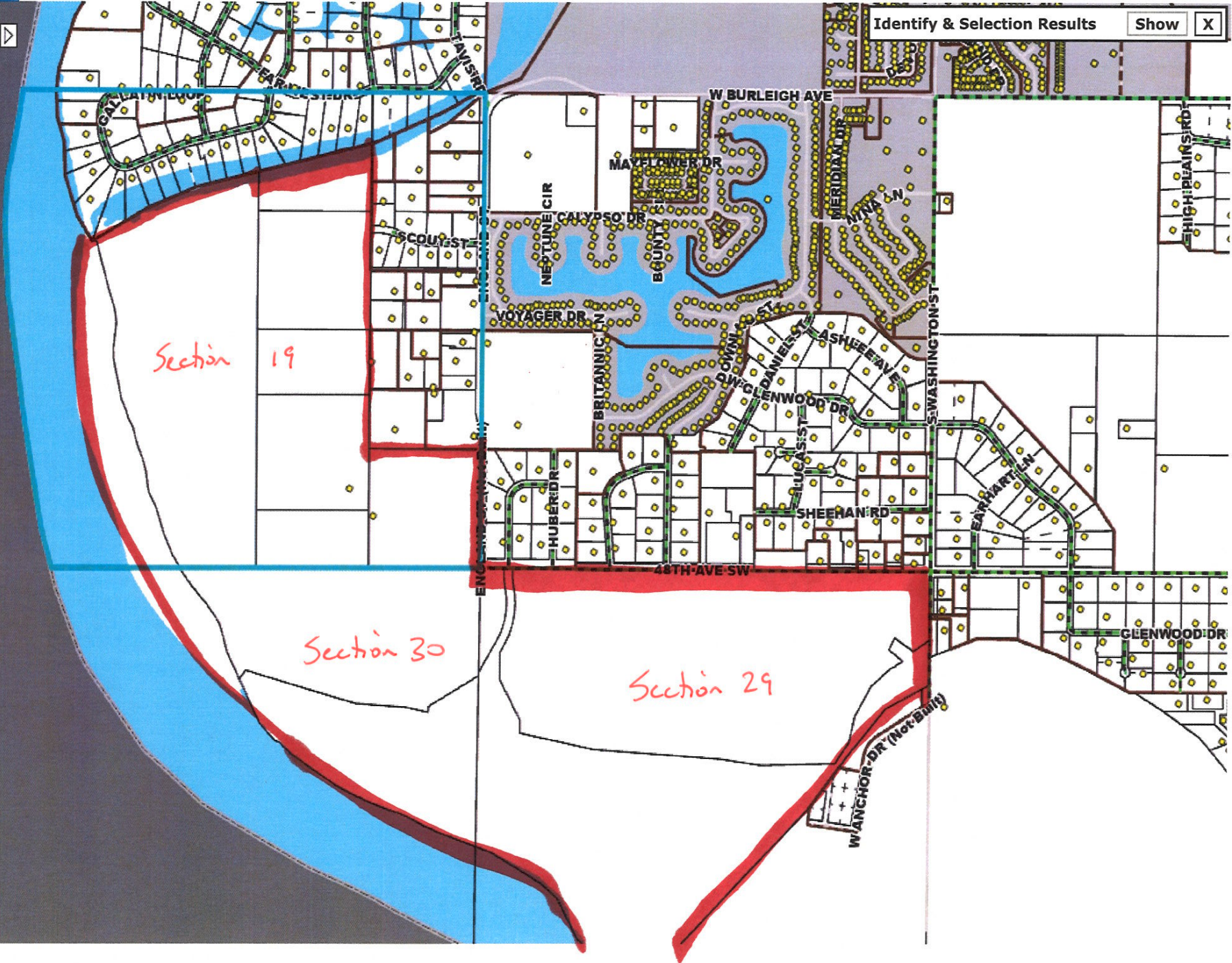
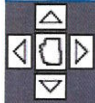
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Representative Mike Schatz
House District 39
Testimony for HB 1462

HB 1433

Chairman Longmuir and members of the House Political Subdivisions Committee,

For the record, I am Rep. Mike Schatz from New England, ND and I represent District 39 in the southwest corner of the state.

HB 1433 is a bill that will require the Department of Rehabilitation and Corrections to sell land on both sides of the Missouri river. The Missouri River Correctional Center comprises approximately 900 acres in south Bismarck and a large portion of river front property. The Youth Correctional Center in south Mandan is comprised of approximately 1800 acres.

The idea behind selling these two parcels of land is twofold. First, because they are very valuable and will make the state a great deal of money, the state will be able to build new facilities for MRCC and YCC.

Second, because the Bismarck/Mandan communities are the fastest growing cities in the region, this property will make way for more housing and expansion. To have correctional centers surrounded by residential areas doesnt make much sense.

My proposal would require the DOCR to relocate MRCC and YCC to state land in Burleigh or Morton Counties and construct new buildings. My recommendation is that they use steel buildings which are very large, open, and less expensive than traditional brick and mortar facilities. I have included maps of all the state land in both Burleigh and Morton counties on the testimony page on your computer.

As many of you may know, New England currently is home to the womens prison and I feel the people there do an outstanding job. DOCR has a plan to build a \$161 million facility for women in Mandan, but I say, why are they trying to fix something that isnt broken. However, New Englands facility is a womens prison and not a mental hospital. It is my feeling that prisoners with mental health issues should be in a secured facility at the State Hospital in Jamestown. Perhaps the sale of this land will render enough for all the needs of the DOCR.

Thank you, Mr. Chairman, and I will answer any questions I can