

PUBLIC ACCESS AND USE OF REAL PROPERTY OWNED BY THE STATE OF NORTH DAKOTA - BACKGROUND MEMORANDUM

Section 15 of Senate Bill No. 2019 (2019) ([Appendix A](#)) directs the Legislative Management to study the public access and use of real property located between the Missouri River and the Missouri River Correctional Center (MRCC), owned by the State of North Dakota, under the control of the Department of Corrections and Rehabilitation (DOCR), and the impact of transferring the property to the Parks and Recreation Department. The Legislative Management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the 67th Legislative Assembly. The study has been assigned to the Government Finance Committee.

MISSOURI RIVER CORRECTIONAL CENTER BACKGROUND INFORMATION

The Missouri River Correctional Center population includes inmates that meet the criteria for minimum custody. The inmates may include those convicted of violent offenses or sex offenses. The center is the only option for transition housing for this portion of the population. While there is no fence around the property, MRCC provides a safe and secure environment by maintaining proper custody, work, education, and treatment programs, encouraging inmates to make the needed change to be law-abiding citizens and productive members of society. Roughrider Industries operates a welding shop, sheep pasture, and sandbagging operation at MRCC, providing jobs for inmates and revenue for DOCR.

The Missouri River Correctional Center is located south of Bismarck on approximately 900 acres of land along the Missouri River. The center's facilities are located in the center of the site, with access from south Washington Street off 48th Avenue southwest. Outside of the property boundary, to the north is rural residential, to the west is a small unutilized state-owned park property, to the south is the Missouri River, and to the east is more rural residential and General Sibley Park. Within the site, to the north and west is 413 acres of heavy wooded land and pastures for raising sheep, a 2-acre garden to grow produce, and space to allow for sandbagging. To the south is 306 acres of agricultural land, including 3 irrigation pivots and a well that is currently leased to a local farmer. The area housing MRCC facilities consists of approximately 100 acres of land. The site helps support the mission of MRCC by allowing its inmates to use the grounds not only for recreation, but also for vocation. Roughrider Industries employs inmates in their onsite welding shop as well as a sandbagging operation. Inmates also work clearing the woods, growing produce in the garden, and tending to the sheep in the pasture land.

The white dashed line on the two site maps below identifies the land owned by MRCC.





LEGISLATIVE HISTORY OF MISSOURI RIVER CORRECTIONAL CENTER LAND USE 2013

The Legislative Assembly, in Section 4 of Senate Bill No. 2015 (2013), required DOCR in conjunction with the Office of Management and Budget to develop options for the feasibility and desirability of relocating MRCC and for a land use study, during the 2013-15 biennium. The section also provided that DOCR may use up to \$50,000 to contract for a land use study of the MRCC site. The section provided that the study must review options to develop all or a portion of the current site into a day park and options to continue agriculture activities on the current site and the study could not include options to develop the land for residential, commercial, or industrial purposes.

During the 2013-14 interim, DOCR presented information ([Appendix B](#)) to the Legislative Management's Government Services Committee regarding the MRCC land use and planning study, including the department's plan regarding the relocation of MRCC. Three potential park concepts were developed to study the possibility of reallocating the MRCC site to a public day park. Each option includes a primary park building for visitors, a paved road network to access the various parts of the park, a hierarchy network of trails providing visitors with options to walk, run, bike, hike, and cross-country ski in the winter, a recreational waterway offering backwater conditions ideal for canoeing, kayaking, and beachfront swimming. Each option also maintains nearly all the irrigated agricultural land providing continued revenue to DOCR. Concepts A and B would require MRCC to be relocated, while concept C could allow MRCC to remain in operation on the northern portion of the site and the southern portion to be used for a public day park with the leased agricultural land acting as a natural buffer between the two. Public opinion, based on public input meetings and correspondence received from local citizens, was in favor of using all or a portion of the MRCC site for a public day park. The three maps below identify the three different park concepts.

**Park Concept A****Park Concept B****Park Concept C**

The study concluded that the existing MRCC land is well suited for a public day park, and that there are opportunities for both full utilization of the site and partial utilization that would allow MRCC to occupy a portion of the site. However, the study concluded that while it may be physically feasible to relocate MRCC to a site adjacent to the Youth Correctional Center and maintain adequate sight and sound separation, it is not desirable due to the significant risk associated with maintaining strict physical separation of two distinct populations located in close proximity to each other.

2015

The Legislative Assembly, in Section 4 of Senate Bill No. 2020 (2015), provided a grant of \$1 million from the resources trust fund from the State Water Commission to the Parks and Recreation Department for developing recreation opportunities on sovereign lands in the state.

During the 2015-17 biennium, through an executive order from Governor Dalrymple, DOCR transferred the land identified as "Park Concept C" to the Parks and Recreation Department for development into a park. During that time, DOCR contracted with Houston Engineering Inc. to conduct an analysis of road access options ([Appendix C](#)) to support "Park Concept C." In 2017 an executive order from Governor Burgum transferred the land back to DOCR and no further action was taken to develop the land identified as "Park Concept C" as a state park.

2017

The 2017 Legislative Assembly appropriated the \$1 million received from the State Water Commission during the 2015-17 biennium to the Parks and Recreation Department for developing recreation opportunities on sovereign lands in the state. The Legislative Assembly, in Section 5 of House Bill No. 1019 (2017), provided a \$500,000 grant from the \$1 million appropriated for sovereign lands for defraying the expenses of the Double Ditch Historic Site repairs of the State Historical Society and identified up to \$500,000 for developing recreation opportunities on sovereign lands in the state.

2019

The Legislative Assembly, in Section 8 of Senate Bill No. 2019 (2019), authorized the Parks and Recreation Department to carry over \$500,000 of funds appropriated during the 2017-19 biennium for developing recreation opportunities on sovereign lands into the 2019-21 biennium. The Legislative Assembly, in Section 9 of the bill, provided a grant of \$250,000 from the remaining \$500,000 of funds carried over for developing recreation opportunities on sovereign lands to a nonprofit organization for the development of a community event space and visitor center in an area previously affected by river flooding.

PROPOSED STUDY PLAN

The following is a proposed study plan for the committee's consideration:

1. Review past MRCC land use studies and conclusions.
2. Receive information from DOCR and the Parks and Recreation Department, from each agency's perspective, on the feasibility and desirability of transferring MRCC land for use by the public.
3. Receive information from the Parks and Recreation Department regarding its ability to establish a public use park on MRCC property and its ability to maintain the property in accordance with state statutes.
4. Receive information from DOCR regarding security risks related to public use of land around MRCC and a plan to mitigate those risks along with potential costs necessary to implement the mitigation plan.

5. Develop recommendations and any necessary legislation to implement the recommendations.
6. Prepare a final report for presentation to the Legislative Management.

ATTACH:3