

Introduced by

Legislative Council

(Correctional Facility Review Committee)

1 A BILL for an Act providing an appropriation to the department of corrections and rehabilitation
2 for the renovation and expansion project at the state penitentiary; to provide for a prison
3 construction review committee; to provide legislative intent; to provide for a legislative council
4 study; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. APPROPRIATION.** There is appropriated out of any moneys in the
7 general fund in the state treasury, not otherwise appropriated, the sum of \$28,465,804, or so
8 much of the sum as may be necessary, and from the state penitentiary land fund, the sum of
9 \$44,534,196, or so much of the sum as may be necessary, to the department of corrections
10 and rehabilitation, for the purpose of completing the renovation and expansion of the state
11 penitentiary project, including replacement of the east cellhouse and construction of new health
12 services, reception and entry, segregation housing, central control facilities, the secondary road
13 project, and relocation of the Missouri River correctional facility, for the period beginning with
14 the effective date of this Act and ending June 30, 2011.

15 **SECTION 2. PRISON CONSTRUCTION REVIEW COMMITTEE - DUTIES.** The
16 legislative council shall appoint a five-member prison construction review committee to receive
17 and review information relating to the prison construction project beginning with the effective
18 date of this Act and ending June 30, 2011. The committee shall monitor the status of the
19 project to determine that the department of corrections and rehabilitation does not significantly
20 change or expand the penitentiary expansion and renovation project beyond what was
21 approved by the sixty-first legislative assembly unless the legislative assembly, or the budget
22 section of the legislative council, if the legislative assembly is not in session, approves the
23 change or expansion of the project, or any additional expenditures for the project. The

1 committee shall operate according to the rules and procedures governing the operation of other
2 legislative council committees.

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

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

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

16 **SECTION 6. LEGISLATIVE COUNCIL STUDY - USE OF MISSOURI RIVER**
17 **CORRECTIONAL CENTER LAND.** During the 2009-10 interim, the legislative council shall
18 consider studying possible future uses of the existing Missouri River correctional center land.
19 The study must include consideration of the best marketing methods to use for each possible
20 land use identified. The legislative council shall report its findings and recommendations,
21 together with any legislation required to implement the recommendations, to the sixty-second
22 legislative assembly.

23 **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.