

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

CORRECTIONAL FACILITY REVIEW COMMITTEE

Monday, April 7, 2008
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Chet Pollert, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Chet Pollert, Ralph Metcalf, Alon Wieland; Senators Tony Grindberg, David O'Connell, Bob Stenehjem

Others present: Senator Ralph Kilzer, Bismarck
Jim W. Smith, Director, Legislative Council

See attached [appendix](#) for additional persons present.

It was moved by Senator O'Connell, seconded by Representative Wieland, and carried on a voice vote that the minutes of the March 3, 2008, meeting be approved as distributed.

CORRECTIONAL FACILITY REVIEW STUDY

Chairman Pollert called on Mr. George M. Camp, Criminal Justice Institute, Inc., to present a review of the [final report](#) regarding conclusions and recommendations of the correctional facility review study. A copy of the final report is on file in the Legislative Council office. Mr. Camp said the consultant's recommendation is the remodel/expansion of the existing Penitentiary. He said the project can be implemented using a phased approach or a complete project approach. He said a standard implementation schedule or an expedited implementation schedule can be used for either approach. He said the consultant recommends an expedited implementation schedule for either approach because it would save money and allow construction to start in July 2009 rather than July 2010.

In response to a question from Representative Pollert, Mr. Camp said the West Cellhouse needs several updates, including the locking system and the ventilation system. He said the West Cellhouse should not be demolished. After new segregation housing is constructed, he said, the West Cellhouse may be used for offenders who are less difficult to manage.

In response to a question from Representative Pollert, Mr. Camp said the Missouri River Correctional Center is focusing more on community-reentry programs. He said moving the center to the Penitentiary site would be more efficient for transporting inmates and supplies. He said the center does not pose a risk to citizen safety in its present location and will not pose a risk at the new location.

In response to a question from Senator O'Connell, Mr. Camp said vocational training for inmates was a major consideration during the study. He said the remodel/expansion plan calls for an expansion of Roughrider Industries to accommodate additional vocational training.

Senator Stenehjem asked Legislative Council staff to provide information regarding facility upgrades needed at the Missouri River Correctional Center, including the cost and whether the upgrades are necessary before the center would be moved to the Penitentiary site.

In response to a question from Representative Pollert, Mr. Camp said the design concept for the State Penitentiary allows for a 25 percent growth in capacity, or 256 beds, without having to increase the service load capability of the support functions. He said the reuse plan has been designed to accommodate four additional 64-bed units.

Mr. Dave Krabbenhoft, Director of Administration, Department of Corrections and Rehabilitation, commented on the consultant's recommendation for the correctional facility review study. He said the department agrees with the consultant's recommendation for a remodel/expansion plan with a phased implementation, but some modifications may be necessary. He said the department believes a project similar to Phase 1 of the remodel/expansion plan could be completed for \$60 million to \$70 million rather than \$80.6 million as recommended by the consultant and still meet the critical needs of the department.

In response to a question from Representative Metcalf, Mr. Krabbenhoft said the department has experienced staff that are prepared to begin the request for proposal process for architectural design services when the project is approved.

Senator Stenehjem does not believe the Correctional Facility Review Committee, the Emergency Commission, or the Budget Section has authority to spend any of the \$41 million transferred into the State Penitentiary land fund for future correctional facility needs.

In response to a question from Representative Pollert, the legislative budget analyst and auditor said Section 10 of House Bill No. 1015 (2007) requires the Correctional Facility Review Committee to consider three correctional facility concepts and forward the three concepts with a recommendation for one of the three concepts to the Emergency Commission for the

commission's consideration. Initially, the Emergency Commission was to forward its recommendation to the Budget Section for consideration; however, based on an Attorney General's opinion, the Legislative Council at its June 2007 meeting directed the Budget Section to receive the Emergency Commission recommendation for informational purposes only.

Representative Wieland thanked Criminal Justice Institute, Inc., for its assistance with the study. He said he would prefer constructing a new prison. He said the estimated total cost difference between the remodel/expansion plan and a new facility over a 20-year life cycle is \$9 million. After 20 years with the remodel/expansion plan, he said, the Penitentiary will still have old buildings that potentially will require substantial maintenance. With a new facility, he said, the Penitentiary would have newer buildings that would require less maintenance cost.

It was moved by Representative Wieland, seconded by Representative Metcalf, and carried on a roll call vote that the Correctional Facility Review Committee accept Criminal Justice Institute's final report of the correctional facility review study. Representatives Pollert, Metcalf, and Wieland and Senators Grindberg, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

It was moved by Representative Metcalf, seconded by Senator Grindberg, and carried on a roll call vote that the Correctional Facility Review Committee forward the three correctional facility concepts contained in the Criminal Justice Institute's March 19, 2008, correctional facility final report and recommend the remodel/expansion of the existing State

Penitentiary facility concept to the Emergency Commission. Representatives Pollert, Metcalf, and Wieland and Senators Grindberg, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Senator Grindberg suggested the committee consider preparing a bill draft providing an appropriation to the Department of Corrections and Rehabilitation for Phase 1 of the remodel/expansion plan.

It was moved by Senator Grindberg, seconded by Representative Metcalf, and carried on a roll call vote that the Legislative Council staff prepare a bill draft providing an appropriation of \$80.6 million for Phase 1 of the remodel/expansion plan. Representatives Pollert, Metcalf, and Wieland and Senators Grindberg, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Chairman Pollert said the next meeting is scheduled for Wednesday, June 18, 2008, for committee consideration of the bill draft.

No further business appearing, Chairman Pollert adjourned the meeting at 10:40 a.m.

Becky Keller
Fiscal Analyst

Allen H. Knudson
Legislative Budget Analyst and Auditor

ATTACH:1