

2009 SENATE APPROPRIATIONS

SB 2030

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2030

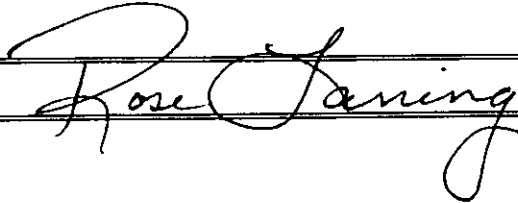
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 01-26-09

Recorder Job Number: 7688

Committee Clerk Signature



Minutes:

V. Chair Grindberg called the committee back to order at 11:30 am and opened up the hearing on SB 2030 concerning appropriating funds to the department of corrections for the State Penitentiary.

Rep. Chet Pollert, District 29 Chairman, Correctional Facility Review Committee

The interim committee met every 2-3 weeks continuously from July 07 through April 08 and in that time, we had one direction to go. There were 3 options: build new on new; build, reuse, re-model; or build new on the old grounds. So that was our direction. We did that during our deliberations because we also hired a firm, the Criminal Justice Institute, Inc. (CJI). They came out with a proposal to build new. That proposal would've cost about \$210M or \$220 M, and then during the deliberations, we found out that we can do a phase I project for roughly around \$80 M but it would have been a three phase project. As we went further along, we came up with what we call a hybrid plan. In the hybrid plan, you will see a combination of CJI's re-model plan and what we as a committee came up with. We, as a committee, thought it was important to bring a bill forward and that's why SB 2030 is in front of you. It takes advantage of \$41-42 M that we had set aside the last legislative session in a land trust fund for the penitentiary. That, along with another \$21-22M, is what you see with the bill in front of you for \$67 M dollars. As far as any specifics, I can only give you some generals. We would tear

down the east cell house and also the current administration building which is outside the fence. The administration would move inside the fence and their offices would be inside the fence as well. This bill does not address the Missouri River Correctional Center (MRCC). The recommendation from CJI was to move the MRCC during in phase II, which would be about 6 years down the road. That is not in SB 2030. We discovered land options, and when it came down to it, we selected the reuse, remodel, just as CJI did to come up with the hybrid plan. As far as going into the details, I would ask that you please talk to Ms. Keller from Legislative Council because she has a lot more of the figures. Basically, it comes down to \$67 M.

Senator Lindaas: Can you elaborate on State Pen land fund? Is it in place now?

Chet Pollert: There was a land trust fund that was currently set up, that was already in place. So what we did the last biennium, we put the \$41 M into that fund, so it would be earmarked on the bill. That was in place, we did not create a new fund.

Senator Seymour: When you work with the committee on this project and talk of different plans, does the Department have any overall strategic plans for the whole state to look at all their facilities as they tie into a prison, or is it a stand alone prison plan?

Chet Pollert: CJI and the committee got all the numbers; what was at the James River Correctional Center (JRCC), what was at the MRCC, what was at the State Pen. We also looked at the New England facility as well. We looked at the numbers but we did not address outside contracting, because that was not in the scope of our study. Indirectly, we had to know what those numbers were. In SB 2030, we will tear down the east cell house and replace it with approx. 250 new cell beds.

Senator Kilzer attended majority of meetings, there were a lot of restrictions that limited the study especially compared to other penal institutions in the state. The consultant said either

selecting a new site or building on the present site which they finally did recommend, was that over 1st 20 years, it's a little more expensive to build a new site and demolish the old site. But after 20 years, with efficiency and more space, it becomes cheaper to run the prison. You're not building a prison for 20 years; you're probably building it for 100 years. In spite of that, the consultants did recommend the plan that you're recommending but I feels that we're building for 20 years and not 100 years.

Chet Pollert: It was a narrow study because we couldn't look at any outside sites. If you look at 20 years down the road, it's within \$9-10 M to build new on new. I can talk about this making sense 20-30 years down the road, but to sell a \$120 M project at home vs. a \$67 M and then add on a 2nd phase. That's why the committee came up with SB 2030. We know the discussion is not over yet. We have to tear down the east cell house. There are safety issues out there. We can't leave the 09 session and say we're going to study this further, because the time is for action is now.

Senator Mathern: Did your committee take any time to discuss what we need to do as state so there is not increasing number of prisoners, but decreasing?

Chet Pollert: Our study was limited in scope. With CJI, they looked at all the current programs in place and their suggestion was to go out 10 years and what they thought the inmate cell count would be in 2017, so this was their recommendation.

Senator Mathern: You didn't look at how we could reduce the number of prisoners by changing our previous programs or changing other activities of state so that there would be fewer people becoming criminals. Was that part of the discussion?

Chet Pollert: As far as what pertinent questions the CJI would have asked the Department of Corrections and Rehabilitation, you'll have to talk to Legislative Council. I can't answer

specifically, but they would have taken into consideration treatments and current statutory laws.

V. Chair Grindberg: Any other comments for **Mr. Pollert**? Thank You

Dave Krabbenhoft, Director of Admissions

Testified in favor of SB 2030. This project as came out of interim committee and addresses the critical needs that have been identified at the state penitentiary. Those haven't changed. It's the medical facilities, the administrative segregation, orientation and the east cell house and general population. The \$67M project addresses all of those and addresses them adequately. One of issues for corrections is that corrections can change so quickly so you don't want to get to a point where you overbuild. It's need versus wants. This project hits our critical needs. It's not necessarily for the inmates, but also for the safety of our staff in giving them a safe place to work.

V. Chair Grindberg said in light of the Vet's home in Lisbon, and with a significant increase in budget again, asked if he was confident that, with the scope and design, and, as best we can forecast the current prices for steel and concrete, soft cost and contingencies, that with \$67 M, we can perform this and not have a situation where, in a year from now, we're a \$10M over budget. Who is crunching numbers to know that the \$67 M will be the correct figure – or less? If work could start in 2009, and thereby save possibly \$4-5 M dollars with inflation, is that still an option to try and get this through, with full opportunity for vetting and discussion?

Dave Krabbenhoft: We're very confident of \$67 M dollars. Our plant services director has used the same estimating techniques that everybody else uses out there. We're using figures and trends that are typical for the Midwest. I wish I could predict these things, but we're not asking for anymore than \$67 M. It's not our intent to come in over budget. Fast tracking? I'm

not sure about the \$4-5M, but the sooner we get this going, the more money we're going to save.

Senator Christmann: Several people who have good memories point out the \$25 M increase and everyone asks is that because we've enhanced project or is it mostly because of inflation?

Dave Krabbenhoft: The study that was completed this past interim added a lot of value. I'm not saying that what was brought forward was a bad project, but what we have now is a different and better project. The costs change over a period of years. This is a different project than one we brought before. We've incorporated a lot of the things that CJI recommended that we didn't necessarily have in there. It's easily expandable, where we blow out the fence and add on. The concept is drawn in such a way that allows us to expand and it incorporates a lot of ideas.

Senator Kilzer: There was discussion about moving MRCC to the main campus. Would this plan have enough room to move MRCC to the main campus?

Dave Krabbenhoft: As the bill stands now, it doesn't have MRCC in the plan, but yes, it would - in Phase 2 of hybrid plan. Phase 1 could stand complete.

V. Chair Grindberg: Any others in favor of 2030? Any opposed? Any comments?

V. Chair Grindberg closed the hearing on SB 2030.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2030

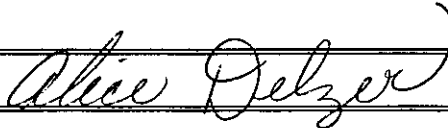
Senate Appropriations Committee

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Hearing Date: 02-16-2009

Recorder Job Number: 9528

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the discussion on SB 2030.

Vice Chairman Grindberg explained the amendments 0202 and 0204.

Discussion followed.

Vice Chairman Grindberg moved the amendment .0202 be approved; seconded by **Senator Krauter**. The intent was explained and discussion followed. A voice vote was taken resulting in a yes vote on amendment .0202.

Chairman Holmberg called for a voice vote for amendment 204. The voice vote resulted in a do pass on amendment .0204.

Becky Keller read the law to the committee from that section of the budget summary. (25.34)

Discussion followed.

Vice Chairman Grindberg moved Do Pass as Amended on SB 2030; Second by **Senator Krauter** A roll call vote was taken resulting in 13 yes, 1 no 0 absent.

Chairman Holmberg closed the discussion on SB 2030.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2030

Page 1, line 2, after the semicolon insert "to provide for a prison construction review committee;"

Page 1, after line 12, insert:

"SECTION 2. PRISON CONSTRUCTION REVIEW COMMITTEE - DUTIES.

The legislative council shall appoint a three-member prison construction review committee to receive and review information relating to the prison construction project beginning with the effective date of this Act and ending June 30, 2011. The committee shall monitor the status of the project to determine that the department of corrections and rehabilitation does not significantly change or expand the penitentiary expansion and renovation project beyond what was approved by the sixty-first legislative assembly unless the legislative assembly, or the budget section of the legislative council, if the legislative assembly is not in session, approves the change or expansion of the project, or any additional expenditures for the project. The committee shall operate according to the rules and procedures governing the operation of other legislative council committees."

Renumber accordingly

Date: 2/16/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2030

Senate _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number Amendment 0202

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Grindberg Seconded By ~~Grindberg~~ Krauter

Representatives	Yes	No	Representatives	Yes	No
Senator Krebsbach			Senator Seymour		
Senator Fischer			Senator Lindaas		
Senator Wardner			Senator Robinson		
Senator Kilzer			Senator Warner		
V. Chair Bowman			Senator Krauter		
Senator Christmann			Senator Mathern		
V. Chair Grindberg					
Chairman Holmberg					

Total Yes Voice Vote No _____

Absent _____

Floor Assignment _____

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2030

Page 1, line 6, replace "\$25,000,000" with "\$22,465,804"

Page 1, line 8, replace "\$42,000,000" with "\$44,534,196"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces funding from the general fund and increases funding from the Penitentiary land fund for the prison expansion/renovation project.

Date: 2-16-09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2030

Senate _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number 0204

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Grindberg Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner			Senator Robinson		
Senator Fischer			Senator Lindaas		
V. Chair Bowman			Senator Warner		
Senator Krebsbach			Senator Krauter		
Senator Christmann			Senator Seymour		
Chairman Holmberg			Senator Mathern		
Senator Kilzer					
V. Chair Grindberg					

Total Yes 10 No 0

Absent _____

Floor Assignment _____

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2030

Page 1, line 2, after the semicolon insert "to provide for a prison construction review committee;"

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ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces funding from the general fund and increases funding from the Penitentiary land fund for the prison expansion/renovation project and creates a prison construction review committee.

Date: 2/16/09
Roll Call Vote #: 3

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2030

Senate _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Grindberg Seconded By Krauter

Representatives	Yes	No	Representatives	Yes	No
Senator Fischer	✓		Senator Warner	✓	
Senator Christmann	✓		Senator Robinson	✓	
Senator Krebsbach	✓		Senator Krauter	✓	
Senator Bowman	✓		Senator Lindaas	✓	
Senator Kilzer	✓		Senator Mathern		✓
Senator Grindberg	✓		Senator Seymour	✓	
Senator Wardner	✓				
Chairman Holmberg	✓				

Total Yes 12 No 1

Absent 0

Floor Assignment Grindberg

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

REPORT OF STANDING COMMITTEE

SB 2030: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2030 was placed on the Sixth order on the calendar.

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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces funding from the general fund and increases funding from the Penitentiary land fund for the prison expansion/renovation project and creates a prison construction review committee.

2009 HOUSE APPROPRIATIONS

SB 2030

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2030

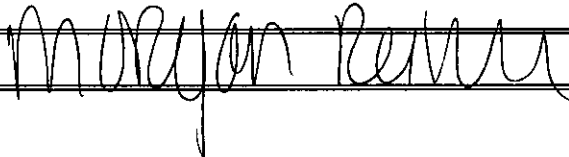
House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: 3/2/09

Recorder Job Number: 9906

Committee Clerk Signature



Minutes:

Chairman Pollert: Opened hearing and took roll call. Every member was present. We are going to work on SB 2030 today which is the prison construction. I will open the hearing on SB 2030. I'm going to ask Legislative Council on what changes might have happened on the Senate side.

Becky Keller: The bill has changed from when it was introduced. The Senate did change the general fund amount to more closely reflect with the DOCR figured they would need from general fund . They reduced it from the \$25 million that was in the bill. They also increased the money from the State Penitentiary land fund to account for more interest to be received for that fund. The amounts now appropriated are \$22.5 million from the general fund and \$44.5 million from the Penitentiary land fund. The Senate also included a second section of the bill to provide for a prison construction review committee. They will receive and review information from the construction project beginning from whenever this bill goes into effect. They will monitor the status of the project and make sure it goes as it is intended.

Chairman Pollert: Was the emergency measure on the bill initially?

Becky Keller: Yes.

Chairman Pollert: Did they have discussion as to why to appoint a 3 member committee.

Becky Keller: There wasn't discussion on the addition to the bill. It may have come from leadership. It was a last minute amendment. There could be changes to this if you were to choose.

Chairman Pollert: The dollar figures from the land trust fund, you are comfortable with them? It still comes up the \$67 million which was the original amount.

Becky Keller: It is still at the \$67 million. When this project starts we aren't going to be using that money right away. We do have more than just the remainder of the biennium to earn interest on. We could get there.

Representative Bellew: I assume that when legislative council appoints a committee, it will be a committee of legislators.

Becky Keller: That would be up to Legislative Council.

Chairman Pollert: My impression that it would be whether we want more than 3. I also think it should be Legislative Council people. The DOCR will be involved anyways.

Representative Nelson: What would the committee do?

Becky Keller: It's kind of spelled out in section 2. They will monitor status of project, to determine that the DOCR does not significantly change or expand the project beyond what was approved by the 61st legislative assembly unless they receive budget section or legislative assembly approval. It's a monitoring committee.

Chairman Pollert: I would suspect that this committee wouldn't meet a lot. The interim committee met every 3 weeks until we finished our work in April. I wouldn't see this meeting that often at all. Then they will probably tour the place to see what is happening. That would be my guess.

Representative Wieland: I don't see this as a construction management type thing. They won't be looking over that. They will just be getting reports occasionally and making sure they are on track.

Chairman Pollert: My question would be if it is a 3 member committee, who is it? Two in the house and one in the Senate? I wouldn't want to see 9, 11, or 12.

Dave Krabbenhoff: Referred to packet that was handed out in full committee (Attachment A). Just to refresh everyone's memory last biennium they came in to ask for a \$42 million building project. What came out of the session was the study. Each year the interim committee that worked with CGI came up with the plan. They were tasked with 3 things to look at. They needed to construct a new prison. As they work through, and CGI was very thorough. I have more copies if you want to look at that report. Essentially what CGI came out with recommending was to reuse, expand the current facility. They had the project initially divided up into 3 phases. The total cost was significantly higher than \$41 million. Looking at how they have phase 1 design and knowing the history of these kinds of projects and the likelihood of getting funding beyond phase 1. I think the committee was too. What the committee ultimately recommended was the hybrid and the department adopted that. It was more or less we wanted to address that. The department identified their critical needs early on. They also allocated the cell houses. CGI confirmed those issues as being legitimate concerns and critical needs. We wanted to really look at that. We want more beds initially up front than we would. Continued testimony.

Chairman Pollert: I know the bill says phase 1 of the project. We didn't really think of this as a phase 1. This bill and this money does not include an MRCC move. I think we should have a discussion on that as far as SB 2030 goes.

Dave Krabbenhoff: That is correct. It was brought up and I'm not sure if it was in full or subcommittee. We do have issues at MRCC. We got some money to address the roofing project. It's a temporary fix and we did it this way knowing that it would be a discussion with the legislator. That is not included. The concept of which the hybrid plan was built on, you can see the minimum. We don't have MRCC in this. The hybrid plan stands on its own. It gives us everything we need. You have heard me say this before. This is about our needs and not wants. We are looking at what we need to address as far as the four critical needs, the hybrid plan does that.

Chairman Pollert: Before we get to the plan on 2030, the MRCC would have been built outside of the fence. That costs like \$12 million or something like that?

Dave Krabbenhoff: With the hybrid plan compared to CGI we went and did our own work in the committee. Becky also worked on that with the estimates to build were. With the CGI plan if you if you added up all the soft costs, contingencies, it was a little over \$19 million. Realistically, we are thinking closer to \$12 million. That is not the housing piece. If you remember down at Roughrider we have industry presence that would bring it up to a minimum security. That is the ballpark we are looking at.

Chairman Pollert: If I'm correct we had a discussion for new on new about the costs. When our committee convened it was in April. That is when we were at our highest prices on metal, costs, and oil. That is why I questioned whether it would be that high or not. It seems to me that when we had our interim discussion, didn't we do an average price. It was the last 10-15 years on construction prices and such as that where CGI was trying to do a nationwide average on what it was today. We needed to come up with something. We talked about \$60-61 million at one time when we used an average. What we figured in on CGI's costs and more came around than \$67 million. Where those numbers are today, they are softened .

Dave Krabbenhoff: That is correct. What Dick did was figured out the means estimation and what CGI was doing. As far as the difference.

Chairman Pollert: I want to get into a discussion of what you want because there has been discussion saying why didn't we just do the \$42 million. One thing we came up with, with CGI was the concept called the main street design. That is what the program with the 464 beds came into concept. That came up during the discussion.

Dick Froehlich: We are addressing the questions on estimates. What we did was we looked at 3 things. We looked at a process that I use called the means estimated catalog. Nationally, there is a catalog that will give you a firm number. We also looked at regional construction and looked at a new prison built in Wyoming. They are moving into that sometime this winter. We looked at their cost and then Williams County. We really looked at three different areas to get a cost per square foot. That is how we settled into that 67. That is kind of conceiving at times. There are costs then project costs, demolition, and site preparation.

Representative Ekstrom: What sort of contingency number did you fit into this as you were doing these figures? Also, I'm particularly concerned as we take down the east side cell block. That is just unknown territory at this point. You won't know what you will run into.

Dick Froehlich: The contingency that we used was 10% for the new construction and for the remodeling of the existing. For remodel we shoot for 20%. We know it is there already. If you are going to model that. If you were doing the ground and all the hidden utilities I think you are ok at 10%.

Representative Ekstrom: I think the big unknown is that east cell block. How much have you got in there for demolition?

Dick Froehlich: It is about \$1.8 in there now. Please remember that the cell house was retrofitted. There was a debate on that. The concern is asbestos. That won't be an issue on the east cell house.

Chairman Pollert: Dave what I would like us to do if you can is work us through this matrix or diagram. What is in the hybrid plan. I know as an example and I will ask that later. Aren't you moving that administration outside of the current fence building and you are moving that outside.

Dave Krabbenhofft: It will be located at number 6. When it remodels it will be outside the secure perimeter. The administrative offices will be outside of the perimeter.

Chairman Pollert: What happens with the old building?

Dave Krabbenhofft: In the plan there is no money for demolition. We think it would be a great project for inmate's labor to demolish it. We will get everything done. It is sitting in an area where it is not going to be in the way of anything. When it is all said and done we can have inmate labor take that down.

Chairman Pollert: Can you go from step 1 what you are doing. We need to be re-acclimated.

Dave Krabbenhofft: Continued testimony.

Representative Wieland: In the last session we talked about a railroad moving in the front part of that. Is that completed? The roads in and out, have they been changed?

Dave Krabbenhofft: The railroads are coming out of there. This past fall the railroad put 2 spurs in. The city made us close that road down because there are no turning lanes or signals.

Majority Leader Carlson: Why did we do that?

Dave Krabbenhofft: It had better access.

Chairman Pollert: We had a small meeting with Dennis Ming with the DMVMW. They had to shut off 3 or 4 roads. They did have the easements but the city worked with them. This way they are only blocking a couple of roads.

Dave Krabbenhofft: Part of the deal was that the railroad had to do this road for us.

Majority Leader Carlson: How long is it going to be until you come back and ask us for money so you have a decent entry in to your facility?

Dave Krabbenhofft: It was an optional request that didn't make the executive recommendation. We had some discussion in the Senate and they had us contact the city. We got a letter back from the City saying if they were to do it, it would be a 3-5 year project. We have estimates on how much it would cost .

Chairman Pollert: What was the estimate?

Dave Krabbenhofft: $\frac{3}{4}$ of a million.

Representative Nelson: In relationship to the bridges the road that intersects Expressway, what road is that? Is it the one that goes down to the livestock? There is a stop light there.

Dave Krabbenhofft: We need a turning lane and a stop light.

Representative Wieland: You would still have some distance to go up to the new parking area which is not a part of construction is it?

Dave Krabbenhofft: It is.

Representative Wieland: Does that proposed road go all the way to that sight then?

Chairman Pollert: So that OAR of \$750,000 is not including the road to come in from the east side, you are talking about paving that other road up by the warden?

Dave Krabbenhofft: The parking lot is included (inaudible)

Representative Wieland: That money would pave the road but would it also do the turning lane and the light?

Dave Krabbenhoff: Right. Continued testimony.

Chairman Pollert: I see you have 102 and the dotted lines that is if we wanted to go with further spending than we had to.

Dave Krabbenhoff: Yes.

Chairman Pollert: The numbers for the site segregation would be good for about 8-10 years.

Dave Krabbenhoff: We are actually at a point where we are close to pulling the trigger of expanding and taking over. We have an area that has been improved. We use that for administrative segregation. We are close to pulling a trigger on having another tier designated for that. It's a documented need. As our system grows, we are getting more and more people in that are more difficult to deal with and need to be locked up.

Chairman Pollert: How many of the segregation do we have currently?

Dave Krabbenhoff: 53 in a 60 bed unit. We are thinking about going to 80 because we have had 65.

Chairman Pollert: So we are going to go to 102. Everybody from the west cell house would be moving over to their too as well? We need to get in a discussion on the west cell house. But we will wait until we get there. So currently here is 53.

Dave Krabbenhoff: Before we were going to build a separate orientation unit down here. As a result of discussion, we have everything there. We can feed them there. What we did was had 60 additional beds kind of in a mirrored image being built by orientation. We will still be able to use and access all of those problematic areas. It makes really good sense in my opinion. We are getting more people in now every month than what our orientation can handle.

Representative Nelson: So I understand this, you have 175 total beds in orientation. Right now you have less 60? Would that be correct?

Dick Froehlich: Are you looking at the chart? The 175 was a target to be set. If you look over and go down to 3A, we are adding 62 to the existing 63 which is 123.

Representative Nelson: I want an exact comparison on every additional bed in this place.

Chairman Pollert: The proposed orientation is 175 and you are currently at 123 is that what you said?

Dick Froehlich: The first set of numbers are just a target to where we began. If you look at the second column you will see where we added the 60 beds, along with the 63 that is where you come up with 120.

Dave Krabbenhofft: The next is 4, which is our general population. That is the replacement of the east cell house which is 9. We would pick up that bed in the 4 area. We would like them to be cell houses that we could provide. We are shown 60 beds in general population where we can provide treatment.

Chairman Pollert: I know I was asked by a couple members on whole appropriations. We originally talked about a pod concept and branching out. We went to this I formation or whatever. Instead of block housing like the south cell unit we came up with this. Can you go through that for the committee.

Dave Krabbenhofft: That is the pod concept. It would really be easily expandable. Don't get hung up on the shape of this. They are going to be 60 bed units or 64. The concept could easily be expanded out.

Chairman Pollert: During the CGI talk, this was considerably a cheaper alternative originally than the way we were looking on the \$42 million version as far as this type of concept.

Dave Krabbenhoff: All of our program and treatment, we had existing facilities. These are relatively new. The CGI plant had all of that replicated in the cell houses. We cut back on that because we really believe that we can continue to utilize the space that we already have. It wouldn't be duplicating. There is some programming space in those cell houses.

Chairman Pollert: That was my next question if you could tell the committee as far as treatment or programming or can we do some of the work there?

Dave Krabbenhoff: We will be able to do some of the work there. The plans are still for the majority that they will move. It will be designed to use as a unit. We will have that space available in order to have groups in that cell house and those kinds of things where we can come in and work with them. Ideally you want them to interact with other people. This design still allows us to capture and utilize that whole kind of thinking that CGI came up with. It really kind of compacts it a little and lets us take advantage of that.

Representative Ekstrom: How many FTE's do we have working at the east cell block and how will that compare with the pod units. I will assume these are not inter connected. They are stand alone so they will each be separately mantled.

Dave Krabbenhoff: I'm not sure about the exact number but we can get it to you. The design on the east cell house itself, if you are going to compare it, you will need less people to staff the new one but remember we have more inmates coming in. We will be asking when it is completed we will need more staff to run the facility because it is going to be a bigger facility than it is right now. I always feel like we need to point this out. If you look back at all the reports that are currently mentioned in CJI the audit reports prior to that, we currently run an operation understaffed. I know it's tempting to think that if we get this done it will be more efficient and we can operate with less staff. That is not going to be the case. We will have more inmates.

Chairman Pollert: The plan for this is that we are not going to be going out to look for new inmates but figure there will be a growth.

Dave Krabbenhofft: The best thing in the department, and I would love to see us have less people than we currently have. If you look at the number of beds that we are building here, like I said earlier we aren't adding 1,000 beds to the system, we are adding a reasonable number of beds.

Chairman Pollert: What is the total net number?

Dave Krabbenhofft: 251.

Representative Nelson: It's an appropriate discussion for the legislator to have in my opinion. I understand the need for some of this. The general population need increase, we have capitol costs to consider. We are going to have increased personnel needs. Around the state we have empty beds in regional and county facilities that aren't being used. The discussion needs to take place as to why we can't utilize some of these beds in the state wide plan. I have every intention of having that discussion.

Dave Krabbenhofft: I was hoping you would bring this up too. Nowhere in any of our plans or discussions have we said we want to build this project so we don't have to use county and regional facilities. They are an important partner to us now. They will continue to be an important partner. What the state needs to get their hands around as far as the DOCR is the number of people coming in so we can actually put people out and manage them in a way that makes sense. Right now because of our capacity and facilities we are unable to do that. We have a pure numbers problem right now and because of the numbers problem we have to send people out. We don't have a choice. When this facility is complete what we will be able to do is better manage those people coming in and start using the regional and county jails in a matter which makes sense. We are in the transitional phase of getting people out. It is almost

mirroring what we are doing in Rugby right now with the 25 treatment beds. Those kinds of beds can't leave our system. As our population grows we need to continue growing and increasing the treatment and transition beds right along with it. Otherwise we get out of balance and get into that warehousing piece of inmates. The warehousing of inmates does nothing for the recidivism. It does nothing for getting people a chance for going out and being successful in a community. Nowhere in our plans or discussions have we said that the purpose of the building project is to get county and regional facilities out of the mix. We need those county and regional facilities. We need them for a number of issues. Right now one of the main reasons is for overflow housing. Hopefully we can get away from that and start saying that it makes sense to transition these people out in a manner that will give them an opportunity to be successful. That is going to continue. It is in the departments plan from day 1.

Chairman Pollert: So the contract that we have for the 25 beds, instead of using all of the initials, you don't see that changing? Are you going to utilize New England as well? Do you see that roll increasing in the future?

Dave Krabbenhoff: Depending on how quickly our population grows, will tell you how quickly it will expand. Those roles that we need will expand. You never know. When you look at this budget wise they all become numbers. We have x number of beds and x number of people coming out of projection. I wish it was that simple to match people up as they belong but it's not. In order to get to a budget process you have to make some assumptions. That's one of the things we do. Even though you are seeing additional beds coming up here, you look at the other beds. The transition, treatment, and county and regional facilities have to continue. Not knowing the needs of the inmates and the other things involved. In order for a system to work right you have to have them involved. Do I see the 25 beds changing? No, I don't see them changing downward. If anything we are going to have to have more transition and treatment

beds in the future. We will need to use them in a logical way. Don't go out to commit them.

When the need arises, it makes fiscal and problematic sense that we address those issues.

The best case scenario that comes down if our population goes the other way and starts dropping down, we still need to have transition, treatment, and county regional facilities fit that roll. Also, our partner with the state hospital fits that roll. Even if we start going backwards we will still need those beds in the system to do it right.

Chairman Pollert: We are going to end up having a discussion in 2015 as well as 2030. I do want us to have a fundamental understanding of what this does. I want to make sure that everyone is comfortable with the number of cells and what is happening. I also want to ask who is here. I know the state's attorneys are here. We aren't going to be done with this for awhile.

Representative Nelson: That all sounds good. Let's change the facility from Rugby to a regional facility that doesn't offer treatment. We are talking to the general population beds. You talk about transition which is more or less a concept. I know there is some transition contracts that work. Most of the regional facilities are concerned about are the overflow situations. That is where most of the inmates are coming from. Help me understand how in a stagnant population how those beds will be available to individual and regional county facilities with additional beds at the prison. It just doesn't add up to me.

Dave Krabbenhoff: We aren't really stagnant. We are still growing. The last 24 months we haven't been growing much. If you look at the chart it gives you an idea of how this can go. (Attachment B). The yellow line is the trend line and the black line is the average population per month. We are going up and come down. One of the things you can see is that we never come down to where we have been in the past. We never get to that low point. If it keeps going the way it is, we won't get back to where were in August of 2008. If you look now and say in

the past like September – Feb we are losing people. If you look to where we were in March and where we are right now it is a substantial growth. If you talk about a facility that is at capacity, it doesn't take long to spend a lot of money and take up a lot of beds. If we can get rid of that overflow piece and start doing that transition, the transition is not a concept. We are doing it in Bismarck and in Fargo. With the jail piece of it, I don't think we can get to the transition piece where we keep sending people up. I don't know if your facility is set up where you can have people moving in and out and also the people we need to have locked up all the time. I'm not an expert on security but I don't know if the facilities or jails are designed to fill that transitional roll. I think we are serving you much better than we are right now. We are sending people up that in a lot of cases, we try to send people up to the regional facilities. They look at them and reject it. They don't want them. When we get them, something happens. We had an incident where we had an inmate that became suicidal. He said he was going to kill himself unless he got back to the state pen. Those are the issues we face. If we get someone at the end of their sentence and we know what they are about, and know what they need. We can send them into a county jail to do work release from the facility. That is the best case scenario. I think that getting rid of the overflow housing thing that this would be something everyone would want to get to that point.

Representative Metcalf: You look at the whole prison system as a full picture. Could you give me a chart for parole and probation?

Chairman Pollert: That would be in 2015.

Representative Metcalf: If we are going to start looking at parole and probation. I want to know where they are going, if they are going up or down. That's all I'm concerned about is number wise. If it shows we are going up on parole and probation that shows we are going to have a problem in our prisons.

Paul Murphy: Testimony handout (Attachment C)

Representative Nelson: We just had a discussion about the number of overflow beds available in the state. I don't understand why this should be an issue with people. Are you saying that sentences are being shortened because of the lack of space at the state pen?

Paul Murphy: I think nationwide that happens. I'm not sure about the state pen. Nationwide the non violent ones like the drug users sometimes they get paroled but I'm not saying necessarily. The non violent opens get kicked out early to make room for the violent ones. Thinking in lines of business and protection of society, if you have a choice between a violent offender and a non violent offender to let loose early. I hope we don't have to make that here and I don't think that is what is going on.

Representative Nelson: I can't believe it is. We will have to ask that question to the department.

Chairman Pollert: CA has a big move in that direction right now because of their budget. I was just reading an article on them. They are definitely on an early release program.

John Olson: Chairman of the Parole Board. We hope you will take favorable action on this bill. We have been trying for this renovation for a number of years. It is important for the parole board to have programming and individual offender's needs reassessed and resolved. We believe the state penitentiary has the programming and facilities in place to accomplish that. In response to Representative Nelson we aren't releasing people to put them on the streets to make room for others. We are sure interested in making sure that they are rehabilitated or they are at the point where they can be transitioned into the community. That is my comment here.

Brad Volt: I was up here last session speaking in favor of this. I don't have prepared remarks but I think this is a necessary renovation. Whether or not we need more beds. Representative Nelson doesn't think our growth is enough to justify it. In my opinion it is about office safety.

There are so many things besides the expansion of the cell house. The renovation of our medical and expansion of medical and orientation units also helps out. Another big thing is the warehouse. The plans look like they are going to expand the warehouse and perimeter up to the north. Right now we have up to 20 semi trucks and trucks coming in through the north gate every day. That is a big security problem. Every time we have a gate open and have outside people coming in there is always the potential for contraband to come in on those trucks but for inmates to hide out on those vehicles and potentially escape. What they want to do there is cut down on the amount of traffic coming in through the north gate. We would have to have a larger warehouse so we could drop off all the supplies needed for that day and make 1-2 trips in with our own staff and own vehicles. The other thing there is with the visitation and administration. Right now we have inmate families coming in through 6 or 7 gates to get to the visiting room. That means they have to go past the control room and right into the heart of the institution to visit. It looks like the administration building renovation would be also having expansion and renovation of the control room. It is pretty antiquated. I'd invite you to come in there and see how ergonomically inefficient it is. It doesn't even have a bathroom. Those are some of the things that are as important or more important for expanding to more beds. It goes back to basic safety and security of the institution. It is a much more secure place for the staff and the inmates.

Representative Wieland: Have you ever worked in administration segregation. What would this change in this type of facility do as far as that particular population is concerned.

Brad Volt: I have worked there a few times off and on with my career. Not only does it expand to get more people out of population that need to but for the officers working that particular segregation unit. Right now in the west cell house in the first floor in half of the second floor,

the officers have to go have more face to face contact with these inmates than a newer facility would provide. There are a lot more opportunity. The second floor is all open bar.

Representative Kreidt: I know this process has been going on for a number of years but when this discussion began did the officers or employees of the corrections center have an opportunity to give your input on what you thought was needed to better enable you to perform your duties.

Brad Volt: It has pretty much been a consensus of what is needed. The plan was to get a new prison or to remodel it to what was needed for the new standards and the capacity. There has have been more input over the years. This has been studied over the years. We have a substantial surplus and I think this is the time to do this. Right now it is kind of a whole system that we have here. To keep taking stuff out of it, it won't be to the same effect. I think this is the time to do it.

Tracy Lavallie: My concern is officer safety. Most of you have been out to the east cell house. You have noticed when you stand out on the tier in order to physically see every inmate you have to talk up and down that. That is part of our job and we don't mind doing that however, there are a lot of areas that you can't see. That is a concern. For a female officer that is a great concern. Right now the way we run it is that each officer will have a tier. At any time when I'm up there and my fellow correctional officers aren't watching I could easily be grabbed, taken into the cell, and it might be awhile before they realize I'm gone. I know we have radios and stuff like that. I just want you to understand that safety is a concern. I have children and they would like me to come home the same way I went to work. I do happen to work the control room. I don't know if you have had the opportunity to go into the control room, when you walk in there you have the panel in which you control the buttons. If you were to look under there all you would see is wires hanging. It's really outdated. I have no bathroom available to me. There

are times on the night shift that we only run with a certain amount of officers. If we have an emergency and have our officers that have to go down to the emergency room with the inmates, a lot of the times it will be myself and the captain. He is so busy and it can be hours before I get a bathroom break. I have no choice but to stay in there. I can't leave the control room if no one is in there to relieve me. Also when you take a look at our control room if our facility would be taken over, the control room would be the area in which you want to be more secured. The way it is now it really isn't. Those walls are paper thin. It wouldn't take much for inmates to get in there if they wanted. Once you lose that control room you lose the whole facility. As far as the AS unit the way it is set up right now when we have any type of inmate traffic we have to have the whole area secured. It is secured for the most part. As a control room officer I have to make sure by the use of cameras that there are no inmates around. I have to ensure all the gates are secured. One of the things that Brad said was for visiting you have the inmate's families going right by your control room. That shouldn't happen but the way things are set up right now, when you have outsiders leaving and constantly coming and going it is a security risk. That control room has to be right on it and ensure that they aren't letting someone else who doesn't need to be out. We don't want inmates who have an early self release. The renovation would make our control room bigger. It would be a two person job. I don't know how we have been getting away with it for as long as we have. We have been very lucky that our officers are very well trained and haven't let anybody out that shouldn't be let out. That is all I have to say. The renovation has been a long time coming. We should get it done.

Representative Bellew: Where would the new control room be located on the plan? The security of it, it will be upgraded? How will it be different.

Dick Froehlich: It will be located in the existing administration building. There is a large dining room that was converted into that. The space would be secured and would be used as a control room facility.

Representative Nelson: I'm curious about the safety concern with the walls. How much security are you building into that control room in the new plan?

Dick Froehlich: It will demo out the entire area. We will put up cinder block walls. It will be very secure.

Chairman Pollert: Can we get the information about what you handed out earlier. I want you to go through so we have the construction phase. We will go back and question the specific parts of the facility.

Dave Krabbenhofft: We left off at the cell house. There is a great cross here. We will also be able to stage a lot of times here.

Chairman Pollert: Will you be moving or eliminating the south tower?

Dave Krabbenhofft: We will pick that up and move it down. We like this hybrid plan. It keeps this full philosophy in effect.

Representative Ekstrom: On number 4, the size of those cells are single cells?

Dave Krabbenhofft: There will be a mixture of single and double bunks.

Representative Ekstrom: What size as far as the individual?

Dave Krabbenhofft: 85 square feet.

Chairman Pollert: Is that ACA?

Dave Krabbenhofft: It will be built according to standards.

Representative Kreidt: The medical unit now that is a large facility that you are putting in there. You are putting in 29 beds. I know at one time there was a discussion of generic beds and elderly. I know periodically you transfer some individuals out to nursing homes. In this unit

will there be some beds set aside if you have individuals that can't go or nursing homes that won't accept that they can continue to stay in that facility as long as they have to be there.

Dave Krabbenhofft: That is correct. We will have beds set aside for long term care. Some of these people won't get out. Imagine the difficulty of placing a sex offender in a nursing home. When they get up in age, I have a report we can provide. The number of crimes and disabilities we have is growing. This will help out a lot in that area.

Representative Kreidt: There are at times in an inmate's life, even if they are a sex offender, they will do no harm to anyone. At that point, a traditional nursing home will look at them and say they can take and serve that person.

Dave Krabbenhofft: Yes that is true. That would continue to be an option. This would give us a benefit of trying to get a better handle on that.

Chairman Pollert: Wasn't there 10 beds originally that we talked about that with long term care?

Dick Froehlich: There are 29 beds, 6, 6, and 7.

Representative Nelson: Help me understand where the beds will be placed.

Dave Krabbenhofft: In the medical unit.

Representative Wieland: Are these chronic care beds eligible for medical assistance?

Dave Krabbenhofft: Right now, no. They really aren't. I think when they come in their benefits are suspended or dropped. We do have an inmate right now that is on dialysis. We investigated having social security or Medicaid pick that up but it never materialized.

Representative Wieland: If you move them to a nursing home so they are off campus, are they eligible for medical assistance then?

Dave Krabbenhofft: I will have to check. There is a process and it is quite a lengthy process. When we do transfer people out, their status when they leave us plays a role in that.

Representative Wieland: Of course they have to be over 65 to be eligible for medical assistance. But for those that are is what I'm primarily interested in.

Representative Ekstrom: With regard to construction as the numbers were being built on this budget, were you looking at cast in place for tough construction. The other one I would like to know about would be the warehouse.

Dick Froehlich: The warehouse building would be a (inaudible). It will be a combination of pre-cast construction.

Representative Ekstrom: I know you are working with a simple steam system now. The expanded buildings that we are going to be building will be coming out of the central steam system as well?

Dick Froehlich: Approximately 60% of the new facility will be on the existing heat plant. We will take advantage of the green system. One of the issues on the geothermal is when you are moving a large volume of air, your heat loops.

Representative Ekstrom: In terms of air exchange and so forth you will be doing AC on the new construction and the medical unit will be AC as well.

Dick Froehlich: Everything will be a set point at 73 degrees in summer/winter.

Chairman Pollert: Currently when you walk through the facility there is kind of a central station for personal. The angles when you look off, I can't tell you where it is at. This is going to be more personnel friendly as far as locations and what you want to call it. This is going to be where the employees can keep an eye. I can't tell you where the facilities. You can go by the laundry. This is not a real good place as an overview.

Dick Froehlich: What you are talking about is our traffic control area. The line of sight issues that the study identified. You want to be able to see as much of the facility and people as possible.

Chairman Pollert: Are we keeping the laundry the way it is right now? Is that going to be a concern in the future?

Dick Froehlich: The project that we are representing today, the laundry stays where it is at. It meets our needs. The equipment is 25 years old. It is due for replacement. If we were to continue, that space is kind of prime property. For the penitentiary. It would be to our advantage some point to move it to a different location.

Chairman Pollert: Would it be moving to a different location on the grounds?

Dick Froehlich: Right. Within the facilities.

Representative Kreidt: Going back to the medical as you have it marked on there, I'm assuming you are going to run your pharmacy out of there. You will do some clinical as well. Will you be able to do x-ray, EKG, without having to transport those individuals out of the facility?

Dave Krabbenhofft: We do a lot of that already.

Representative Ekstrom: Continuing with that medical unit, I remember that the deno suite was adequate as well.

Chairman Pollert: The buildings stay where they are at right now?

Dave Krabbenhofft: Yes. Moving on,

Chairman Pollert: I know you have the communications in the old administration building, will that move as well?

Dave Krabbenhofft: That is one of the big points of the hybrid plan that we will be able to get all of that out of the DOC basement and put it in a more appropriate setting.

Chairman Pollert: That also runs all of the state wide radios?

Dave Krabbenhofft: It runs all of the communication for the whole department. If that room got water or something in it, it would be done.

Representative Ekstrom: Could you orientate me between the sheet and the plan so I can identify that. For instance 3B is that in orientation intake classification or is that visiting entry?

Dave Krabbenhoff: Medical unit is #1, Segregation is #2, Orientation intake classification would be #3, and general population is all the 4's. The warehouse is 5, visiting and entry is 6,

Representative Nelson: If I remember right you said that the old administration building isn't included in demolition. Is that being looked at for asbestos.

Dick Froehlich: There has been. We have identified about 30 feet of piping.

Representative Nelson: I'm looking at the Legislative Council handout of the breakdown. I'm looking at the general population area. It went from CJI plan a square footage of 24,981 down to 18,843 with only 3 less beds. Is that still built to ACA standards I'm assuming. That is quite a difference in size between the two plants. Can you respond to that?

Dick Froehlich: Are you looking at this sheet here?

Representative Nelson: Footnote 3 in that general population area.

Dick Froehlich: The CJI plan recommended the support services in the units. The treatment indication and a lot of those activities that would take place in that unit. We felt because we had those facilities already that we didn't need that many units and it could be done.

Chairman Pollert: You are talking the housing. They had a visitation so for the committee.

Dave Krabbenhoff: (inaudible)

Representative Nelson: From a security standpoint and a staffing perspective, does that create any hardships for staff as far as safety or anything?

Dick Froehlich: We haven't had problems in the past. The inmates that are taking part in recreation and the treatment aren't in this.

Representative Metcalf: This is a non-question. How many towers are you going to end up with? Will they all be manned at one time?

Dave Krabbenhofft: We will have 4 and depending on the staff we get.

Representative Metcalf: I can see three but where is the 4th one?

Chairman Pollert: In our discussion with CGI there was discussion about the dining room. In the hybrid plan with what you are forecasting here, the dining room will stay as it is.

Dave Krabbenhofft: What we will do is do this in shifts. That is perfectly. It makes sense. The dining and kitchen itself has capacity for the hybrid plan. We don't need to address it. It will work for us the way it is.

Representative Kreidt: Talking about shifts with the number of inmates. What are you looking at per shift? Is there enough time for breakfast, lunch, and dinner? How does that work out?

Dave Krabbenhofft: The dining room has a capacity of 186 inmates.

Chairman Pollert: The state pen currently right now, what do we have enough for? 550?

Dave Krabbenhofft: 562 is what we currently have.

Chairman Pollert: JRCC has 4 something?

Dave Krabbenhofft: 425

Chairman Pollert: MRCC 150?

Dave Krabbenhofft: A total of 1,137

Chairman Pollert: What was the MRCC's? And the total is 1,137. For the proposed stuff, what is the JRCC?

Dave Krabbenhofft: The JRCC will stay the same.

Chairman Pollert: When will the project be done?

Dave Krabbenhofft: December of 2012 is when we can begin occupancy.

Representative Bellew: That is the entire project. You will be phasing some of this in? Will that be built first? Are you going to use the whole thing?

Dick Froehlich: You are correct. It will be phased in. We are talking about the warehouse.

There could be as many as 4 projects that could be phased. We would be moving inmates into a completed facility in December of 2012.

Representative Ekstrom: I see on your schedule that you have request for proposals going out. I assume some of the work on that has already started.

Dick Froehlich: You are correct. We are at a point now where we have some graphs. We as a department have to decide what delivery method is to be used. Once that decision is made, when the Governor signs the bill we can do that.

Chairman Pollert: You are saying April or May. You are being pretty optimistic that we will get a lot of stuff done. The MRCC, how much one time funding is in that? It's not like \$2 million of onetime funding to keep the MRCC going is it?

Dave Krabbenhoff: A little over \$90,000.

Chairman Pollert: Basically it is an outer shell to protect.

Representative Ekstrom: On your spreadsheet you have inflationary costs of 25%. I understand this is a multiyear project. That inflationary rate was calculated in February 2008 through September 11. I guess I would like to know how much fuel and that sort of thing is figured in there. Obviously we have seen swings in terms of those prices.

Dave Krabbenhoff: Obviously this is done in August of 2008. Things have changed since then. When we first came up and everything started to slow down it was encouraging there. There is a lot of interest in the project and favorable bids and the fuel costs going down played a big part in that. Obviously you have to pick a point in time to make that estimate. The timing with the stimulus money going down it is like we are shifting back up. One thing that CJI said is that time is money. The sooner we can get going the more favorable and closer to actual we are.

Chairman Pollert: When we did this everything was on fire. China was building the Olympics and so forth.

Representative Ekstrom: I know I already stated it but I still think the contingency number is a little low. I would like that as you move along with the oversight of the committee that would be the one number I would like to see tracked. I just know when you get into renovation projects things come up. They suddenly discover that the panel is not sized properly. They have sewage hook ups. The wall of unintended consequences takes over. If we can track that, be sure to track the contingency number and maybe it will help make it more comfortable.

Chairman Pollert: Was it a 10% contingency?

Dave Krabbenhoff: It's 10% of \$67 million. Construction contingency is \$3.2 and site development is \$410,000.

Chairman Pollert: I can agree with that statement. At the same time with the \$67 million it might be a little high. When we did the budget, with the stimulus package it is all going to change.

Representative Ekstrom: One of the things I did was take the square foot costs on everything including the ware house but excluding the tower because that is such an expensive piece. You are at \$233 a square foot for everything but the tower. I built one of these back east.

Chairman Pollert : I understand that. I know DOCR came in and by the methodology it was about \$60 million. When we are using CGI's and charging nationwide we got a lot bigger of a number. We had to somehow come up with a number. We spent a number of time pushing numbers. It's like a 75% thing or something or other. That is what we came up with. We know ND is going to be cheaper than the NE states.

Representative Ekstrom: I don't have that. The other question I have is in regards to the means estimate book. Where is this state of ND sitting in terms of construction? Last time I checked we were about 96% of national average.

Dick Froehlich: The 2006 calendar has us at 86%.

Representative Kreidt: I see the emergency clause so as soon as the Governor signs this you are going to take request for proposals?

Dave Krabbenhofft: Yes.

Representative Kreidt: The \$67 million you will see some 100 contractors. There have been some significant decreases in costs of building at this point.

Chairman Pollert: I was talking to Dave and Dick and saying that I think your numbers are too low so we adjusted them. The economy has dropped like a rock. I want the committee to know first what the interim committee went through because you might be asked that. We are going to use approximations here. To build new on new is about \$220 million. To do phase 1 was like \$92 million on the CGI plan. There are still some people out there still saying that we should do the new on new project. When they did it out for 20 years, when you figure the expenses of doing reuse and remodel and doing new on new, I think at the end of 20 years it was about within 9 or 10 million. Those are just numbers that are coming out for your knowledge.

Representative Nelson: Can you walk me through the current population of the east cell block, where are they going? It looks to me that about 1/2 of them are going to the general population.

Dave Krabbenhofft: The east cell is 160 people now. Really these guys are general population. They are going to go over.

Representative Ekstrom: Could I request that we put an add alternate bidding process for that road. I'm hoping we are right in having enough money.

Chairman Pollert: To go further on, if the numbers are high, we do have an MRCC that we are going to have to talk about. There is always discussion as if there is \$67 million. If we appropriate that, the roads should be in the discussion. If not we should talk about whatever money is left we put in a trust fund somewhere. We will have to have a discussion. CJI's recommendation was to remove the MRCC. That is outside the fence. I want to have a discussion on the west cell house and the dollar involved in that repair.

Representative Ekstrom: Just so we get that into the discussion. If we are right it is possible.

Chairman Pollert: Ok. We are going to break for the morning because people have places to be. We will be back 15 minutes after floor session.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2030

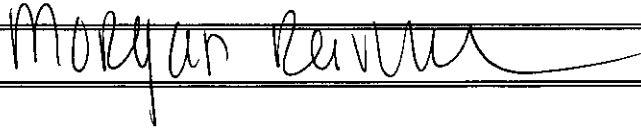
House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: 3/2/09

Recorder Job Number: 10000

Committee Clerk Signature



Minutes:

Chairman Pollert: Called meeting back to order.

Dave Krabbenhofft: The west cell house isn't included in the hybrid plan.

Chairman Pollert: The repairs? I thought we had a couple million in there for that?

Dave Krabbenhofft: What it is is the next biennium we have on the ten year plan is a couple million that will show the west cell house. Recently we went through the lock system. You can go back and look at the Legislative Council worksheet the \$391.01.

Chairman Pollert: I thought the west cell house was under the \$67 million and I'm getting this negative comment from Legislative Council.

Dave Krabbenhofft: No it wasn't included in there.

Chairman Pollert: Didn't the CGI plan have like \$7 million in there?

Dave Krabbenhofft: We have identified approximately \$1.9 million of renovations that would be not this biennium but next.

Chairman Pollert: So there is nothing in SB 2015 as far as for the west cell house in this biennium?

Dave Krabbenhofft: We were going to request that next time. If you recall the issues identified with the west cell house that we think we would address eventually is the locking system. Right

now it is a manual kind of a locking system. The ventilation system and windows, energy efficient windows, and then re-roof and some life safety codes are some other things we will do.

Chairman Pollert: But that's not in there now? Or the locks?

Dave Krabbenhofft: No.

Representative Nelson: Is that west cell house, what is the design of that?

Dave Krabbenhofft: It is the old telephone, the east is a little different. It is open up to the ceiling and the tiers are over here. If you go in the west it is all enclosed and you can't see.

Representative Nelson: How many tiers is the west?

Dave Krabbenhofft: Three.

Representative Nelson: And there are 120 beds in there?

Dave Krabbenhofft: Yes. The ACS is in the west.

Representative Nelson: And the renovation of that is a \$9 million project when it is all said and done?

Dave Krabbenhofft: No CGI indicated about \$7 million and we have indicated the costs that we need to renovate for extraordinary repairs is about \$1.9 million.

Representative Nelson: Could you tell me the difference between the renovations that CGI had?

Dave Krabbenhofft: CGI was going to do an entire kind of renovation to it. What we are looking at understands that we would keep the design the same because you obviously can't change the design very much but we would just be addressing those specific issues that we felt were necessary.

Dick Froehlich: CGI would have started the building with walls and floors. What we are forced to do is leave the existing walls in place, replace the rolled open gates with solid doors or at

least in operating system that is electric rather than manual. There is a ventilation system in the building but it needs to be upgraded as well. The windows are either 88 windows that are either 4X8 windows that we think we could put panels in and provide lighting and reduce the amount of filtration. There is a smoke detection system which we would upgrade as well.

Representative Nelson: What was the estimation that you had for extraordinary repairs?

Dick Froehlich: The total for that project in 2008 was \$1.9 million. That included the 10% increase.

Representative Nelson: As far as the number of beds in the CGI plan, would they have changed from 120 to something else?

Dick Froehlich: The issue would have been whether or not depending on how we would decide. The reason we aren't doing anything this biennium is that it is going to be occupied until 2012. We can't really go do a lot until the facilities are filled and upgraded. They had proposed the double bunking or used it as a special housing unit, something other than general population cells. We really hadn't decided. The numbers will stay the same but whether or not they would be double bunks or single bunk cells that are unsure.

Representative Wieland: I'm wondering if you could go through this \$9,939,101 and as you go down explain what some of the factors are like the gross factor, the renovation contingency, site contingency, project soft costs, inflationary costs and all of that as a refresher?

Dave Krabbenhoff: The gross factor is the corridors and such.

Chairman Pollert: If you want to start on the top and just go down the list?

Representative Wieland: They could do that if there is some explanation of the items up above. I think if you started with gross factor and went down from there through the total project costs.

Dick Froehlich: The gross factor, when you do the case study you go in and decide how big you want this room to be because it will be occupied. There are also other considerations like the thickness of the wall, that IT room, the stairwell, you still have to build those things and provide a space for those items although they aren't being used by the occupants of the space. They use 15% as a gross factor. They assume that the stairwells, elevators, mechanical rooms, thickness of walls, all are part of the construction process although they can't be occupied by the occupants. 15% is a national accepted average for gross factor. Especially for a prison where you have the smaller cells so you have a lot of walls. You have the six inch wall thickness 50-60 times. That adds up to many feet. That is the intent of including the gross factor in those figures is for all those things that need to be provided and for the building that doesn't affect the occupants. Does that answer your question?

Representative Wieland: Yes it does. I noticed now that you have square feet but you don't talk about costs per square foot in that line item.

Dick Froehlich: That is not included in that final column.

Representative Wieland: Can you keep going down the line?

Dick Froehlich: Of course you have the subtotal which is the total of all of them.

Representative Bellew: I'm a little confused on gross factor again. That is not part of the building? There are additional square feet that are taken into account for a gross factor. Those square feet are not included in the building costs?

Dick Froehlich: They are after they have been included in the subtotal.

Becky Keller: When I did this schedule for you I just opted not to show the cost per square foot for gross factor and those other things. DOCR had nothing to do with that. We can always add them in if it would make it easier for you. Those totals that you see for gross factor are

actually included in the bottom line. It will be included in the overall cost per square foot. I just didn't do an individual cost per square foot.

Dick Froehlich: If you were to take the medical unit, the square footage of 17,938 square feet, and take that times 15% and add that to the 17,935 you would come up with a number that we are using for the medical unit square footage. The 17,938 plus the gross factor of 15% will give you the 20,625 square feet and that is what Becky is reminding you of is in that bottom line total. Then you have the subtotal of the current total of the costs of the projects. The construction contingency is the 10% that we talked about earlier this morning. That is for the 2 major items. The first is the surprises that when you start building or carrying into existing facility that you don't know what is behind the wall or under there. As you are designing a project and you get the groups together to discuss their needs there will always be things that come up that weren't included in the project. There is something that we forgot, that someone thinks would be more important or maybe more medical needy instead of 29 medical beds they want 30 or 31. That contingency will allow us to adjust the project to meet the needs of the designers or the occupants.

Representative Kreidt: Usually in your contingency you consider some of that your whole back money. When you finish the project that you have some leverage with the contractor and architect, they come in and take a look at this. If you haven't got all of your money, if you don't bring it up to meet regulations you won't get paid the balance of the payment of your project.

Dick Froehlich: That is right. That is particularly true when you are remodeling. That is particularly true when you are remodeling because there are a lot of things you can't see. You can see the wall but what is behind it. A lot of times there are surprises that need to be addressed. We are down to the total new construction is the \$35,753. There is another \$3,805,000 in new major renovations and remodeling. That is some of the things we talked

about in the control room and the administration building and the front entrance buildings. I think the front entrance of visiting is on the top of the line included in the upper construction costs. The renovations to the administration building and the control room and what not are also important. With relocating the tower, what we intend to do there is of course move the tower. The tower is in this location here and what we want to do is take the top of the tower which is going to be picked up by a crane and moved to a new location. We would build a new lower portion of the tower and set the actual tower structure on top of the reconstructed location here. That is the relocation costs. It includes some new and some existing from just picking up the top of the tower and moving it to the new location. Then there is a renovation contingency and that again is based on the 10% contingency. There is also psych development which is \$4,100,000 and that includes the demolition of the east cell house and the utilities and the infrastructure improvements.

Representative Ekstrom: I know that the east cell block is over 100 years old. Do we know what was on this site prior to the prison? Was it ever an early settlement?

Dick Froehlich: As part of the CJI study they brought in historians that studied all eight sites. It was land donated by the city of Bismarck to the state of ND for construction of the prison.

Representative Ekstrom: The other question I have is has there ever been any grave site activity that you are aware of?

Dick Froehlich: None that have been identified. They studied that as well as a historical study. They spent quite a bit of time looking at the sites. The only thing they identified was an old slaughterhouse that is located on the area where bricks were made by the penitentiary and that has some historical value according to the historical society.

Chairman Pollert: Which brings up something I have always wanted to ask is when you bring that up about burial sites and you see this old brick building on the east side of the property outside the fence. That looks like a nasty old building, what was that for?

Dick Froehlich: It was the building for the slaughterhouse. It is probably one of the oldest buildings out there. It is used as storage now.

Chairman Pollert: It looks spooky.

Dick Froehlich: It's not a historical site or hasn't been identified at that. Right below the site development is a 10% site contingency. The project soft costs, those are at 20%. That included 10% for architects, engineering fees, 7% for furniture fixtures and equipment, and 3% in what we call IT surveillance improvements. That is basically a web based surveillance system. Right now all of the cameras and all the monitoring system are cable TV systems. The newer systems are all web based. If you have a password at your computer in your office you can actually call the particular camera. They are recording history at all times. It is being stored in the server. You can actually pull up an incident that happened a day or two ago and make a copy of that on the disk. It becomes evidence in a hearing if the inmates have committed a crime. The additional 3% that was added to the project is almost totally cost related to those IT improvements.

Representative Ekstrom: Can you point out to me where the existing fence line is so we know which buildings are going to be constructed outside the fence.

Dick Froehlich: We are at the project soft costs. The efficient costs are the 8% a year inflationary costs. Those of you on the subcommittee are aware of that. CGI estimated an annual inflationary cost of 8%. You base that on the midpoint of construction which is 2011. From 2008 when this document was prepared to 2011 it is like \$24.67 is the percentage increase over the 2008 dollars.

Representative Ekstrom: While we were on lunch break we did get some information on the economic stimulus money. There is some \$180 million coming in just for roads with no state match required. The competition is going to be fierce for concrete.

Dick Froehlich: The total 2011, the midpoint of construction is \$67 million.

Chairman Pollert: Do you want to go through the little bit of the graph when that would start, and what you would do to bid an award?

Dick Froehlich: Assuming the bill was passed by the house, when the Governor signs the bill we will send out a request for applications to the architectural firms. That process is normally about 2 months. By state law century code we have to advertise for three weeks, go through the interview process, and after that the contracts are prepared. That takes a week or so. The design part of the project will not begin until hopefully early summer which is usually a 12-15 month process. This is where the architects and engineers that have been hired through this process will begin preparing blueprints, the design specifications. In the early fall of 2010 we could actually bid out the project and it is a 2 year construction process.

Chairman Pollert: On this colored time line in the red you have June and July. Is that assuming the emergency measure passes or can you do that project without it?

Dick Froehlich: We can start the process immediately.

Chairman Pollert: That is if the emergency measure passes. Otherwise everything will be backed up a couple of months.

Dick Froehlich: That is right. We can prepare the request for qualifications but we really can't send them out until you give us the authority to do that.

Representative Wieland: If the emergency clause passes then they would be able to start that work as early as April and move the whole process up about 3-4 months.

Chairman Pollert: I understand that but if the emergency measure doesn't pass then it is backed up by 2-3 months off of this timeline. If it passes, that helps us a little further.

Representative Nelson: Just so I understand this, why would this be different than the Veteran's Home, with or without the emergency clause the money would be appropriated it just wouldn't be accessible. They don't need the money. I'm curious as to why we need an emergency clause on this.

Chairman Pollert: I know on the Veteran's home they had cash from the \$6 million we had in general funds for the last biennium. There is no cash for this one. You have access to the \$42 million. We would have to have that probably as an amendment I would suspect.

Dick Froehlich: It would not be unusual to fast track this process and hire a firm. They would wait the month or two to get the first pay.

Chairman Pollert: If the bill passes by 1 vote they know the money is coming in August. I would suspect we would have to move the money out of the trust fund in order to get access to it I would think.

Dave Krabbenhofft: We would just pay bills out of that fund.

Representative Nelson: What money would need to be expended before July 1?

Dave Krabbenhofft: I would imagine and what I'm thinking is that we would need authorization to go forward with the project. When they started hitting milestones is when I think we would have to start making payments.

Representative Nelson: Do you think there would be milestones prior to July 1?

Dick Froehlich: I don't think there would be any major milestones.

Dave Krabbenhofft: If the emergency clause passed we wouldn't have those questions. If it does pass and the emergency clause isn't carried we can still do all of that ground work that

Dave was talking about and get to the point. I don't know if we would have the authority to award a contract before July 1.

Representative Wieland: The only thing is with looking at the timeframe here, moving this up two months makes an awful lot of difference. They are talking about starting in October. If it can be moved up two months and they start in August that makes it a lot better for construction, especially when we are doing concrete and site preparation. We don't know how things would progress but if there would be some way to move that forward a bit that would make a lot of sense.

Chairman Pollert: It's not because of the money that we need the emergency clause it is because the contracts.

Dave Krabbenhofft: We can't commit any funds until we have the authority to do so.

Representative Nelson: The handout that we got in our packet on the timelines that was predicated with the emergency clause.

Dave Krabbenhofft: The first thing is shaded in June. I think what we are saying is that maybe the legwork would be done in June and we could start doing the contract awards in July.

Representative Nelson: We are moving these timelines up by a couple months based on the emergency clause? This one was done without the emergency clause.

Dave Krabbenhofft: Obviously there hasn't been many \$60-70 million projects. I keep looking ahead. I think it would be beneficial from us knowing what is coming from the federal government if we can just get out in front of this. Every weekend when I come back from work I have a couple messages on my voicemail from contracts and architects around the country that are inquiring about the status of the project. If we can come out and say yeah it's a go and we are moving forward, it would be beneficial.

Chairman Pollert: What does throwing the MRCC in the mix, did you have any discussion on the Senate side with the MRCC?

Dave Krabbenhofft: Not any depth at all. It was just if the hybrid plan provides for future expansion.

Chairman Pollert: But the MRCC could still be constructed outside the secure fence.

Dave Krabbenhofft: You are looking at the timing of this. Our priorities are here. MRCC is ok. We are talking the 3 year production. This whole time frame, the MRCC can come after this at any time.

Chairman Pollert: I understand that but let's say everything goes to heck in a hand basket and then there is no money available and we have lost our opportunity too. That is food for thought too. This colored time line is with the emergency measure or not?

Dave Krabbenhofft: It's not.

Chairman Pollert: Ok.

Representative Nelson: I don't understand that without the emergency clause, how you could have started in June?

Dave Krabbenhofft: The process will have to start eternally before we go outside and start soliciting information or bids. We have to do some groundwork. We are already planning some of the things. We don't want to get ahead of ourselves. We aren't trying to give the impression that this is a done deal by any means. You have to get your ducks in a row. That is what this timeline reflects. To avoid any kind of confusion we can take out that June month.

Chairman Pollert: Any other questions? Is the committee comfortable with the bed transferring from the east cell house over to the general population as well as the east cell house and the beds from AS going over.

Representative Ekstrom: Are you still receiving royalties in what was the gravel fund?

Dave Krabbenhofft: Yes. It is the penitentiary land fund for \$41 million. That is the gravel pit that is being operated.

Representative Ekstrom: I assume you are segregating the funds?

Dave Krabbenhofft: No.

Chairman Pollert: How many people are currently in the east cell house?

Dave Krabbenhofft: 160.

Representative Bellew: In the bill it says phase 1 of the renovation and expansion. How many phases are there and do you plan on implementing the other phases?

Becky Keller: We call it phase 1 in case you guys wanted to continue on with CGI's phase 2 and 3. It's just a wording choice on our part.

Dave Krabbenhofft: The hybrid plan can stand on its own. It's our critical needs and hits everything that we asked for.

Chairman Pollert: It almost miscommunicates what we are trying to do.

Becky Keller: I think we use phase1because it is most commonly known and what we have been referring it to comparing it to CJI's phase one so we just continued the terminology.

Representative Bellew: When the time comes I think I will ask for an amendment to remove the phase 1 from the language. Then we will discuss it in an amendment form.

Chairman Pollert: I would agree with that.

Representative Nelson: What is the general population increase on beds?

Dave Krabbenhofft: 251

Chairman Pollert: Net for general population?

Dave Krabbenhofft: 130 beds.

Representative Nelson: In my 211 I'm counting the west cell block as all general population beds. That conversion of 120 beds, are you?

Dave Krabbenhofft: Yes. We aren't taking away or adding.

Chairman Pollert: Isn't there 120 in the west cell house? I think that Representative Nelson is looking at that if you move the 60 AS people to building 2 then it is 60 beds.

Dave Krabbenhofft: They were probably talking category beds. If we go to 251 here is how we did it with 42 additional AS beds.

Dick Froehlich: Handout (Attachment A)

Dave Krabbenhofft: Continued testimony on attachment A.

Chairman Pollert: Would your next question be with the increase in the population. The additional 130 population beds, your growth and number will have that coming out to where those beds are going to be needed in the year 2017. That is what we were striking for during the interim study was by the year 2017. Now do those numbers come out to that or do we need to have a little discussion to see how close we are.

Dave Krabbenhofft: If we grow how we are going right now and get the number of beds in the hybrid plan we get out to that 2020 period.

Chairman Pollert: You are saying that you will need the 130?

Dave Krabbenhofft: We wouldn't be in the situation we are now until 2020. That depends on the growth rate. It is based on our annual growth rate now that is about 1.4%.

Chairman Pollert: That is the number I was looking for. You are saying the 130 additional general beds is in correlation to the 1.5% increase in beds that you have been doing.

Dave Krabbenhofft: For the past 24 months we have been growing at a rate of 1.4% annually if that continues we are growing at approximately 2020. CGI's number is a little different. What we built the budget on is not a 1.4% growth rate in that budget number.

Chairman Pollert: CJI's was higher than that?

Dave Krabbenhofft: I'm not sure. They are all within that.

Representative Nelson: I don't have any problem with your explanation. The way I understand it is it's given the policy that is taking place. You disregard all of the additional beds that are out there in regional county facilities. That is 3 times the number of 130. What I'm saying is that my logic tells me that those beds are already there if you choose to use them. In your definition of need, you aren't placing any of those beds in the business outside of the walls.

Dave Krabbenhofft: We will have the contract treatments for the 25 beds.

Representative Nelson: Let's limit this to general population beds.

Dave Krabbenhofft: What that means is that we are looking at as far as the county and regional facilities we wouldn't have that overflow housing if that is what you are talking about. We wouldn't have a need necessarily for overflow housing to go to the county jails. The things is that I think everybody needs to understand that there is a difference between a jail bed and a prison bed.

Representative Nelson: Can you tell me exactly that that is?

Dave Krabbenhofft: A good way to look at it is if you want an analogy, a jail bed would be more appropriate with what you want to call categorizing an emergency room versus a nursing home. One is structured for that short term, intensive, figuring out what is wrong. You won't hold them in an emergency room to treat them over a number of years. The turnover rates in a jail versus a prison, they are much higher in a prison. Although you have services in a jail you won't have the complete type of services.

Representative Nelson: What other programs do you offer that some, if not all, could not offer?

Dave Krabbenhoff: I think our treatment is in depth. It's much more broad and in scope than in jails. The education piece is much more broad and in depth. We are set up in order to do that much better than a jail. This isn't a criticism of a jail. A jail is designed to really hold people short term. Prison is designed to hold people long term with much more specific needs. We get it all the time. We get it where our jails are equipped to take care of.

Representative Nelson: That is not the population we are talking about. The county regional jails are limited to a one year sentencing requirement anyways. The turnover is obviously greater because they don't have the ability to house that. There are so many restrictions. I can assure you that there are educational programs that are very good in nature going on in county and regional jails. There is GED programs, there is personal finance, and there is medical, religious. They can't match roughrider industries. I keep hearing this statement of fact that jails can't do what the prisons can do. I don't know if I believe all of that.

Leanne Bertsch: There is a distinct difference. Although jails have an important role in the correctional system they serve a different function. When we have, and because we are overcrowded in our system, we had and have to resort to this present time where we have to get sufficient beds in the DOCR. It's a stress on trying to find people who are eligible or who can exist in a regional or county jail. We have a lot of time and manpower going into trying to find inmates that can actually serve part of their sentence in a jail. We have a whole list of people who are denied for placements in jails. They have been screened with many hours. They are rejected for history of violence, and so forth. If you see the inmate profile that is coming into the Department of Corrections incarcerated it kind of flipped. It's no longer that a lot of people are there primarily for drug offenses. Drug treatment is critical though because it is also a criminal way that has to be addressed. A lot of them that are coming in is because a history of violence like assault, sexual assault, burglaries. Most inmates when they come to

prison don't have good behavioral skills. They are challenging. In a prison that is what they are trying to do. We house them, feed them, and it is all ongoing. We are interacting with those people to try to get their social skills and those up to. The county jails aren't equipped to deal with a lot of the medical issues. Our medical services director says every time we send an inmate out to a county jail it's like sending a DOCR checkbook with that inmate. Its constant wars because they can't deal with the medical issues. Unfortunately people come to prison with a lot of medical issues. They are sick. In fact, talking with regional and county jail administrators, most of them said we don't want state inmates. We will certainly work with you to take them. We have a long history of working with jail administrators. They are comfortable with who we have had to send them. When you decide that philosophically that you want to start using a jail bed as what you would use a prison bed here is what is going to happen. First of all inmates are pretty smart. They are going to know that the county jails do not want behavioral issues. One of the ways they are going to make sure that they won't be sent to county jail is to become a behavioral problem. If they haven't been a behavioral problem in one of our institutions, as soon as they get up to that facility they know well what kind of behavior is going to get them sent back to the DOCR facility. It also affects their ability to get paroled. The services offered within the prison system are much different than what is offered in a jail. Sex offenders are getting to be about 1/3 of our prison population. A lot of these offenders don't just have one thing that needs to be addressed. Studies show that when you send someone for a period of incarceration the mirror fact of their incarceration alone increases their risk of reoffending. I go out in the road and meet with the judges when I can. They say they want to keep them at home in the county jail for as long as it makes sense. They understand that sometimes they have to send that person to the department of corrections to deliver the programs that can't be met in that county jail. For us to turn around, isn't fulfilling that criminal

judgment. They would have sentenced them to the county jail if that would have been the intent of that judgment. That is what we are talking about. Suicide in correctional facilities is a reality. People around the country are envious that our system doesn't have a suicide. It was in the 1990's that we had the last suicide. We can't say the same as jails. Obviously there is a difference. The problem is that we aren't going to make light of mental health issues. We have unique programs to deal with mental health issues. It's set up very differently in a jail. I could go on for a long time. I think this has a place and we are talking why we need these extra prison beds. The point of it all is there is a distinct difference between a prison and a jail. If you want to start using a jail bed as a prison you are going to start losing a lot of progress. If you have a majority of the corrections administrators from the jails, they would not disagree with that. I will leave it at that.

Representative Ekstrom: I'm looking at your chart with the male inmates. What I'm seeing is that there was a peak of about 1,317 inmates of November of 2008. What I'm trying to get at is could you give me a breakdown as to where they were? There is a right place to put folks there if you didn't have enough administrative segregation beds then you need it more.

Chairman Pollert: All I did was take the 1,137 times the 1.4%. When I did that I came up with 207 new beds needed. Then if I use Representative Ekstrom's off the chart with 1,300 and that adds another 163 more. That means there should be 370 new beds. I took the 1,137 times 1.4% all the way to the year 2020. I come up with 1,344 beds. That is simple math but that comes out to 207 new beds when you are looking at 251. If I do the 1,300 then I should have started at 160 more beds.

Dave Krabbenhoff: The combinations are endless.

Representative Ekstrom: Let's take this a single day at a time and say alright these were the ones that we needed for AS. They were not because we didn't have the beds. What I'm trying

to get at is that you need the right bed for the right inmate, the right kind of programs to take care of that individual. Yeah you are going to have open beds in places.

Chairman Pollert: If I use an average of 1,300 beds in November of 08 and use 1,137 beds that are pre-phase 1 construction and take that divided by 2 to get roughly an average. That is 1,218. I add the 1.4 trend line that comes up with 288 new beds required. That would tell me that we would be short. It depends on what numbers we use.

Dave Krabbenhofft: The one thing that you are missing in that too is that we settled a lot in CGI is also said it, is that those transition treatment beds also keep pace proportionally with the population. Attachment B and Attachment C.

Representative Bellew: How does a prisoner get a temporary leave?

Dave Krabbenhofft: That would be someone in our facility that is facing another charge in another county. The county comes down and picks them up. That number would also include if they are at the hospital and had surgery over night. This just gives you an idea of where we have the people placed in each of the categories we have in the state pen right now. For instance, AS has 51 people. That is a one day count. It varies everyday on where they are actually housed. It gives you an idea of the number of people and where by category.

Chairman Pollert: Do you have a trend line on prison for the 1.4%. Is there anything like on the local or county level of how that has happened over the years? Is there any information on that?

Dave Krabbenhofft: I'm not sure.

Leanne Bertsch: There was actually a report that came out at 11 this morning that shows all of that. It shows housing and the ND fact sheet broken out as far as who is in the county jails and so forth. When I get to a printer I can do that for you. It shows the growth and population and it has it for parole and probation, jails and prisons.

Chairman Pollert: Can we get that for 2015? Then we can have it as a correlation in here too.

I can understand Representative Nelson or anybody who has a facility in Grand Forks or Devils Lake, they want to make sure that their county jails are supported well. I also realize that there is a difference between a jail and a prison. I know that too.

Dave Krabbenhoff: I've said this before but the most expensive bed there is in our prison system is that contracted bed. It is our basic housing contract for instance right now is \$60 a day for everybody that you bring in. If you have capacity in your system it is not the cost, but just like everything else there is fixed costs when you are running a facility. There is fixed costs and variable costs. When you have available capacity you bring another person in.

Chairman Pollert: Now you just reminded me of what we will get into when we get into SB 2015.

Representative Nelson: I would only remind you that we are talking \$66 million in a building project that would not be necessary in the contracting situation. I have a couple questions for Leanne.

Dave Krabbenhoff: With all due respect, the \$1.4% if we do nothing and don't put any beds to our system, the \$60 cost per day which is basic housing no medical, no treatment. I have a cost of \$112.60 a day which is essentially what we pay to house someone in New England. That would really replicate what we need if we are going to do that. At \$60 a day at 1.4% growth rate without adding beds to the system, we would have spent \$46.3 million in contract costs. That is assuming that the \$60 stays at \$60 for that additional 10 years. At \$112 a day it is \$86.8 million. That is just to house. That does not mean that other stuff. It doesn't take into account the inflation in the rates. You know they are going to go up in 10 years. I don't want the impression to be out there either that the \$67 million is a lot of money. Housing these

people on a contract basis somewhere else is not an inexpensive way to go either.

Programmatically it is difficult and fiscally it is expensive. It's a lot of money.

Representative Nelson: So the \$60 is the cost for the county jails. Then in New England it is 86.8 by what year?

Dave Krabbenhofft: By 2012 to 2022 fiscal years. If we didn't add a bed to our system and we paid \$60 a day. That is a big assumption because we are saying that it will stay for 10 years. It is 46.3. At \$112.60 a year it is \$86.9.

Representative Nelson: Just so I understand that last example, you are using the \$60 daily rate but you are inflating that to the women's prison medical costs included in that.

Dave Krabbenhofft: No I'm not. I'm giving you a range. At \$60 a day it is going to be \$46.3 on current growth rates. At \$112.60 a day it is \$86.9.

Representative Nelson: The \$86.9 is using the women's prisons rates.

Dave Krabbenhofft: That is presently what we pay for contracting an inmate, a female inmate out of the system with industries, medical, full education.

Chairman Pollert: Basically, under the prisons concept basis the county jail concepts is what you are saying.

Representative Wieland: Are there counties that are only charging \$60 a day for basic costs.

Dave Krabbenhofft: Our contract to house prisoners for the basic rate is \$60 a day. Most of the counties are like that.

Representative Wieland: And they are all accepting that?

Dave Krabbenhofft: Yes. Cass County isn't accepting the general housing. What they are doing is if we have someone who is violating parole and we need to hold them for parole, they will take them and hold them for us for \$60 a day. That is a short term. Cass, Ward, Burleigh does that for us. Stutsman will also do that. Barnes, Grand Forks, Lake Region, Mercer, North

central are all accepting that \$60 a day rate. I will hand out a sheet that shows that.

(Attachment D).

Representative Nelson: I think this is an appropriate discussion because we are talking new general housing beds. That is what I'm focusing on. There were statements made by your staff that in your past it was department versus department rather than a cohesive or comprehensive plan. That would make a lot of sense to build that into one delivery system. I would also suggest that the same system could be used working with the county and regional facilities. Is it not possible that your department and your administration could find areas where there is a certain type of inmate that could be given certain types of services outside of the prison walls but in a regional system if they knew what directive they needed as to what type of service they could offer that those types of inmates could go there. It would alleviate the need for all of the additional beds. Is that not happening today?

Leanne Bertsch: I would say that we do that as much as we can. In fact our whole case planning, every Monday morning is trying to find the right bed for the right inmate. Just what I've told you before what you are suggesting is that a jail bed be equivalent to a prison bed. I would totally disagree with you that no we have tried. We cannot start using a jail bed as a prison bed. Once we start doing that we are going to start eroding the basic things that we try to provide to prisoners when they are incarcerated. Right now we have a pretty good mix of who is incarcerated and who is in community corrections. As soon as we aren't properly preparing an inmate for their release and they aren't properly prepared when they sit a good chunk of their time in county jail. That wasn't the intent of the criminal judgment. It doesn't fit for their time to be spent in a county jail. As soon as they are coming out of prison unprepared it starts eroding the judges. It starts eroding the prosecutor's faith. Pretty soon we are going to have more sentences to prison because the people coming out on parole and probation aren't

prepared. They reoffend and create more victims. It is this vicious circle that continues when you start expanding the amount of people in the corrections system because we aren't doing a service to the public in controlling that population and delivering those services to the jail. I can tell you that more than once many times, they come out of that case planning committee and say that they are trying to find beds available. They aren't taking this person because they say they are too violent. They aren't taking this person because they have medical needs. It's welcome to the world of managing inmates that are sentenced to the DOCR. To say that we have not tried, you wouldn't see the level of cooperation that we have with community corrections and county facilities if it were not for the restricting. I can bring a number of those jail administrators that because of the restructured relationship with the DOCR is 100% better. There is exceptions to that because if you have a facility that wants to try to operate like a prison and it is not , there will be a rut there. At the end of the day we have a job to do. Our mission statement is to protect the public. It is really to give offenders the opportunity while they are incarcerated to act that risk reduction programs. If we start to warehouse those county jails, they don't get the opportunity through that. Their warehouse has become more risky than when they went in. We are right back to increasing that inmate count. I really think the reorganization has helped the relationship but again you aren't going to be able to replace the prison bed and use a jail bed as a prison bed. I can tell you that if you are talking about cooperation and utilizing systems I would ask you if you would read the paper and keep up with what is going on around the state, you have a trail. They send about 6 our way in a year 2008 they want to build a great jail and build a \$7 million facility. There are vacant beds in Grand Forks and some in Cass. They have both expressed interest in housing a jail. When you talk about a system, the jails as a system in corrections, they need to start utilizing each other. A jail should use a jail bed more efficiently. It is always nice to have state or federal dollars to

fund that regional jail but it doesn't work that way. A jail bed does not fulfill the needs of a prison bed. That is philosophical. Our staff pulls their hair out to try to match up the right bed for the right inmate at the right time and still try to do justice in reducing the risk. It is getting to be a real challenge. I think our growth rate would be much higher if not for this reorganization. Sometimes that is my immediate need. If you are going to look at it and find the best fit there is no tension in that case planning. Every individual that comes in has a comprehensive pay plan. The frustration is that people don't think we are that committed to evidence based practices when this person needs X,Y, and Z. We can only push that person out to a county jail. He won't be prepared to meet the parole board and then when he is realized the prosecutors and judges are going to say he was sent into the DOCR and didn't get treatment.

Representative Nelson: By working with county and regional facilities, would it be possible to give them an idea of some specialized role in the statewide plan for treatment.

Leanne Bertsch: The answer would be no because you have to take a holistic approach to dealing with that offender. If you want to go to a specialization it is kind of like a general practitioner in the medical field. Yeah I might have a heart issue but I have diabetes, breast cancer, and all of those. You aren't getting the whole thing dealt with. To try to specialize just exactly you aren't going to get that for \$60 a day, a lot of them don't have the ability to put that in. We actually did a request for information to the county jails and pretty much they are a county jail. Therefore the purpose that Dave outlined to ask them to specialize it is not something they will want to do or that they are able to do because of the locations throughout the state. We even have a struggle here in Bismarck to try to get some of the services when you are talking about medical. I would say the answer is no.

Chairman Pollert: Are there any other questions?

Representative Ekstrom: Dick did offer to bring over the means book on which was used to do the estimate. I would like a chance to take a look at that.

Representative Bellew: When we do take action I will request that amendment so the committee knows.

Chairman Pollert: Yes I will be surprised if that is the only amendment. If there is any other information needed you will have to communicate it through the appropriate channels. Is there anyone else wishing to give testimony for SB 2030? If not we will close the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2030

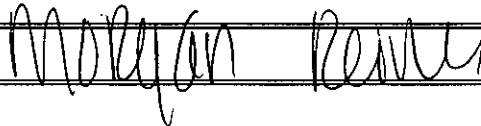
House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: 3/25/09

Recorder Job Number: 11537

Committee Clerk Signature



Minutes:

Chairman Pollert: Opened discussion for SB 2030. Are there any amendments?

Representative Kerzman: The only amendment I would really like to see is the road project done, both around the curve and the north road. The figure they gave us was about \$750,000 for the two roads.

Chairman Pollert: I think Representative Wieland had that to bring up as well.

Representative Wieland: I don't have any other amendments. I will go through them and start at the top. Some of these line items might relate to one item and they might relate to 4 of them. We are removing the terminology phase from the bill. In other words this is no longer going to be known as phase 1. We are removing that language. Line 3 with the semicolon to provide legislative intent is the items down below. We will be replacing the total cost of \$22,064,804 with \$28,465,804 which is an additional \$6 million which will put the project at \$73 million. We are removing the phase again on the next one. We are adding the relocation of the Missouri River Correctional Facility. I have another reason to do that because of today. I never thought I would see that they would be flooding down there. I don't know how much flooding is going on actually but it is potential. I never dreamt that would happen. I thought the big Dam would take care of that. On page 1 line 14 we are replacing 3 members with 5 members. I think we

thought that three members weren't adequate so we put 5 in. Then we have the bid requirements for the DOCR because they may not accept a bid for the prison expansion project provided in section 1 of this act if the bid costs relating to construction, etc exceed 20% of the construction and renovation bid. Also, the bid options if the bids received for the prison expansion project are more than the amount appropriated the DOCR shall remove one housing pod to reduce the costs. The reason we put that in there is we want to make sure that we are doing everything we can to get this project through. This is kind of a little bit of an incentive I guess. Legislative intent is in Section 5 requires that the facility land must not be sold within 2 years after the relocation. Those are the amendments we had in .0301. The only one we had in addition to that was the one Representative Kerzman brought up was to include that road in the project as well. With that, unless there are others I would move the amendment.

Chairman Pollert: Are you moving .0301 or wanting to further amend? My next question is if Representative Kerzman wants it as a separate amendment or we could encompass that and add \$750,000 to the bid?

Representative Wieland: I will move .0301. I will let him put that amendment in separately. Let's see what happens.

Representative Metcalf: I second that. I have a question in section 5. It is strictly to get something straight in my mind concerning the statement that made the center land not be sold for at least two years. Could I ask why we are even putting it in there if we don't want it sold? Is that just arbitrarily saying that after two years you can sell it?

Representative Wieland: The reason we put 2 years in is because we can't tell the next legislative body what or what not to do. This takes it beyond that. It is our intent to show to the

people that it is not this committee's intent that this land would be sold for 2 years after construction. We can only bind it that long.

Chairman Pollert: Is your question whether they can donate it or sell it? What exactly is your question?

Representative Metcalf: I'm wondering if first of all, can any land that is owned by the State of ND be sold at anytime without legislative approval?

Chairman Pollert: This would take legislative approval to sell this land.

Representative Metcalf: That's fine. To me this is a big mess.

Chairman Pollert: I think people were nervous among certain people and legislators that have wrote emails asking if we were going to sell the land this session. This is saying no.

Representative Wieland: The other thing we are pointing out is that we aren't selling the land in order to do the project. If you remember when we originally talked about getting everything together we talked about if there was a potential sale of the land or not. We are trying to indicate that we aren't doing that. We are leaving the sale of the land out of the picture. That is not going to happen as a result of what we are doing.

Representative Bellew: Section 3 it says costs relating to construction contingency cannot exceed 20% of the total construction and renovation bid, they can't accept bids. Could you explain to me where the 20% came from?

Representative Wieland: When we took the information down from what the DOCR had provided to us in terms of costs. All of the fees that came, and the percentages of contingencies came to \$26 million.

Chairman Pollert: I show hard costs on the hybrid plan of \$40,714,129. Some of the miscellaneous notes include 20% architect fees, 70% furniture, IT camera surveillance, which

made the contingency totals \$26,286,832. For some reason I have a notation that is half in inflation costs. That is what we are figuring into those bids.

Representative Wieland: The hard costs were \$40,714,000, contingencies and fees were \$26 million, 20% contingency and fees were \$8 million plus the 8&8. The hard costs with the 20% should come up into the range of about \$60,582,624. That includes 20% contingencies and fees that are in that. That is what we want to limit that to. I'm figuring at 8% and 8%. Then we ended up with \$61,545,692. Then with \$12 million for the MRCC using the same percentage of contingencies came to \$73,500,000 and we rounded that off to \$73.

Representative Kerzman: I didn't have the privilege to sit on the interim committee. Did they have a good area? Is this a decision that is basically made amongst yourselves? You just stated it was \$12 million for MRCC. Now you have it down to half of that to about \$6.

Representative Wieland: No we don't have it down to 6. We have reduced it to what we think is going to be the cost of the additions of the facility itself. Then we added \$12 million. We just added \$6 to the total cost.

Representative Kerzman: You should have added \$12 million to the total cost.

Chairman Pollert: When they figured out the hard costs of the \$40 million and did the 20% contingency fees and then the 8% inflators added to \$61 million and added the \$12 million to the MRCC's how do you come up with \$73? When we figure the hard costs and doing the 20% contingencies and the 8&8 it comes up to about \$61 million. After the \$61 then you add the \$12 million for the MRCC. The MRCC was a discussion with CGI. It was CGI's recommendation to move the MRCC. They were showing it in phase 3. They had 3 phases. Their recommendation was to move that. My opinion of this is DOCR wanted to have a discussion on the MRCC later. They realized we are going to reconstruct, renovate, and rebuild the state pen then we will worry about building the MRCC in phase 2. I'm going to

● speak for myself. In our discussion our numbers have the MRCC being built outside the fence. When they do that they can do the construction at the same time as the state pen renovation and remodel. That is why we are throwing that in. Since that is outside the fence whoever the contractor is can sure be building on that or a separate one can come in and bid on that.

● **Representative Metcalf:** I basically seconded this motion. This is probably the appropriate time to move the MRCC. However, there are several reasons why I think it should be moved. There are several reasons which it shouldn't. The reasons for moving it are the fact of its location and proximity to private properties that are occupied by men, women, and children which is a limited concern. They haven't had any problems down there that I am concerned about. There is always that concern. Secondly with the timing, it appears to me that the individuals that are assigned to the MRCC are proud of the fact that they are not in the big house. They would do anything to stay out of the prison system. Whether that feeling would transfer out to a new position where every morning they get up and the first thing they will see is the big prison standing their looking at them. It's totally psychological. I have mixed emotions but looking at it from the financial aspect and the ability to get it accomplished at this time, I will continue to support this.

Chairman Pollert: I had a point to bring up and I just drew a blank.

Representative Kreidt: But doing this as one project, there should be some cost savings involved. You are going to be doing one bid. That should save you some money. Enlarging the project too, I think there would be some cost savings there. This is a big project. By enlarging it, it would bring some savings forward. It's a good move.

● **Representative Metcalf:** As I recall the CGI gave an estimate of over \$17 million to be constructed later on. I realize there are increases in the construction costs. This is probably a huge reason as to why I'm supporting this.

Chairman Pollert: What is strange is that we built the Bank of ND for \$11 million. You sit and look at the apartment complex kind of a dwelling. We think their costs were pretty highly inflated as well. We haven't talked to the Senate about this so I have a feeling this is pretty far from over.

Representative Metcalf: Just one fast statement. It's cheaper to build a bank. They don't have as much stuff in it.

Representative Kerzman: I was going to further amend but I won't get far with this piece. I can't support these amendments. Philosophically we aren't gaining anything by moving it. They can wonder around more out there. They can go take some nature walks if they so desire and get approval. As far as being close to people there are more people closer to the pen than there are where the MRCC is. I don't buy that argument. I'm hoping this won't be a deal breaker. When we sit down here and chew up budgets I don't see anyone going with spending \$12 million right now. I know on my own operation, if I can put up a grain bin and get by storing it that way than by putting up a grain handling facility. I'd take it in phases.

Representative Wieland: It's not \$12 million more but only \$6 million. The total cost estimated is \$73 million. That might change. I agree that it might change when we get to the Senate. At the present time we are asking only for \$6 million.

Representative Kerzman: I don't think we can do it for \$6. I just don't see that. With that I'd further move to amend this and take out the MRCC to see what happens.

Representative Metcalf: I second that.

Chairman Pollert: We will take a roll call vote.

Representative Bellew: If that happens then the money comes out also.

Chairman Pollert: That motion fails 2-5-1. We have the amendments .0301 in front of us. We will take the roll for those amendments. Those pass 6-1-1.

Representative Kerzman: I want to add an amendment to do the road project.

Representative Kreidt: I second that.

Chairman Pollert: Is there any discussion?

Representative Kerzman: In the testimony you heard it was a bottleneck up there when the railroad comes across. The north road with the new facility is just a gravel road. It would be worthwhile to have it that way for safety.

Representative Bellew: This is a comment. If we approve this project and they get it done, they don't need a pay loader.

Representative Nelson: Just so I understand, this is general fund appropriation?

Chairman Pollert: Yes that is what the \$28 million is as well.

Representative Kerzman: That brings up an interesting point. Could we use that for the road? It's not on the highway system. I don't think it would qualify. I would imagine it would be general fund.

Chairman Pollert: I think we had a discussion with the DOCR people that as far as the construction and when you get into corrections it's not like the crime victim's compensation and the fund that this is different. It wasn't going to qualify.

Representative Nelson: Although this is state land, there is a component that would go to the City of Bismarck. I'm assuming that they could improve that stretch of road. That wouldn't be in our purview to decide what projects would go forward. As the money goes through that, they just picked up another \$10 million. Bismarck is one of the 13 largest cities. They will get a share of that they can use on street projects if that is in fact a street. That is out of the legislators hands.

Representative Wieland: I'd like to make a substitute motion. I would like to have that road included in the amount of money we have already suggested. That would be the difference

between our motions. Representative Kerzman wanted to have \$750,000 and I would prefer to not do that but rather do it in conference committee. I would like to make a substitute motion to include that road.

Representative Bellew: I second that.

Representative Kerzman: I resist that motion. It looks like you squeezed the nickel pretty hard here. Adding another \$750,000 you will just jeopardize that project.

Chairman Pollert: We will call the roll. That motion passes 5-2-1.

Representative Wieland: I would move a do pass as amended.

Representative Metcalf: I second that.

Chairman Pollert: Is there any discussion? If not we will take the roll. That motion passes 6-1-1.

Representative Wieland: I will carry the bill.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2030

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: April 2, 2009

Recorder Job Number: 11641

Committee Clerk Signature

L. Mae Kueh

Minutes:

Chm. Svedjan moved the Committee's work to SB 2030.

Amendment .0302 (Attachment A) was distributed.

Rep. Wieland: Moved the amendment.

Rep. Metcalf: Seconded.

Rep. Wieland: The purpose of the amendment is to move the MRCC to the main state penitentiary site. Page 1, line 11 adds the secondary road project. This refers to a road that runs around the south side of the facility and comes out on Expressway so that it can avoid the railroad that now cuts off the main road into the penitentiary site. We changed the three-member team to a five-member team. Rep. Wieland reviewed the amendment sections. The bid requirements in Section 3, the Dept. of Corrections may not accept a bid for the prison expansion project provided if the bid costs relating to construction contingency, renovation contingency, site contingency, architectural fees, etc. exceeds 20% of the total construction and renovation bid. The original bid which was \$67 million had approximately \$24 million in there for all of those costs. We thought that was excessive. On Section 4 bid options, if the bids received for the prison expansion project are more than the amount appropriated in Section 1 the Dept. of Corrections and Rehab shall remove one housing pod from the project to reduce the costs to the level appropriated for the project. I think the DOCR will make sure

that doesn't happen. This was an incentive for them to work at not putting anything excessive into the project. The legislative intent, on the Missouri River Correctional Center land, is that the existing land not be sold for at least two years after the relocation. This was a way for us to indicate that it was not our intent that this land be sold in order to finance the project. We did increase the amount of dollars involved--\$6 million. That brings the \$67 million dollars up to the total is \$73 million.

Rep. Kerzman: I cannot support these amendments. (5:48) We are spending \$6 million more. Originally it was supposed to be \$12 million to move the MRCC. They've already added in the road project which is another \$750,000. Basically they are trying to move that for about \$5 million. We have a unique correctional system. When you take a prisoner and you move them through the system and improve their lifestyle to move out of the system, they don't want to go back. It's a strong incentive to do better. This is very complex and I think it will eventually happen, but I don't think now is the time. I think we should just go forward with building the original prison. I think we are trying to do too much.

Rep. Ekstrom: (7:44) One of my concerns with the contingency costs had to do with the renovation. They were allowing only a 10% contingency even in those areas where they are tearing into existing buildings. We need at least 15 percent.

Rep. Wieland: We talked about this at length because it would seem that it was excessive amounts of contingencies.

Rep. Ekstrom: It's not the numbers so much. It's the approach. There are areas where we didn't fund it as we should have because of the contingencies. With renovation you really don't know what you are going to get into. The other question I had, dealt with the MRCC. We said that not only would we not sell the land for two years but we would study its use.

Rep. Pollert: (8:55) The MRCC move was suggested in the CGIA plan during the interim.

Because the MRCC can be built outside the fence they can be done together. Approximately \$40.7 million was hard costs. We put the amendment in on the 20 percent contingencies and used the rate of inflation at 8%. Then it gets the figure to \$61 million. We added \$12 million for MRCC and that's how we got to \$73 million.

Rep. Wieland: I have located some of it. I have a worksheet that explains most of what we have done here. What we have done to get to the \$73 million – we took the hard costs from the DOCR which is \$40,714,000 and added in the 20 percent contingency and fees and 8 percent for inflation for 3 years which is was another \$12 million. That came to an estimated total of \$61 million. We estimated that there is \$12 million in costs for moving MRCC. I agree we might be short the road which is \$750,000. They had put in contingency costs on several areas and we felt it was too many dollars. That's why we reduced it down.

Chm. Svedjan: What about the intent language about a study.

Rep. Wieland: With all due respect, I do not remember that.

Rep. Ekstrom: We had talked about that. I would move to further amend that we study what the land would be used for.

Rep. Metcalf: Seconded.

Rep. Berg: Clearly it is ideal for residential development. I would suggest studying its use and how it could be marketed as part of the amendment.

Rep. Ekstrom: It has some value as residential but not as much as it had originally. The Army Corps of Engineers has revised the flood plain because of the cut bank erosion. They created an additional 200 foot setback because of the river.

Chm. Svedjan: If you would agree on marketing, it wouldn't limit it to residential.

Rep. Ekstrom: I would strongly recommend to not limit it to residential.

Chm. Svedjan: If you were in agreement to that language, it wouldn't limit it to residential.

Rep. Wald: How is it zoned now?

Rep. Berg: It's probably Agriculture land.

Rep. Eckstrom: I am in agreement with that language for the amendment.

Rep. Berg: We need to be transparent in this respect. We don't have a system in state government to dispose of rural property.

Rep. Kroeber: I wouldn't like to leave with the idea that this needs to be disposed of. I think it is great public access to the river.

Chm. Svedjan: I don't think the language requested would limit any of that. The study could be for any use of the land.

Rep. Kroeber: I have no problem if that is the idea.

Rep. Glassheim: Why do we want to spend \$12 million to move MRCC? Will it increase care of prisoners? Will it reduce recidivism?

Rep. Wieland: (18:38) One reason is we have three incarceration facilities in two cities. YCC is in Mandan. So the other two incarceration facilities are in one city. The second reason is it's also inefficient. There are seventeen buildings at MRCC that have to be maintained. The list is long of all the buildings that are outside the main building. Having everything in one facility would be more efficient. We are also putting people down there that should not be down there in order to take the load off of the State Penitentiary. There are 147 people at MRCC and some of them they are worried about.

Rep. Glassheim: (21:57) As you expand the beds inside the walls, wouldn't some of those that shouldn't be there be transferred into those beds?

Rep. Wieland: Yes some of them will be. It even reduces the efficiency more if we are not going to use it at capacity. MRCC was originally built as a farm for prisoners to work.

They no longer farm. They do have a hay field. They raise pheasants/game birds.

Rep. Williams: (23:07) Looking at the appropriation in this bill, what portion is in the Executive Budget?

Rep. Wieland: It's \$22,465,804. There was previously in the last biennium we set aside \$44,534,196 which includes interest.

Rep. Williams: This is in the Executive Recommendation.

Rep. Wieland: \$67 million.

Rep. Ekstrom: (24:20) This is a very different building that we are building outside the fence than the building in the secured area. We need to make sure the DOCR requests a separate bid.

Rep. Wieland: I think that's what the five-person committee would deal with.

Rep. Kerzman: If we build another facility outside the walls, and the state decides to keep MRCC and maybe we'll pull in contract housing. How does the committee feel about that?

Rep. Wieland: Jamestown has medium security people and they couldn't keep them there.

Rep. Pollert: I'd be surprised if we keep the buildings standing at the MRCC if we are moving it. The Roughrider Building will be pieced down and taken up to the State Penitentiary grounds.

Rep. Berg: I think doing what Rep. Kerzman is suggesting would be like having a section of land with one cow on it. I would encourage DOCR to come to us with a plan that when prisoners are released, they stay out.

Chm. Svedjan: The motion before us is to amend the proposed amendment .0302. That would be to add the language about studying the future use of the land and the marketing of the property.

Voice vote taken. (Vote 2) Motion adopted.

Voice vote taken on amended amendment .0302. (Vote 3) Motion adopted.

Rep. Weiland moved Do Pass as amended.

Rep. Pollert Seconded.

Discussion:

Rep. Nelson: I supported the amendment, but will not support the bill. We are adding 131 beds to the prison. Those beds are not needed in this project. There are 13 or 14 locations that these prisoners could go to. Two of the pods are unneeded. That's why I will not support this bill. (29:30)

Rep. Pollert: (30:55) It comes down to one statement: Do you want to rent the apartment or buy the house? We have the information from the DOCR on the comparison. For a cost compare of a ten year cost of operation of a 60 bed cell house on the pod vs. a 54 bed contract housing because you are going to have people moving in and out, the cost of the 60 bed unit would be \$5.955 million, so a little less than \$6 million. If you have the contract housing, you are going to spend \$13.9 million over a ten year period.

Rep. Wieland: (31:55) This construction is not about the beds. This is about the years of planning and study. The DOCR has programs that the local jails don't have. It isn't that the jails won't be needed or used. They send people to local jails when it is close to the time for them to get out. Jails take the easier inmates. They won't take the hardened criminals or sex offenders or medical or psychological issues. They want the easy people. We need this facility. It's about the efficiency. It is also about the safety of the correctional officers that work there.

Rep. Glassheim: (35:00) I can't support this. This project started for the reasons Rep. Wieland indicated. At this point, the legislature has inflated the cost by 20 percent. The \$12 million is

not needed. It may be nice, but not needed. I can't support the spending the extra money for modest gain.

Rep. Pollert: The bill a biennium ago was deficient of money for \$41 or \$42 million. We found out during the interim study that construction costs would really cost between \$52 and \$54 million. It was underfunded. When the correction facility review went through the study, we also found out that originally the way they wanted to do was not done in an appropriate centralized manner for employees. It did not take care of the medical needs which we have in this budget. It did not take care of the administrative segregation of the hardest people. Then we came up with a main street project design with a pod design so everything is more centrally located. The \$42 million plan was deficient at least \$10 to \$12 million. They still would have had a very inefficient operation.

Rep. Glassheim: I support the construction project on site. That \$12 million is not necessary for the things you mentioned.

A Roll Call vote was taken on Do Pass as amended. **Yes: 15, No: 8, Absent: 2,**
(Representative Delzer and Thoreson).

Representative Wieland will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030

Page 1, line 2, remove "phase one of"

Page 1, line 3, after the semicolon insert "to provide legislative intent;"

Page 1, line 6, replace "\$22,465,804" with "\$28,465,804"

Page 1, line 9, remove "phase one of"

Page 1, line 11, remove "and" and after the fourth comma insert "and relocation of the Missouri River correctional facility,"

Page 1, line 14, replace "three-member" with "five-member"

Page 1, after line 23, insert:

"SECTION 3. BID REQUIREMENTS. The department of corrections and rehabilitation may not accept a bid for the prison expansion project provided for in section 1 of this Act, if bid costs relating to construction contingency, renovation contingency, site contingency, architectural fees, furniture and fixtures, and information technology-related costs exceed twenty percent of the total construction and renovation bid.

SECTION 4. BID OPTIONS. If bids received for the prison expansion project are more than the amount appropriated in section 1 of this Act, the department of corrections and rehabilitation shall remove one housing pod from the project to reduce the costs to the level appropriated for the project.

SECTION 5. LEGISLATIVE INTENT - SALE OF MISSOURI RIVER CORRECTIONAL CENTER LAND. It is the intent of the sixty-first legislative assembly that the existing Missouri River correctional center land not be sold for at least two years after the relocation of the Missouri River correctional center to the state penitentiary site."

Renumber accordingly

Date: 5/25
Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Appropriations Human Resources Committee

☐ Check here for Conference Committee**Legislative Council Amendment Number**

Action Taken move amendments .0301

Motion Made By Rep. Wieland Seconded By Rep. Metcalf

[illegible]

Total (Yes) 6 No 1

Absent _____

Floor Assignment _____

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

Date: 5/25/0
Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Appropriations Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Remove amendments

Motion Made By Rep. Verzman Seconded By Rep. Metcalf

[illegible]

Total (Yes) 2 No ~~4~~ 5

Absent	1	
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Floor Assignment

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

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030

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Renumber accordingly

Date: 5/6/21
Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Appropriations Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Substitute motion

Motion Made By Rep. Wieland Seconded By Rep. Benner

Seconded By Rep. Ben W

[illegible]

Total (Yes) 5 No 2

Absent

Floor Assignment

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

Date: 5/16/2011
Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Appropriations Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number SB 2030

Action Taken Do Pass as amended

Motion Made By Rep. Wieland Seconded By Rep. Metcalf

[illegible]

Total (Yes) 60 No 1

Absent

Floor Assignment Rep. Wiland

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

Date: 4/2/09
Roll Call Vote #: 1/3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2030

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number .0302

Action Taken adopt amendment .0302

Motion Made By Wieland Seconded By Metcalf

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Vote - carries

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

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030

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Page 1, line 6, replace "\$22,465,804" with "\$28,465,804"

Page 1, line 9, remove "phase one of"

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Page 1, after line 23, insert:

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SECTION 5. LEGISLATIVE INTENT - SALE OF MISSOURI RIVER CORRECTIONAL CENTER LAND. It is the intent of the sixty-first legislative assembly that the existing Missouri River correctional center land not be sold for at least two years after the relocation of the Missouri River correctional center to the state penitentiary site.

SECTION 6. LEGISLATIVE COUNCIL STUDY - USE OF MISSOURI RIVER CORRECTIONAL CENTER LAND. During the 2009-10 interim, the legislative council shall consider studying possible future uses of the existing Missouri River correctional center land, the study must include consideration of the best marketing methods to use for selling the land for each possible land use identified."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030

Page 1, line 2, remove "phase one of"

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Renumber accordingly

Date: 4/2/09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2030

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken study future use of MRCC land

Motion Made By Ekstrom Seconded By Mohr and marketing of land

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Voice Vote - carried

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

Date: 4/2/09
Roll Call Vote #: 4

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2030

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken No Pass as Amended

Motion Made By Wieland Seconded By Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad		✓
Rep. Hawken	✓		Rep. Williams		✓
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer			Rep. Glassheim		✓
Rep. Thoreson			Rep. Kaldor		✓
Rep. Berg	✓		Rep. Meyer		✓
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom		✓
Rep. Bellew	✓		Rep. Kerzman		✓
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson		✓			
Rep. Wieland	✓				

Total (Yes) 15 No 8

Absent 2

Floor Assignment Wieland

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

REPORT OF STANDING COMMITTEE

SB 2030, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2030 was placed on the Sixth order on the calendar.

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Page 1, line 3, after the semicolon insert "to provide legislative intent; to provide for a legislative council study;"

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Renumber accordingly

2009 SENATE APPROPRIATIONS
CONFERENCE COMMITTEE
SB 2030

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2030 conference committee

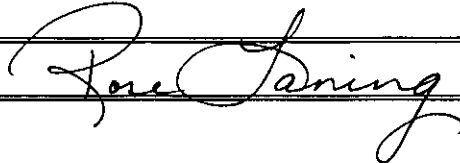
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: April 20, 2009

Recorder Job Number: 12006

Committee Clerk Signature



Minutes:

Senator Grindberg: called the conference committee or order on SB 2030 concerning appropriating funds to the department of corrections for the State Penitentiary. Roll call was taken. All conference committee members were present: **Senator Grindberg, Senator Krebsbach, Senator Krauter, Rep. Wieland, Rep. Pollert, and Rep. Metcalf.**

Senator Grindberg: We can take salary and equity off the table. Spent time on the bill during the interim.

Rep. Wieland: What we did was to remove the words "phase" from it because we didn't want to leave the perception that there was going to be a *phase II*. We changed the 3 member committee to 5 member and added moving MRCC (Missouri River Correctional Center), which was phase 3 to CJI (Criminal Justice Institute) into this and changed the bid requirements, contingencies would not exceed 20% of the renovation bid. Of amount appropriated would remove one housing pod to reduce the cost to the appropriate level. With the intent of MRCC was moved, then the land not be moved for two year period after the relocation because it is our intent NOT to sell it. We would require study for use of land. We anticipate the moving cost to be estimated \$11-\$12M. In going through the bids DOCR (Department of Corrections and Rehabilitation) provided, they show the basic cost of about \$40M—for construction costs we added 20% on top plus 8-8- for inflation came to 61.5M to reach \$73M.

need a ton of money put into that. The library looks like size of garage. The shake-down building is outside. A meeting room is outside. Church is outside. All these building out there are wood and need to be maintained. Everything would be in one building except car repair and moving of Roughrider building. We're told the building can be disassembled and moved.

Senator Grindberg: Do you have spread sheet that follows the recommendation that shows square footage costs?

Rep. Wieland: I do but left my big book on desk. Maybe Rep. Pollert has it.

Rep. Pollert: Basically what I have is CJI (Criminal Justice Institute) *phase I plan*. Hard costs were approx. \$40.7M, then we added the 20% contingency and 3 years of 8% inflationary. Need to make it more negligibly –truthfully.

Senator Grindberg: Maybe Becky Keller, (Legislative Council) can put something together.

Senator Grindberg: Walk me thru section 3 on the bid requirements, what are we trying to accomplish?

Rep. Wieland: When you look at all contingencies as estimate, it was about \$24 M. \$24M on a \$40M project seems to be high, so that's why we put 20% limitation.

Senator Grindberg: I'm trying to understand if we were comfortable.

Rep. Wieland: These were figures from DOCR not from CJI.

Senator Grindberg: Certainly don't want to hamstring the project by getting in the middle of it; if they can't and have to move some funds around to make the budget work.

Rep. Wieland: We don't disagree that we need to complete basic part of this agreement. We thought this was opportunity to do phases 1 & 3. With regards to the MRCC (Missouri River Correctional Center, there are 18 buildings down there – most are wood structures. For example, the main building where housing and visitor pod's are. Kitchen and dining room are in terrible shape, needs a roof and really needs renovation. If it stays down there it is going to need a ton of money put into that. The library looks like size of garage. The shake-down building is outside. A meeting room is outside. Church is outside. All these building out there are wood and need to be maintained. Everything would be in one building except car repair and moving of Roughrider building. We're told the building can be dissembled and moved.

They don't all need to be brick. It would be convenient. They had a flood scare and had to move prisoners out. We have been told before that all people are not minimum security anymore; they have moved some inmates that are marginal. They are not a farm anymore. It's outlived its' usefulness and time to do the two together.

Senator Krebsbach: He answered my questions of jumping from one to three. Can someone tell me what phase 2 is about?

Rep. Wieland: Phase 2 is a complete restructure of pen itself. There are things we're not doing. We're not doing laundry, not doing much with west cell house. Not sure if that was in phase 2. But would also increase the number of beds. This would give them enough room to add so much into the medical. Supervision – the guys that are the worst of the bunch. Increase of 19 beds. 131 extra beds that would go thru projections of 2017.

Senator Krebsbach: Moving of MRCC, was that a priority over the phase 2 or parts of phase 2– like the laundry?

Rep. Wieland: I don't know what their recommendations were. We wouldn't have to spend much money on MRCC - the last part can be done at anytime. There is no sequence.

Rep. Pollert: The phase 2 was going to have (info in August of 2008) - read from plan all plans for phase 2. Basically we took combo of phase 1 and phase 2 and came up with hybrid plan. This was CJIs plan. The contingency numbers were high, \$26.2M dollars. We thought the contingency phase and soft costs were way too strong.

Senator Krauter: After studying this for 6 years and finally building a consensus, it bothers me we go to a hybrid plan. Section 6 line 19-20, we don't expect to sell the land. What is being meant there?

Rep. Wieland: I understand your concern; it was our thoughts that we didn't care what they did with the property. If the State or DOCR has control, if they wanted to give for a park, that

was up to them. If we put in study that says if you're going to have a study to see what the land should sell for. It isn't really a recommendation of ours; we just thought it was in the best interests of the State to study.

Senator Krauter: Those should be identified for commercial property or a park, that's how I'm reading this. On the west side, there were federal easements. How do we deal with something like that?

Rep. Wieland: You have to take those into consideration. If those easements were used, then the land value would be considerably less. Then the land would be unsellable. Some might be in flood plain now – in light of flooding this spring.

Senator Krauter: What was appraisal?

Rep. Pollert: \$7.85M and wetlands weren't included in the bill. That's why we need study. It is the legislative's ultimate duty to decide what is done with the land. Those numbers were heard two years ago. We didn't figure land value into these figures.

Senator Grindberg: Our next meeting, we'll get figures from CJI. MRCC and pod are my issue with the bill. We have to get our hands around all the details.

Rep. Wieland: The Hybrid Plan is really just an adjustment up and down of the suggestions that CJI made. The department went thru it completely and they really did not change the CJI plan.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2030

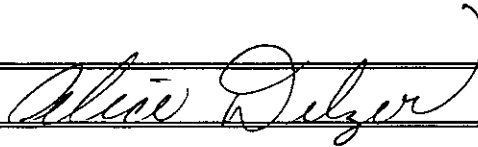
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-21-09

Recorder Job Number: 12080

Committee Clerk Signature



Minutes:

Chairman Grindberg: Opened the conference committee hearing at 6:30 pm in reference to SB 2030. Let the record show all conferees are present. They are as follows: Senators; Krebsbach, Krauter; Representatives; Wieland, Pollert, and Metcalf. Also, we have Joe Morrisette from OMB and Becky Keller from legislative counsel.

Chairman Grindberg: Becky could you provide an overview of the memorandum.

Becky Keller: The number I recently prepared is 99872 Prison plan and comparison (attachment 1). This provides a comparison with CJI phase 1 and the Hybrid Plan – House Version, including the relocation of the Missouri River Correctional Center. CJI phase one numbers have remained the same since they presented their reports to the correction facility review committee. The Hybrid plan changed slightly in the House what they did rather than adding contingencies for every single thing. At the end with a hard copy I just added another twenty percent contingency cost and project soft cost total. So what that did was for the penitentiary renovation costs it dropped it from 67 million to 61.5 million. Then we added underneath that the Missouri River Correctional Center break outs for CJI and the Hybrid plan. The numbers I used for the Hybrid plan came from the department of corrections and ultimately what we have is the CJI phase one plan is 26.8 million to relocate MRCC and the

DOCC version is 11.5 million. If we add that to the renovation cost the Hybrid plan – House version is 73.1 million dollars compared to 107.78 million for CJI.

Chairman Grindberg: We would like it if Dave you would come up and respond to the House action on the reduction in cost of 20 percent across the board. Your comment on that verses the Senate action which is probably a little more soft cost.

Dave Krabbenhoft, State Prison Director: This is the first time I have seen this put together from the counsel. My reaction would be that we estimated that MRCC we be around 11.6 million dollars and the contingencies and the soft costs in the 67 million dollars are really kind of the industry standard. The contingency was reduced on the CJI plans of 67 million by ten percent. My reaction to it is at 67 million dollars, I have all the confidence in the world we can get that project done. With the 73 million dollar project, it's not that I am saying we can't get it done, I am not as confident. Because of all the time and effort put in to the 67 million dollar project, if we move the 73 million dollar project and include MRCC, we will go out and do our best and work with the bids to get it under 73 million dollars. The contingencies that were built in to the 67 million dollar project, if you look at the handouts it details and see those items listed individually it gives some clarity on how the 20 percent and 10 percent are made up. And you can see the soft cost that is twenty percent is made up 6.5 percent for ADP, 8 percent for equipment, 3 percent for information technology. That is a big one for us, in the previous session we really overlooked IT and as a result of the committee works we focused on the IT work. We had a half percent for advertising and printing and 1 percent for the special consultants. Then you can see where the 10 percent comes in.

Chairman Grindberg: I just want to get your perspective. With MRCC aside can you do the project for 61.5 million dollars?

Dave: It would be tough. I would be much more comfortable at 67 million dollars because of the uncertainties of the project and also looking back at all the work that was put in the interim. The 67 million dollars was the number that was arrived at by the committee and the department adopted that and agreed with that number.

Rep. Pollert: I would agree that the 67 million dollars was agreed to by the committee. At that time we had one hundred and forty dollar oil and everything else under the sun. Times change and we all know that as well. That is why I think the 67 million is high because we are not at the levels when we were doing our review our last meetings was in August and that is probably when the oil was roughly at its highest.

Chairman Grindberg: Well as we don't have our crystal ball on our side there is more steel and concrete, oil could be 95 to 100 bucks this summer. I think we all understand the situation and the MRCC aside, can you do the project for 62. I guess the Senate's position is we would be willing to study the MRCC issue, that would be a study to get us back to if we feel comfortable with 61.5 or 67 million for the plan that was given out by the interim committee.

Rep. Pollert: When you say the study do you mean a different from the study with MRCC? Would you be talking about whether you would build a facility either on site, or are you talking about where its current facility is at? It wouldn't be the land itself because that would be an for two to four years from now.

Chairman Grindberg: I guess our preference would be to work on the language and if we would bring in MRCC to prison ground and not have any reference of sale of the land or intent or any of the language but a continuation of the phases and more discussion on the interim. That would involve the intent language of the sale of the MRCC land which is presumptuous and I am not sure what the best language is at this point.

Rep. Pollert: From the Senate side and that was a question if it was amended to have a three member prison construction review committee and the House moved it to 5. Was the intention to be 3 legislators?

Chairman Grindberg: That was my understanding.

Rep. Pollert: I assumed it would be five legislators.

Rep. Weiland: I had hoped that we would have some lay people involved with that too. When we increased it to 5 I had that in mind that is something we can continue to discuss. In regards to do a study, we've already done that study because CJI recommend that we move it. They had it in phase three but they still recommended that it would be moved. I think a separate study to study it again is a duplication of what we already did.

Chairman Grindberg: It's how you would define the study Rep. Weiland. I wouldn't see another grandiose consultant coming in and reviewing what the best option for MRCC. I would see a legislative committee, if it were chosen, to look at all the options. The differences of opinions we received as none Bismarck residents about the whole move the land, what it is intended for those types of things. It wouldn't be a consultant study it would be an adjunct or a continuation of the first committee. Maybe we could talk about them being the oversight committee for 3 to 5.

Senator Krauter: I would like to add a few comments on this one. The history behind the committee was that this has been studied so many times and a lot of work has been done on it. I think it has finally come to a resolution for doing something and to make sure things don't change as far as the construction and things that are happening out there. If you read the wording that is in the committee part, the renovation and that the legislature has that comfort zone. I don't recall that much discussion beyond that, it was legislature and we wanted to make sure we are following through on what we said. And I remember something about

contractors, and architects and that is part of the bid and process we do in construction. They are doing all of that, as we get that information from corrections, DOC, and how we are preceding it is exactly how we had our interpretation. There is a lot of responsibility in that committee to make sure they follow through and tracking it.

Rep. Metcalf: The MRCC was basically not a part of this construction period. CJI saw it as in the third phase, which was about 10 years down the road. I don't recall anybody ever deciding to move the MRCC up there. It was decided to add it on somehow and I don't know who made that decision. I am not in favor of moving the MRCC now and I was thinking it would be delayed for several years, until we determine that it was not useable down there or we had a better way of handling the prisoners up here in one location. I would hope to see that we delay the MRCC and give the money that is necessary and concentrate on building a quality facility.

Chairman Grindberg: I am not against moving the MRCC, but there are other issues that have to be thought through. As long as I am here and we're going to have bills come before use money on building repairs or buildings down there it doesn't make any sense financially in my opinion. As we move forward I think some of the responsibility lies with the correction folks. It doesn't make any sense to put money into MRCC when we know the deficiency are up here but how do we get from the hybrid plan to phase three?

Rep. Metcalf: That was my intention but was I was trying to bring across, let's take the time and do it right.

Rep. Pollert: But at least for the time being, I disagree. I think we should seriously look at moving the MRCC. That is where I stand right now. Because I don't think there is very little doubt, we may argue a little about whether it is 61 million or 67 million, I don't think that's as much an issue as far as the MRCC and to have the language on the 5 on the committee to be a little more precise as far as what it stands for. That is where I am at.

Chairman Grindberg: Will let this peculate and adjourn the meeting.

Rep. Weiland: There is a secondary road project that has to go with this because of the railroad. If you remember there is a railroad now that is on the road that comes into the state pen and right now that it their main road that comes in there. They estimated it will take three quarters of a million dollars to get it in.

Chairman Grindberg: You added that. We talked about that on our side.

Rep. Weiland: If you look at amendments it's on page one line eleven.

Chairman Grindberg: Okay we will add that to the list here.

Rep. Metcalf: I would like to see section 4 removed. Remove one housing pod from the budget to reduce the cost if we can't get satisfactory bids. I feel we have people in our administration at the pen that are smart enough to know if we don't build they won't have the option. They can go a year or two with that facility empty they should be able to cut back on what they are buying to pay for reconstruction.

Chairman Grindberg: Other wishes? We will adjourn.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2030 conference committee

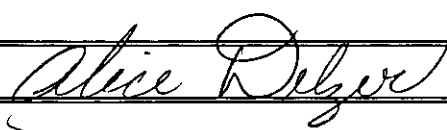
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: May 1, 2009

Recorder Job Number: 12430

Committee Clerk Signature



Minutes:

Chairman Grindberg called the conference committee to order on SB 2030. Let the record show that all conferees are present: **Senators: Grindberg, Krebsbach, Krauter;**

Representatives: Wieland, Pollert, Metcalf. Becky Keller, Legislative Council and Lori Laschkewitsch, OMB were present.

Rep Wieland I have distributed for your perview proposed amendment #.0306 and if I might continue **I would move the House recede from it's amendments and amend as follows.**

Rep Pollert seconded the motion.

Rep Wieland: What this does it goes back to building of the state penitentiary remodel and reuse of that portion, reduces the funding to 64 M and includes the secondary road project, also puts legislative intent under section #3 that the 62nd legislative assembly provide funding from the general fund for relocation of the Missouri River correctional center to the state penitentiary site. That is the basic concept.

Senator Krauter: Just walk through the math. I need to have Becky give me the 3M of the 6 M would mean we go back to the Senate's dollar amount. The House had added 6 M for relocation.

Becky: The relocation has been taken out. This amendment would reduce it from 67 M to 64 M for the penitentiary projects as discussed earlier without relocation but adding the secondary road project.

Senator Krauter: For 3 M?

Rep Pollert: If you remember what the House had it they had that contingencies couldn't amount more than 20% and the inflationary and the contingency would have put that at 61,5 M and then add the 11.5 to get to the 73. We took out the language about the contingency and so when you do that it takes all that money out of there and we go back to the 67 M and so with this amendment on page 116 and that reduces the 3 M so all the contingency language i out of there. Understand that when we started this deliberation about 2 weeks ago. So when we took the contingency language out it goes back to the original.

Senator Krauter: So we are still 3 M short of what the Senate wanted.

Senator Krebsbach: Could I have another reason why the 3M additional dollars were removed from this budget.

Rep Wieland: When you remove all of those contingencies and take a look at what all those contingencies are that they can actually do everything they need to do for 64 M It is a fact, when you deal with government when you have bids the contractors know how much you have in there. they will go for 67 M if that is what we put in. We put in 64, I think we can do it for 64 and we can save the state 3M bucks and still get the quality project that we need.

Rep Pollert: During the correctional facility review discussion, there was talk that we could build a facility, during our discussions in the hybrid plan in around 60, 61 M dollars but when we went through our process over 18 months that is when everything was sky high, and recession now, those numbers have dropped since we finished our work which was in September when everything was high, whether it was steel, or whatever.

Chairman Grindberg: That also would be the soft costs inflationary costs would be in there I assume. Call the roll on the amendment as proposed.

A ROLL CALL VOTE WAS TAKEN RESULTING IN GRINDBERG – YES; KREBSBACH – YES; KRATUER – NO; WIELAND – YES, POLLERT – YES; METCALF- YES. IT PASSED. SENATOR GRINDBERG WILL CARRY IT ON THE FLOOR.

Chairman Grindberg: That motion carries. We are completed with our work.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030

That the House recede from its amendments as printed on pages 1260 and 1261 of the Senate Journal and pages 1154 and 1155 of the House Journal and that Engrossed Senate Bill No. 2030 be amended as follows:

Page 1, line 2, remove "phase one of"

Page 1, line 3, after the semicolon insert "to provide legislative intent;"

Page 1, line 6, replace "\$22,465,804" with "\$19,465,804"

Page 1, line 9, remove "phase one of"

Page 1, line 11, remove the second "and" and after the fourth comma insert "and the secondary road project,"

Page 1, after line 23, insert:

"SECTION 3. LEGISLATIVE INTENT - MISSOURI RIVER CORRECTIONAL CENTER RELOCATION. It is the intent of the sixty-first legislative assembly that the sixty-second legislative assembly provide funding from the general fund for relocation of the Missouri River correctional center to the state penitentiary site."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 90246.0306 FN 1

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2030 - DOCR - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
State Penitentiary project		\$67,000,000	(\$3,000,000)	\$64,000,000	\$73,000,000	(\$9,000,000)
Total all funds	\$0	\$67,000,000	(\$3,000,000)	\$64,000,000	\$73,000,000	(\$9,000,000)
Less estimated income	0	44,534,196	0	44,534,196	44,534,196	0
General fund	\$0	\$22,465,804	(\$3,000,000)	\$19,465,804	\$28,465,804	(\$9,000,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department No. 530 - DOCR - Detail of Conference Committee Changes

	Reduces Funding for Penitentiary Project¹	Total Conference Committee Changes
State Penitentiary project	(\$3,000,000)	(\$3,000,000)
Total all funds	(\$3,000,000)	(\$3,000,000)
Less estimated income	0	0
General fund	(\$3,000,000)	(\$3,000,000)
FTE	0.00	0.00

This amendment reduces the general fund appropriation to the Department of Corrections and Rehabilitation for the State Penitentiary project by \$3 million to provide a total general fund appropriation of \$19,465,804. The House increased the general fund appropriation by \$6 million, which included the relocation of the Missouri River Correctional Center.

This amendment removes the following sections added by the House:

- A section relating to bid requirements.
- A section relating to bid options.
- A section relating to the sale of the Missouri River Correctional Center.
- A section relating to a study on the sale of the Missouri River Correctional Center.

A section of legislative intent is added relating to funding for the relocation of the Missouri River Correctional Center during the 2011-13 biennium.

passed

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number ^{SB} 2030 (, as (re)engrossed):

Date: May 1, 2009

Your Conference Committee Senate Appropriations

For the Senate:

5/ YES / NO

For the House:

5/ YES / NO

<u>Grindberg</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Wieland</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Krebsbach</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Pollert</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Krauter</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Metcalf</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1260 - 1261

____, and place _____ on the Seventh order.

☒ adopt (further) amendments as follows, and place 2030 on the Seventh order.

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 5.15.09

CARRIER: Grindberg

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Wieland

SECONDED BY: Pollert

VOTE COUNT 5 YES 1 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

SB 2030, as engrossed: Your conference committee (Sens. Grindberg, Krebsbach, Krauter and Reps. Wieland, Pollert, Metcalf) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1260-1261, adopt amendments as follows, and place SB 2030 on the Seventh order:

That the House recede from its amendments as printed on pages 1260 and 1261 of the Senate Journal and pages 1154 and 1155 of the House Journal and that Engrossed Senate Bill No. 2030 be amended as follows:

Page 1, line 2, remove "phase one of"

Page 1, line 3, after the semicolon insert "to provide legislative intent;"

Page 1, line 6, replace "\$22,465,804" with "\$19,465,804"

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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 90246.0306 FN 1

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

Engrossed SB 2030 was placed on the Seventh order of business on the calendar.

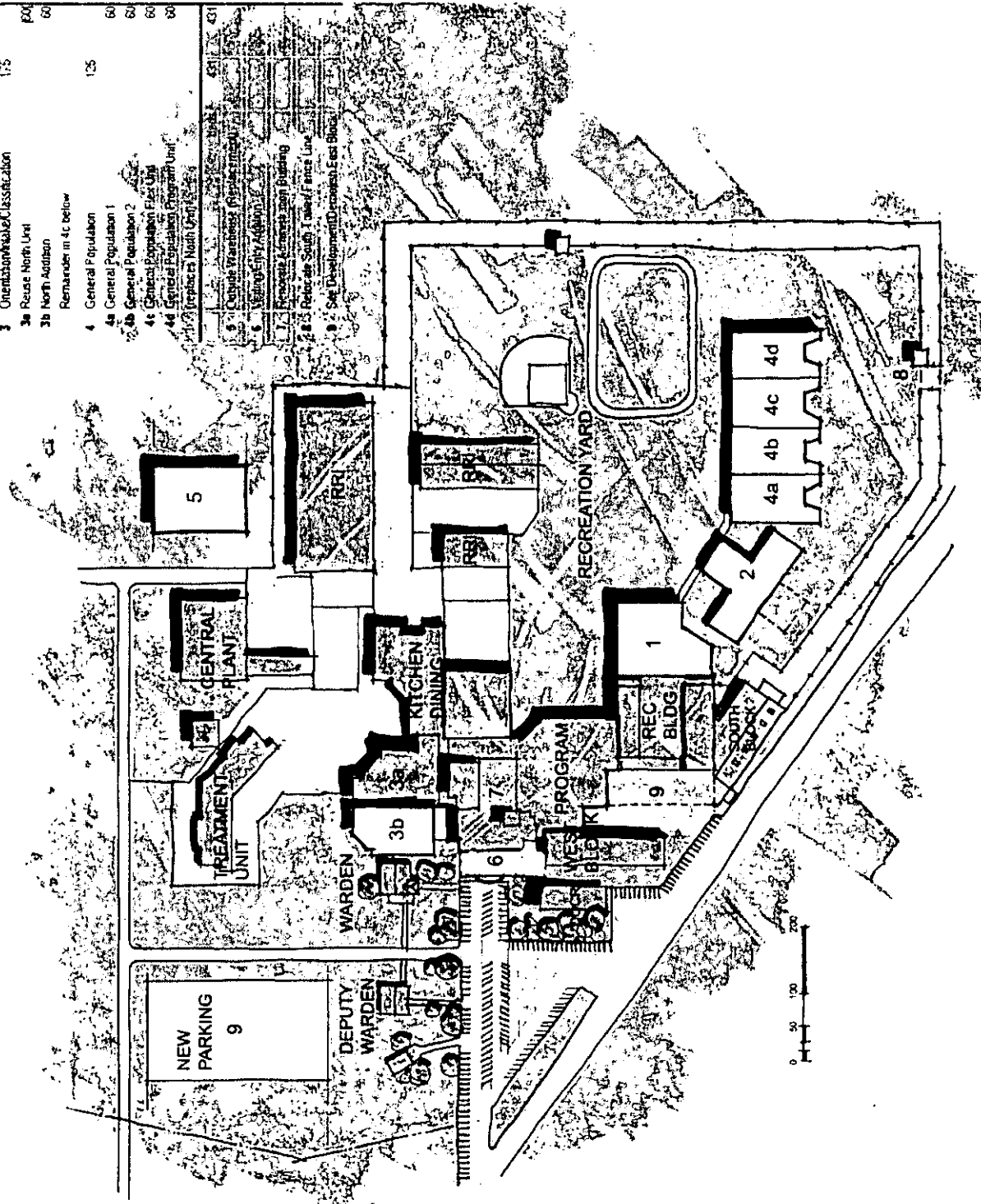
2009 TESTIMONY

SB 2030

D



Hybrid Plan Legend		
1	Medical Unit	29
2	Segregation/Isolation (expandable to 120)	100
3	Orientation/Classification	175
3a	Re-use North Unit	60
3b	North Addition	60
3c	Remainder in 4c below	
4	General Population	125
4a	General Population 1	60
4b	General Population 2	60
4c	General Population East Unit	60
4d	General Population Program Unit	60
5	Re-use North Unit	



NORTH DAKOTA STATE PENITENTIARY / HYBRID PLAN DIAGRAM

Addressing Immediate and Future Needs of the North Dakota State Penitentiary and the Missouri River Correctional Center: Reusing the Existing Penitentiary

- Criminal Justice Institute (CJI) conducted the study and concluded that the preferred option is to reuse and expand the current North Dakota State Penitentiary (NDSP)
Purpose of the study was to develop a plan to meet the current and future needs of the NDSP and the Missouri River Correctional Center (MRCC).
- The CJI report confirms and identifies the following critical needs of the current NDSP
 1. Lack of appropriate health care facilities
 2. Lack of sufficient bed space for housing newly admitted inmates (orientation)
 3. Outmoded housing for difficult to manage inmates (administrative segregation)
 4. Outdated, inefficient, ill-suited large East Cellblock
 5. Insufficient number of general population beds to meet demand for projected increases in male inmates over the next ten years
- Three options considered for meeting current and future needs
 1. Reuse and expand the existing NDSP
 2. Construct a new prison on the existing NDSP site
 3. Construct a new prison on a new site (other than NDSP site)
- Conclusions regarding the three options
 1. Preferable to incorporate a new outside minimum security facility at NDSP site, rather than to continue to operate MRCC
 2. Total cost to reuse and expand NDSP is less than to construct a new facility to replace NDSP / MRCC
 3. Over time (20 years) it becomes less costly to operate a new facility than it is to operate a reused and expanded NDSP
 4. A reused and expanded NDSP has a slightly lower life cycle cost (20 year) than that of any of the new facility options considered
 5. Existing NDSP site is better suited than any of the other sites considered
 6. Insignificant differences between operational requirements of a reused and expanded NDSP and that of a new facility
 7. Reused and expanded NDSP would be easier to transition and activate and could be easily modified to address future demands and needs
- Recommendation -- Reuse and expand existing NDSP (relocate MRCC to NDSP site). Project to ultimately accommodate 1,000 inmates (1,085 beds).
 1. Least costly to implement.
 2. Will provide desired outcomes and much needed improvements. Addresses critical needs in a timely manner (medical facilities, administrative segregation, orientation and general housing deficiencies / East Cell house).
 3. Meets demand for additional beds in a timely manner
 4. Could be implemented in a phased approach, which offers the State flexibility in adapting to unexpected changes in the demand for inmate beds.
- Time is money
Expedited implementation will save on the total cost of the project

PRISON PLAN COMPARISON

This memorandum provides a comparison of correctional facility plans developed by Criminal Justice Institute, Inc. (CJI), to a hybrid plan being considered. The following schedule compares tasks to be completed in Phase 1 of the CJI plan to Phase 1 of the hybrid plan:

	CJI Phase 1	Hybrid Phase 1
New medical unit	Yes	Yes
New orientation/intake/classification	Yes	Yes
New general population housing	Yes ¹	Yes
New segregation/detention units	Yes	Yes
New entry area	Yes	Yes
Housing zone support	Yes ¹	No
Renovate central control	Yes	Yes
Renovate facility administration area	Yes	Yes
New visiting area	Yes	Yes
New laundry	No ²	No
Renovate food service	Yes ³	No
Expand education/program area	No ⁴	No
Expand industries	No ⁴	No
Renovate staff services	No ⁵	Yes
New outside warehouse	No ⁴	Yes
Replace or upgrade Missouri River Correctional Center	No ⁶	No
Abandon/demolish East Cellhouse	No ⁷	Yes

¹Additional general population housing and housing zone support will be added in Phase 2 of CJI's plan.

²A new laundry will be constructed in Phase 2 of CJI's plan.

³Additional food service space will be constructed in Phase 2 of CJI's plan.

⁴The education/program area, industries, and outside warehouse will be expanded in Phase 2 of CJI's plan.

⁵The staff services area will be renovated in Phase 2 of CJI's plan.

⁶The Missouri River Correctional Center will be relocated or upgraded in Phase 3 of CJI's plan.

⁷The East Cellhouse will be abandoned and demolished in Phase 2 of CJI's plan.

The following schedule provides information on estimated construction and renovation costs, new beds, and square feet for each component of Phase 1 of the CJI plan and Phase 1 of the hybrid plan:

	CJI Phase 1					Hybrid Phase 1				
	Estimated Cost	New Beds	Cost Per Bed	Square Feet	Cost Per Square Foot	Estimated Cost	New Beds	Cost Per Bed	Square Feet	Cost Per Square Foot
New construction										
Medical unit	\$5,201,000	29	\$179,345	17,935	\$290	\$5,201,087	29	\$179,348	17,935	\$290
Segregation/detention ¹	10,644,000	120	\$88,700	33,262	\$320	7,408,482	102	\$72,632	24,657	\$300
Orientation/intake/classification ²	7,601,000	112	\$67,866	29,452	\$258	8,891,960	175	\$50,811	35,146	\$253
General population ³	7,120,000	128	\$55,625	24,981	\$285	5,181,957	125	\$41,456	18,843	\$275
Warehouse	N/A					1,147,826			10,435	\$110
Visiting/entry ⁴	1,433,000			6,572	\$218	432,174			2,161	\$200
Housing zone support ⁵	2,664,000			10,655	\$250	N/A				
New construction costs	\$34,663,000					\$28,263,486				
Gross factor (15%)	5,199,450			18,429		4,239,523			16,377	
Subtotal	\$39,862,450					\$32,503,009				
Construction contingency	3,986,245					3,250,301				
Total new construction	\$43,848,695					\$35,753,310				
Major renovation/remodel ⁶	\$3,404,000			13,278	\$256	\$3,805,360			18,295	\$208
Relocate tower	N/A					305,760			130	\$2,352
Renovation contingency ⁷	680,800					411,112				
Site development ⁸	5,606,000					4,100,000				
Site contingency	560,600					410,000				
Project soft costs ⁹	10,820,019					8,957,108				
Total 2008 project costs	\$64,920,114					\$53,742,650				
Inflationary costs ¹⁰	16,016,897					13,258,311				
Total 2011 project costs	\$80,937,011	389	\$208,064	154,564	\$524	\$67,000,961	431	\$155,455	143,979	\$465

¹ The hybrid plan anticipates 102 segregation beds will be sufficient for the next 10 years. The hybrid plan allows for future expansion of the administrative segregation unit if necessary.

² The hybrid plan includes 50 "flex" beds in the orientation/intake/classification unit that could be used for general population housing if necessary.

³ The CJI plan includes a dayroom area, multipurpose program area, and storage areas. The hybrid plan uses existing areas for these purposes.

⁴ The CJI plan proposes a larger visiting/entry areas than the hybrid plan.

⁵ The CJI plan includes providing new housing zone support for the entire prison complex, which includes offices, interview rooms, zone storage, staff toilets, janitor closets, food staging areas, and hearing rooms. The hybrid plan continues to use existing housing zone support.

⁶ The CJI plan includes major renovation in Phase 1 for the facility administration building, central control, and food service areas. The hybrid plan includes renovation in Phase 1 for the first two floors of the facility administration building.

⁷The CJI plan includes 20 percent for renovation contingencies. The hybrid plan includes 10 percent for renovation contingencies.

⁸Site development for the hybrid plan include \$1.8 million for demolition of the East Cellhouse.

⁹Both plans include 20 percent for project soft costs.

¹⁰Both plans include an inflationary rate of approximately 24.67 percent (calculated from February 2008 to the midpoint of construction at September 2011, at 8 percent for 2008 and 2009 and 6 percent thereafter).

The design concept of CJI's correctional facility plan is attached as Appendix A.

The design concept of the hybrid plan is attached as Appendix B.

The hybrid plan's Phase 1 action plan is attached as Appendix C.

ATTACH:3

NORTH DAKOTA STATE PENITENTIARY PHASE I PROJECT

NDSP 1.3 First phase Standard

1.3 REUSE/EXPANSION PROJECT SCHEDULE		2009												2010												2011												2012											
		J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D					
Report to Committee	03-2008																																																
Legislative Action	03-2009																																																
Notice to Proceed	07-2009																																																
Design	12 month																																																
Bid and Award	2 month																																																
Construction	26 month																																																
Occupancy	1 month																																																

Existing Beds NDSP	562
Existing Beds MRCC	150
Total Beds	712

Existing Beds/end of Phase I

Unit	Beds
North Unit	67 Includes 4 special needs cells
South Unit	87
West Unit	120
Treatment Unit	60
MRCC	150
Overflow	42
Overflow DD	4
Overflow PC	2
Total	532

New Beds/ end of Phase I

Unit	Beds
AS/Det.	102
Orientation	175
Gen. Pop.	125
Medical	29
Total	431

Demo. Beds/end of Phase I

Unit	Beds
East Unit	160
AB/2nd Floor DD	7
AB/2nd Floor Observation	4
AB/2nd floor Infirmary	6
AB/Padded cell	1
AB/2nd floor Detention	2
Total	180

532 + 431 = 963 Beds at the end of Phase I

813 NDSP

150 MRCC

813 - 562 = 251 Additional beds at NDSP end of Phase I

Phase I Construction Schedule

Date	Timing of expenditures	Work
7/1/2009 to 12/31/2009	2%	RFQ, Design
1/1/2010 to 6/30/2010	3%	Design
7/1/2010 to 12/31/2010	10%	Complete design, advertise and award bids, c
1/1/2011 to 6/30/2011	25%	Construction
7/1/2011 to 12/31/2011	25%	Construction
1/1/2012 to 6/30/2012	20%	Construction
7/1/2012 to 12/31/2012	15%	Construction complete, occupancy

DOCR - NDSP Building Project
Estimated Receipts and Disbursements
For the Period 7/1/2009 thru 12/31/2012
As Submitted 10/29/08

Date	FUND 366					Bldg Project Disbursements - All Funds		
	Beginning	Bldg Project			Ending	Fund 366	General Fund	Total
	Balance	Royalties	Disbursements	Interest	Balance	Disbursements	Disbursements	Payments
June-09					42,794,736			
July-09	42,794,736	7,152	223,333	67,816	42,646,370	223,333	-	223,333
August-09	42,646,370	7,152	223,333	67,579	42,497,768	223,333	-	223,333
September-09	42,497,768	7,152	223,333	67,343	42,348,929	223,333	-	223,333
October-09	42,348,929	7,152	223,333	67,106	42,199,853	223,333	-	223,333
November-09	42,199,853	7,152	223,333	66,868	42,050,539	223,333	-	223,333
December-09	42,050,539	7,152	223,333	66,630	41,900,988	223,333	-	223,333
January-10	41,900,988	7,152	335,000	66,214	41,639,354	335,000	-	335,000
February-10	41,639,354	7,152	335,000	65,798	41,377,303	335,000	-	335,000
March-10	41,377,303	7,152	335,000	65,380	41,114,835	335,000	-	335,000
April-10	41,114,835	7,152	335,000	64,962	40,851,949	335,000	-	335,000
May-10	40,851,949	7,152	335,000	64,543	40,588,644	335,000	-	335,000
June-10	40,588,644	7,152	335,000	64,124	40,324,920	335,000	-	335,000
July-10	40,324,920	7,152	1,116,667	62,459	39,277,864	1,116,667	-	1,116,667
August-10	39,277,864	7,152	1,116,667	60,791	38,229,141	1,116,667	-	1,116,667
September-10	38,229,141	7,152	1,116,667	59,121	37,178,747	1,116,667	-	1,116,667
October-10	37,178,747	7,152	1,116,667	57,448	36,126,680	1,116,667	-	1,116,667
November-10	36,126,680	7,152	1,116,667	55,772	35,072,938	1,116,667	-	1,116,667
December-10	35,072,938	7,152	1,116,667	54,094	34,017,517	1,116,667	-	1,116,667
January-11	34,017,517	7,152	2,791,667	49,745	31,282,747	2,791,667	-	2,791,667
February-11	31,282,747	7,152	2,791,667	45,390	28,543,622	2,791,667	-	2,791,667
March-11	28,543,622	7,152	2,791,667	41,027	25,800,134	2,791,667	-	2,791,667
April-11	25,800,134	7,152	2,791,667	36,657	23,052,276	2,791,667	-	2,791,667
May-11	23,052,276	7,152	2,791,667	32,281	20,300,042	2,791,667	-	2,791,667
June-11	20,300,042	7,152	2,791,667	27,897	17,543,425	2,791,667	-	2,791,667
July-11	17,543,425	6,437	2,791,667	23,506	14,781,700	2,791,667	-	2,791,667
August-11	14,781,700	6,437	2,791,667	19,107	12,015,577	2,791,667	-	2,791,667
September-11	12,015,577	6,437	2,791,667	14,701	9,245,048	2,791,667	-	2,791,667
October-11	9,245,048	6,437	2,791,667	10,289	6,470,107	2,791,667	-	2,791,667
November-11	6,470,107	6,437	2,791,667	5,869	3,690,746	2,791,667	-	2,791,667
December-11	3,690,746	6,437	2,791,667	1,442	906,957	2,791,667	-	2,791,667
January-12	906,957	6,437	913,394	-	-	913,394	1,319,939	2,233,333
February-12	-	6,437	6,437	-	-	6,437	2,226,896	2,233,333
March-12	-	6,437	6,437	-	-	6,437	2,226,896	2,233,333
April-12	-	6,437	6,437	-	-	6,437	2,226,896	2,233,333
May-12	-	6,437	6,437	-	-	6,437	2,226,896	2,233,333
June-12	-	6,437	6,437	-	-	6,437	2,226,896	2,233,333
July-12	-	6,437	6,437	-	-	6,437	1,668,563	1,675,000
August-12	-	6,437	6,437	-	-	6,437	1,668,563	1,675,000
September-12	-	6,437	6,437	-	-	6,437	1,668,563	1,675,000
October-12	-	6,437	6,437	-	-	6,437	1,668,563	1,675,000
November-12	-	6,437	6,437	-	-	6,437	1,668,564	1,675,000
December-12	-	6,437	6,437	-	-	6,437	1,668,565	1,675,001
Total Estimated Payments						44,534,196	22,465,804	67,000,000
Total Exec. Recommendation						44,534,196	22,465,804	67,000,000
Difference						0	0	0.00

Assumptions: Fund 366 Interest Rate - 1.9%

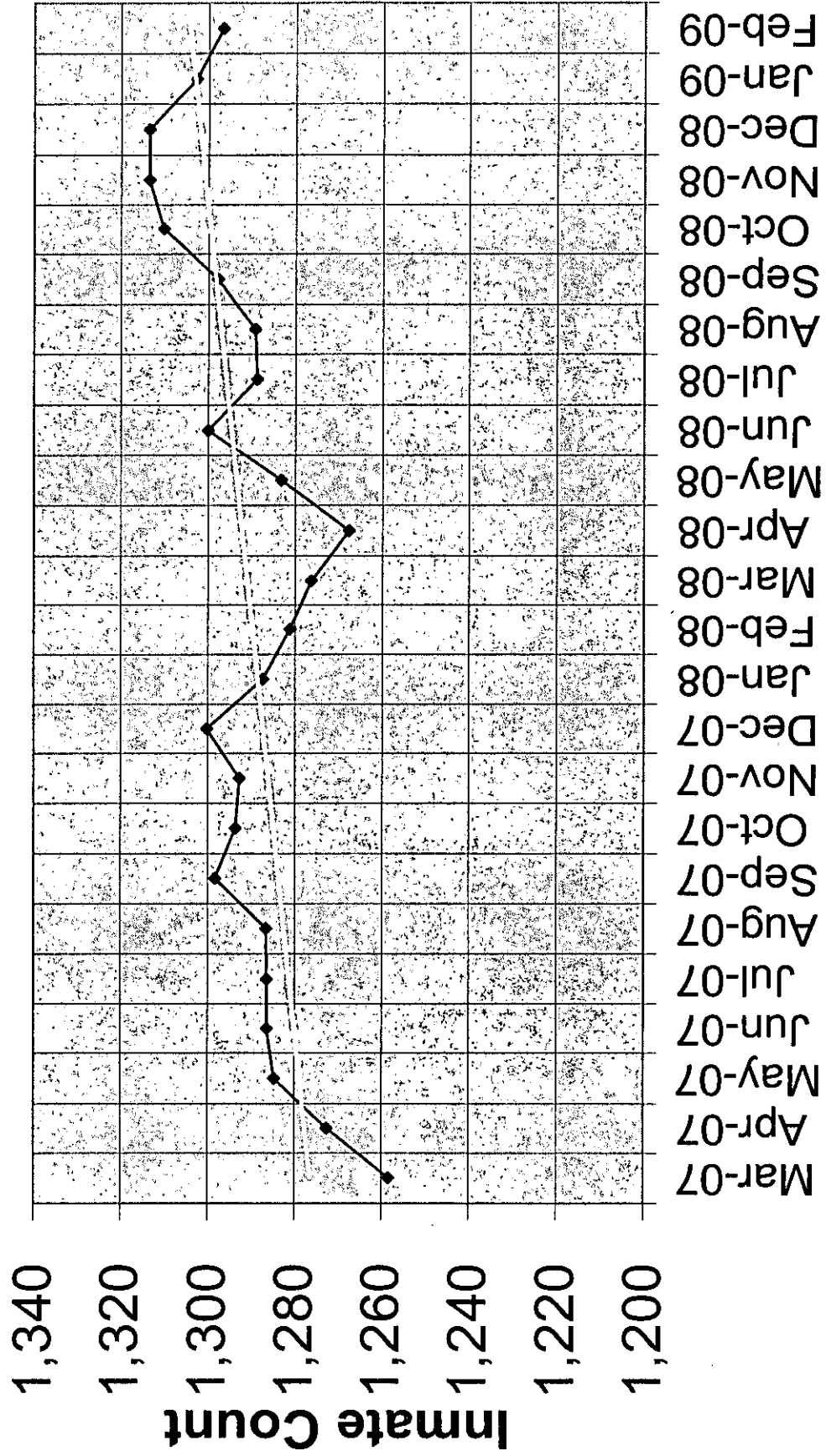
Total Estimated Receipts are Disbursements are Smoothed Throughout Life of Project

2009-2011 Royalty Revenue Estimated at 90% of Current 2007-2009 Monthly Average (thru June 2008)

2011-2013 Royalty Revenue Estimated at 90% of 2009-2011 Estimated Amount

(10)

Male Inmates





North Dakota State's Attorneys

ASSOCIATION

From: The North Dakota State's Attorneys Association
Date: March 2, 2009
Re: State Penitentiary Funding

The States' Attorneys Association appreciates and fully supports the legislative efforts to improve the criminal justice system regarding improvements to the State Penitentiary. The efforts of prosecutors, judges and law enforcement are certainly hampered without a well functioning State Pen.

The State's Attorneys Association fully supports SB 2030. The proposed renovation plans have developed from years of in-depth and bipartisan study. Failing to address this issue now, will only weaken our crime control efforts and increase the costs of addressing this issue in the future.

It is important to recognize that prosecutors do not take sentences to the State Pen lightly. Most defendants who are sentenced to the State Penn have either committed a significant crime or have ignored numerous attempts at community rehabilitation. It is for this reason that those who are sentenced to the State Pen should serve out their sentences as ordered. The renovation project with increased bed space should help accomplish this goal. Additionally, an improved facility provides a safer atmosphere for both the employees of the Pen and the inmates themselves.

The State's Attorneys Association welcomes further discussions on how the criminal justice system could or should be improved but improvements to the State Pen are a step in the right direction. If we can offer anymore assistance to this legislature we certainly welcome the opportunity. Once again thank you for your efforts in this area.

Richard Riha, President

Paul Murphy, Executive Director

909 Main Street • Carrington, ND 58421 • Ph: 701-652-1200 • Fax: 701-652-1269

D

DOCR Payments - County Jails / Regional Facilities			
7/1/2007 thru 1/31/2009			
DESCRIPTION	HOUSING	HOUSING & TREATMENT	TOTAL
BARNES COUNTY	59,880		59,880
GRAND FORKS COUNTY	193,180		193,180
LAKE REGION LAW ENFORCEMENT CE	384,420		384,420
MERCER COUNTY	2,760		2,760
NORTH CENTRAL CRRCTNL & REHAB	788,667	1,223,283	2,011,950
SOUTHWEST MULTI COUNTY CORRECT	168,419		168,419
STUTSMAN COUNTY	18,404		18,404
BURLEIGH COUNTY	6,720		6,720
CASS COUNTY	29,160		29,160
WARD COUNTY	1,600		1,600
WILLIAMS COUNTY	150		150
TOTAL	1,653,360	1,223,283	2,876,643

Phase I Bed Count Worksheet

Available beds pre Phase I construction

562	NDSP
150	MRCC
425	JRCC
1137	Total available beds pre Phase I construction

Available beds after Phase I

813	End of Phase One
150	MRCC
425	JRCC
1388	Total available beds after Phase I

431	Beds added in Phase I
180	Beds Demolished in Phase I
251	Beds, Net gain, Phase I

42	<i>Additional AS beds, Phase I, include in net gain number above</i>
60	<i>Additional Intake/ Orientation beds, Phase I, included in net gain number above</i>
19	<i>Additional Medical Unit bed, Phase I, included in net gain number above</i>
121	<i>Total additional special housing beds, Phase I See Note #1</i>
130	<i>Additional General population beds, Phase I</i>

Note #1 Beds that can not be occupied by general population inmates

8

Department of Corrections and Rehabilitation
Actual Average Female Inmate Population by Facility / Program
July 2007 - June 2009

Month	DWCRC ¹¹	TRCC ¹²	Transition / Community	County Jail	Interstate Compact ¹³	(a) Total Population	(b) 07-09 Est. Population	(a) - (b)
July-07	109	16	18	2	2	146	192	(46)
August-07	113	17	18	0	2	149	194	(44)
September-07	102	20	25	1	1	150	195	(46)
October-07	98	23	27	0	1	149	197	(48)
November-07	103	22	24	0	1	150	199	(49)
December-07	102	21	24	0	1	148	200	(53)
January-08	102	20	24	1	1	147	202	(55)
February-08	102	22	21	0	1	146	204	(58)
March-08	106	18	23	1	1	150	205	(55)
April-08	104	19	22	1	1	147	207	(59)
May-08	105	18	23	1	1	148	208	(60)
June-08	116	17	24	0	1	158	210	(52)
July-08	116	17	27	0	1	161	211	(50)
August-08	114	18	25	-	1	157	213	(56)
September-08	116	19	24	-	1	160	214	(55)
October-08	115	17	28	1	1	162	216	(54)
November-08	114	16	28	1	1	160	218	(57)
December-08	110	18	31	1	1	161	219	(58)
January-09	107	18	32	0	1	158	221	(63)
February-09	109	20	24	1	1	155	223	(68)
March-09								
April-09								
May-09								
June-09								
07-09 Bien Ave.	108	19	25	1	1	153	207	(54)

NOTE: February-09 figures are thru 2/21/09

¹¹ - Dakota Womens Correctional and Rehabilitation Center (count includes inmates on temporary leave status)

¹² - Tompkins Rehabilitative Correctional Center

¹³ - Inmates housed out-of-state with either Bureau of Prison or other States (Interstate Compact Agreement)

Department of Corrections and Rehabilitation
Actual Average Male Inmate Population by Facility / Program
July 2007 - June 2009

Month	NDSP 11	JRCC 12	MRCC 13	TRCC 14	MTP / BTC 15	NCCRC 16	County Jail	Out of State	Interstate Compact 17	(a) Total Population	(b) 07-09 Est. Population	(a) - (b)
July-07	504	402	144	53	75	14	77	-	17	1,286	1,263	23
August-07	496	395	143	54	86	21	75	-	17	1,286	1,267	19
September-07	503	409	141	49	89	25	66	-	17	1,298	1,271	27
October-07	510	410	136	48	91	27	54	-	17	1,294	1,275	19
November-07	507	409	143	51	95	28	41	-	18	1,293	1,279	14
December-07	510	410	147	50	93	27	44	-	18	1,300	1,283	17
January-08	505	407	139	49	94	25	50	-	18	1,287	1,286	1
February-08	509	406	139	49	97	25	37	-	19	1,281	1,290	(9)
March-08	511	412	140	46	95	24	31	-	19	1,276	1,294	(18)
April-08	502	415	143	50	91	25	26	-	17	1,268	1,298	(30)
May-08	519	412	144	46	92	23	29	-	17	1,283	1,302	(19)
June-08	505	414	147	52	99	24	41	-	18	1,300	1,306	(6)
July-08	506	404	142	53	98	24	42	-	20	1,289	1,308	(19)
August-08	517	413	144	51	92	23	31	-	20	1,289	1,312	(23)
September-08	521	412	146	49	98	23	29	-	20	1,298	1,316	(18)
October-08	520	414	141	52	92	24	47	-	20	1,310	1,320	(10)
November-08	517	412	144	52	94	24	50	-	20	1,314	1,324	(11)
December-08	500	410	149	54	90	23	68	-	20	1,314	1,328	(14)
January-09	503	412	146	48	87	23	63	-	20	1,303	1,331	(28)
February-09	511	413	144	48	84	25	53	-	20	1,297	1,335	(38)
March-09												
April-09												
May-09												
June-09												
07-09 Bien Ave.	509	410	143	50	92	24	48	-	19	1,293	1,299	(6)

NOTE: February-09 figures are thru 2/21/09

- 11 - North Dakota State Penitentiary (count includes inmates on temporary leave status and juveniles sentenced as adults being held at YCC)
- 12 - James River Correctional Center (count includes inmates on temporary leave status)
- 13 - Missouri River Correctional Center
- 14 - Tompkins Rehabilitative Correctional Center
- 15 - Bismarck Transition Center / Male Transition Program
- 16 - North Central Correctional and Rehabilitation Center
- 17 - Inmates housed out-of-state with either Bureau of Prison or other States

C

Snapshot, Housing assignment, 2/27/2009

NDSP

Unit	Count	Available Beds
Administrative Segregation	51	60
West Unit	58	60
East Unit	145	160
South Unit	87	87
Treatment Unit	59	60
Overflow Unit	39	48
North Unit/Orientation	53	67
Infirmery/Observation	10	20
Temp/leave *	9	
Total	511	562

MRCC

Unit	Count	Available Beds
Dorm Unit	139	150
Total	139	150

JRCC

Unit	Count	Available Beds
SAU	20	20
ET 2	86	90
ET 3	90	90
ET 4	89	90
ET 5	87	90
ET 6	39	39
JRCC Infirmery	6	6
JRCC Temp/Leave *	1	
Total	418	425
	1068	1137

* Medical, Funeral, Court

April 2009

PRISON PLAN COMPARISON

The following schedule provides information on estimated construction and renovation costs, new beds, and square feet for each component of Phase 1 of the Criminal Justice Institute (CJI) plan and the House version of the hybrid plan, including the relocation of the Missouri River Correctional Center (MRCC):

	CJI Phase 1					Hybrid Plan - House Version				
	Estimated Cost	New Beds	Cost Per Bed	Square Feet	Cost Per Square Foot	Estimated Cost	New Beds	Cost Per Bed	Square Feet	Cost Per Square Foot
New construction										
Medical unit	\$5,201,000	29	\$179,345	17,935	\$290	\$5,201,087	29	\$179,348	17,935	\$290
Segregation/detention ¹	10,644,000	120	\$88,700	33,262	\$320	7,408,482	102	\$72,632	24,657	\$300
Orientation/intake/classification ²	7,601,000	112	\$67,866	29,452	\$258	8,891,960	175	\$50,811	35,146	\$253
General population ³	7,120,000	128	\$55,625	24,981	\$285	5,181,957	125	\$41,456	18,843	\$275
Warehouse	N/A					1,147,826			10,435	\$110
Visiting/entry ⁴	1,433,000			6,572	\$218	432,174			2,161	\$200
Housing zone support ⁵	2,664,000			10,655	\$250					
New construction costs	\$34,663,000					\$28,263,486				
Gross factor (15%)	5,199,450			18,429		4,239,523			16,377	
Subtotal	\$39,862,450					\$32,503,009				
Construction contingency	3,986,245									
Total new construction	\$43,848,695					\$32,503,009				
Major renovation/remodel ⁶	\$3,404,000			13,278	\$256	\$3,805,360			18,295	\$208
Relocate tower	N/A					305,760			130	\$2,352
Renovation contingency ⁷	680,800									
Site development ⁸	5,606,000					4,100,000				
Site contingency	560,600									
Project soft costs ⁹	10,820,019									
Contingency and soft costs ¹⁰						8,142,826				
Total 2008 project costs	\$64,920,114					\$48,856,955				
Inflationary costs ¹¹	16,016,897					12,688,737				
2011 Penitentiary renovation project costs	\$80,937,011	389	\$208,064	154,564	\$524	\$61,545,692	431	\$142,797	143,979	\$427
Missouri River Correctional Center:										
Minimum security housing	\$5,660,000	144	\$39,306	24,608	\$230	\$3,454,239	144	\$23,988	19,565	\$177
Housing support	2,946,000			14,028	\$210	2,947,826			17,391	\$170
Industries	3,921,000			25,296	\$155	1,166,087			13,044	\$89
New construction costs	\$12,527,000	144	\$86,993	63,932	\$196	\$7,568,152	144	\$52,557	50,000	\$151
Gross factor (15%)	1,879,050			9,590		1,135,223			7,500	
Construction contingency (10%)	1,440,605					870,337				

	CJI Phase 1					Hybrid Plan - House Version				
	Estimated Cost	New Beds	Cost Per Bed	Square Feet	Cost Per Square Foot	Estimated Cost	New Beds	Cost Per Bed	Square Feet	Cost Per Square Foot
Location factor (15%)						(1,436,057)				
Project soft costs ¹²	3,169,345					1,383,401				
Total building project costs	\$19,016,000	144	\$132,056	73,522	\$259	\$9,521,056	144	\$66,118	57,500	\$166
Inflationary costs ¹³	7,828,887					1,142,526				
Site work ¹⁴						931,597				
Total MRCC relocation costs	\$26,844,887	144	\$186,423	73,522	\$365	\$11,595,179	144	\$80,522	57,500	\$202
Total Penitentiary renovation and MRCC relocation costs	\$107,781,898	533	\$202,217	228,086	\$473	\$73,140,871	575	\$127,202	201,479	\$363

¹The hybrid plan anticipates 102 segregation beds will be sufficient for the next 10 years. The hybrid plan allows for future expansion of the administrative segregation unit, if necessary.

²The hybrid plan includes 50 "flex" beds in the orientation/intake/classification unit that could be used for general population housing, if necessary.

³The CJI plan includes a dayroom area, multipurpose program area, and storage areas. The hybrid plan uses existing areas for these purposes.

⁴The CJI plan proposes a larger visiting/entry area than the hybrid plan.

⁵The CJI plan includes providing new housing zone support for the entire prison complex, which includes offices, interview rooms, zone storage, staff toilets, janitor closets, food staging areas, and hearing rooms. The hybrid plan continues to use existing housing zone support.

⁶The CJI plan includes major renovation in Phase 1 for the facility administration building, central control, and food service areas. The hybrid plan includes renovation in Phase 1 for the first two floors of the facility administration building.

⁷The CJI plan includes 20 percent for renovation contingencies.

⁸Site development for the hybrid plan includes \$1.8 million for demolition of the East Cellhouse.

⁹The CJI plan includes 20 percent for project soft costs.

¹⁰The hybrid plan includes 20 percent of total construction and renovation costs for contingencies and soft costs.

¹¹The CJI plan includes an inflationary rate of approximately 24.67 percent (calculated from February 2008 to the midpoint of construction in September 2011, at 8 percent for 2008 and 2009 and 6 percent thereafter). The hybrid plan includes an inflationary rate of approximately 25.9 percent (calculated as 8 percent for 2008, 2009, and 2010).

¹²The CJI plan includes 20 percent and the hybrid plan includes 17 percent for project soft costs.

¹³The CJI plan includes approximately 41.17 percent inflationary costs to reflect 2015 costs; the hybrid plan includes 12 percent inflationary costs to reflect 2011 costs.

¹⁴Site development costs for the CJI plan are included in the costs for Phase 1 of the Penitentiary renovation project. Site development costs for the hybrid plan include 8 percent for engineering fees and inflationary costs of 6 percent to reflect 2010 costs.

North Dakota Department of Corrections and Rehabilitation
2009 - 2011 Est. Male Inmate Population

Date	Estimated Average Inmate Population	Traditional Prison Beds		Nontraditional Prison Beds		North Dakota County / Regional Jails	Total
		DOCR Facilities ¹	Interstate Compact ²	Contract Treatment ³	Transition ⁴		
July-09	1,329	1,061	17	75	128	48	1,329
August-09	1,331	1,061	17	75	128	50	1,331
September-09	1,333	1,061	17	75	128	52	1,333
October-09	1,336	1,061	17	75	128	55	1,336
November-09	1,338	1,061	17	75	128	57	1,338
December-09	1,340	1,061	17	75	128	59	1,340
January-10	1,342	1,061	17	75	128	61	1,342
February-10	1,344	1,061	17	75	128	63	1,344
March-10	1,347	1,061	17	75	128	66	1,347
April-10	1,349	1,061	17	75	128	68	1,349
May-10	1,351	1,061	17	75	128	70	1,351
June-10	1,353	1,061	17	75	128	72	1,353
July-10	1,355	1,061	17	75	128	74	1,355
August-10	1,358	1,061	17	75	128	77	1,358
September-10	1,360	1,061	17	75	128	79	1,360
October-10	1,362	1,061	17	75	128	81	1,362
November-10	1,364	1,061	17	75	128	83	1,364
December-10	1,367	1,061	17	75	128	86	1,367
January-11	1,369	1,061	17	75	128	88	1,369
February-11	1,371	1,061	17	75	128	90	1,371
March-11	1,373	1,061	17	75	128	92	1,373
April-11	1,375	1,061	17	75	128	94	1,375
May-11	1,378	1,061	17	75	128	97	1,378
June-11	1,380	1,061	17	75	128	99	1,380
09-11 Estimated Total Average	1,354	1,061	17	75	128	73	1,354

NOTES:

¹ - DOCR facilities consist of ND State Penitentiary (NDSP), James River Correctional Center (JRCC), and Missouri River Correctional Center (MRCC). The estimated average number of male inmates housed at each facility is as follows: NDSP - 508, JRCC - 410, MRCC - 143

² - Male inmates housed either out-of-state with the Bureau of Prisons or with other states on an even exchange basis.

³ - Contract treatment currently provided by two entities. The North Dakota State Hospital operates the Tompkins Rehabilitation and Corrections Center (TRCC) which accounts for 50 male inmate beds. The North Central Corrections and Rehabilitation Center (NCCRC) located in Rugby operates a treatment program that accounts for 25 male inmate beds.

⁴ - Transition services are currently provided by two entities. Community, Counseling, and Correctional Services, Inc. (CCCS) operates the Bismarck Transition Center (BTC) which accounts for 88 male inmate beds. Centre, Inc. operates a male transition program in Fargo, ND that accounts for 40 male inmate beds.

North Dakota Department of Corrections and Rehabilitation
2009 - 2011 Est. Female Inmate Population

Date	Estimated Average Inmate Population	Interstate Compact	Traditional Beds	— Nontraditional Beds —		North Dakota County / Regional Jails	Total
			DWCRC ¹	Contract Treatment ²	Transition ³		
July-09	161	1	114	21	24	1	161
August-09	161	1	114	21	24	1	161
September-09	161	1	114	21	24	1	161
October-09	161	1	114	21	24	1	161
November-09	162	1	114	21	25	1	162
December-09	162	1	114	21	25	1	162
January-10	162	1	114	21	25	1	162
February-10	163	1	115	21	25	1	163
March-10	163	1	115	21	25	1	163
April-10	163	1	115	21	25	1	163
May-10	163	1	115	21	25	1	163
June-10	164	1	116	21	25	1	164
July-10	164	1	116	21	25	1	164
August-10	164	1	116	21	25	1	164
September-10	165	1	116	21	25	1	165
October-10	165	1	116	21	25	1	165
November-10	165	1	116	21	25	1	165
December-10	165	1	116	21	25	1	165
January-11	166	1	117	22	25	1	166
February-11	166	1	117	22	25	1	166
March-11	166	1	117	22	25	1	166
April-11	167	1	118	22	25	1	167
May-11	167	1	118	22	25	1	167
June-11	167	1	118	22	25	1	167
09-11 Estimated Total Average	164	1	116	21	25	1	164

NOTES:

¹ - Dakota Women's Correctional and Rehabilitation Center (DWCRC) located in New England, ND. Facility is owned and operated by Southwest Multi County Correctional Center (SWMCCC)

² - Contract treatment currently provided by the North Dakota State Hospital which operates the Tompkins Rehabilitation and Corrections Center (TRCC).

³ - Transition services currently provided by Centre, Inc. which operates female transition programs in Fargo, ND and Bismarck, ND.

Employees by Quartile - Selected Agencies

