

CONCURRENT RESOLUTION NO.

Introduced by

Legislative Management

(Government Finance Committee)

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

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

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

23 **WHEREAS**, North Dakota State University used parts of the property described as Auditor's
24 Lot "A" in Section 29 and Auditor's Lot "A" in Section 30, along with other property under the

1 management of the Department of Corrections and Rehabilitation, for agricultural research,
2 including multispecies grazing research and the management of noxious weeds; and

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

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

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

13 **WHEREAS**, in July 2018, the Department of Corrections and Rehabilitation and the Parks
14 and Recreation Department, entered a memorandum of understanding and option to acquire
15 land, providing if the Department of Corrections and Rehabilitation determines to discontinue
16 the operation of the Missouri River Correctional Center in Sections 19, 29, and 30 in
17 Township 138 North, Range 80 West, Burleigh County, and to divest itself of custody of such
18 state property, the Department of Corrections and Rehabilitation grants to the Parks and
19 Recreation Department the option to acquire custody of the property, or a portion of the
20 premises, subject to the approval of the Legislative Assembly, and the ability, resources, and
21 available appropriations of the Parks and Recreation Department to develop the property into a
22 state park.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE** **OF NORTH**
24 **DAKOTA, THE** **CONCURRING THEREIN:**

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

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