

2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HCR 3002

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HCR 3002
1/8/2021

Recognizing the memo of understanding and option to acquire land entered by the Dept. of Corrections and Rehab by and through the State Pen and the Missouri River Correctional Center and the Parks and Rec Dept.

09:00 **Chairman Kasper** brought the meeting to order. Members present: Chairman Kasper, Vice Chairman Koppelman, Representatives Hoverson, Karis, Louser, Magrum, Ostlie, Rohr, Schauer, Steiner, Stemen, Vetter, Anderson, Schneider.

Discussion Topics:

- Short recent history of the Missouri River
- Missouri River Correctional Center (MRCC) property

09:02 **Senator Sorvaag** testified in support of the bill. Testimony #299.

09:19 **Jolene Rieck, Chief of Planning and Programs, ND Parks and Recreation** testified in support of the bill. Testimony #270.

09:32 **Rick Gardner, Director, Rough Rider Industries (RRI)** testified in support of the bill. Testimony #263.

09:38 **Chairman Kasper** adjourned the meeting.

Sheri Lewis, Committee Clerk for

Carmen Hart, Committee Clerk

January 8, 2021

Chairman Kasper & House Government and Veterans Affairs Committee

House Concurrent Resolution 3002

Government Finance Interim Committee was charged with studying public access and use of real property located between the Missouri River and the Missouri River Correctional Center (MRCC).

Short recent history of the MRCC property.

During the 2013-14 interim the Government Services Committee was charged with studying facility use of MRCC and moving it to near the Youth Correctional Center, and study's found that would not be very workable, and was concluded that the MRCC should remain at its present location.

2015 after the Legislature decided not to have the Park Department establish a Day Park on part of the property. Then after the end of the 2015 session the Governor issued a Executive Order to transfer the property to the Parks and establish a Day Park at this location, which was essentially establishing a State Park by Executive Order. With the Budget issues of 2015-16 this never came about.

2017 our present Governor transferred the property back to the Corrections, where it sits today.

2019 there was amendment to the Park budget to establish the Day Park again, which both the Present Park Department and Correction were opposed to. This was changed into a study, which was assigned to the interim Government Finance Committee. Which has brought forward this resolution.

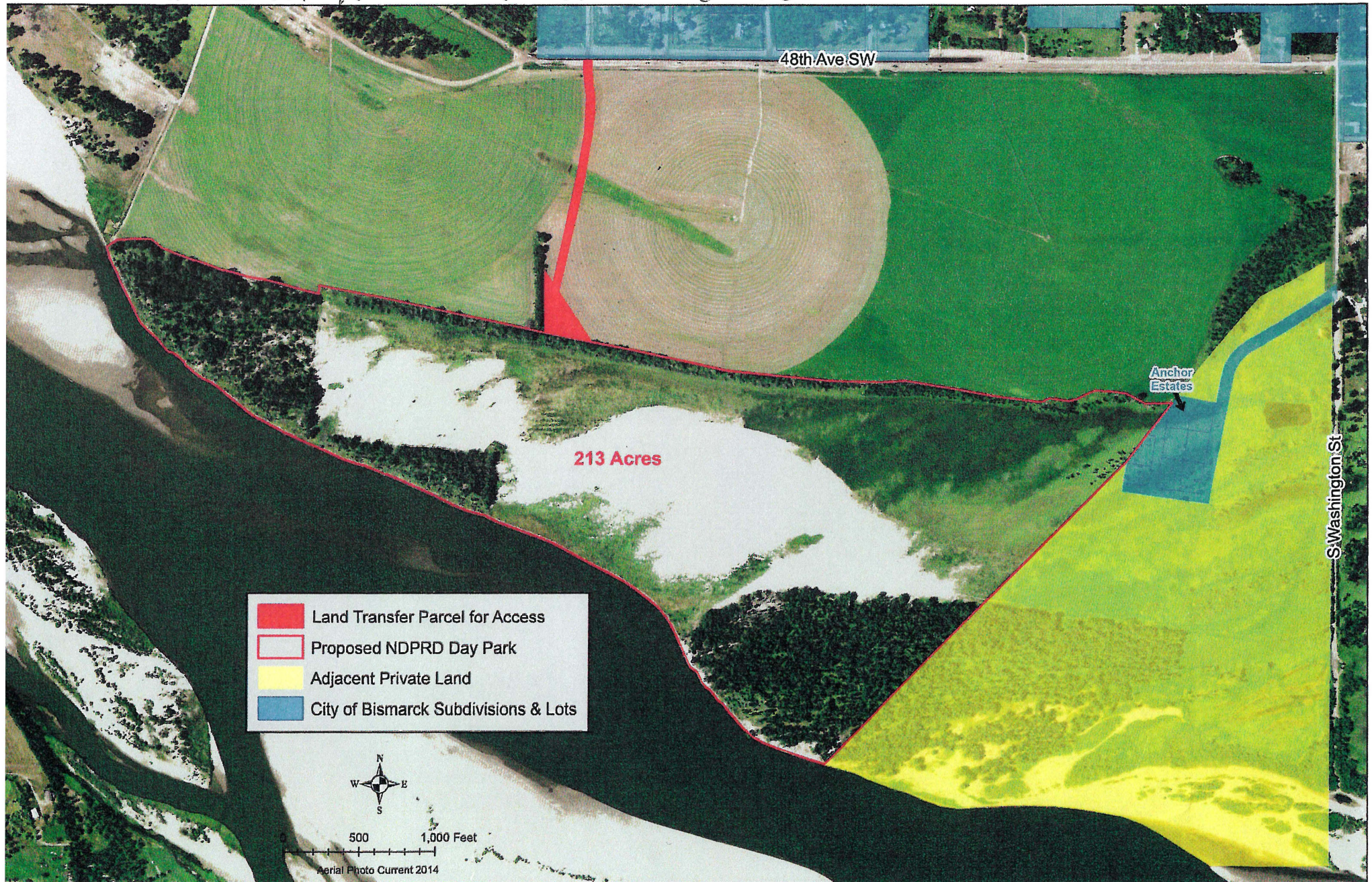
Parks Department which has a option to receive the whole property if the Corrections which discontinue to operate at the MRCC location. It is not buying or selling just transferring.

The resolution States that the intent of the Legislature is that they must first receive approval of the Legislature to develop this property to a Park.

Sen. Ronald Sorvaag

District 45

*Missouri River Corrections Location



HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

Representative Jim Kasper, Chair

January 8, 2021

North Dakota Department of Parks and Recreation

Jolene Rieck, PLA, Chief of Planning and Programs

**Presenting Testimony in support of House Concurrent
Resolution No. 3002**

Chairman Kasper and members of the committee:

I am Jolene Rieck, the Chief of Planning and Programs for the State of North Dakota, Department of Parks and Recreation and I am testifying on behalf of the Department in support of House Concurrent Resolution 3002.

The evaluation for the public access and use of real property owned by the State of North Dakota commenced in 2009 after an ice jam flooded the Missouri River Correctional Center (MRCC) property that caused residents to be evacuated. Consideration was being given to relocating the MRCC that coincided with public efforts for "Penitentiary Park." Bills were introduced in both the 2011 and 2013 legislative session to relocate the MRCC to a different location, but neither passed. In 2013, an appropriation to study the issue does pass.

In 2015, the North Dakota Parks and Recreation Department received a one-time appropriation at the Director's discretion, which was used for planning purposes for the Missouri River Day Use Park. The plan identified almost 200 acres of a highly developed day park with a conceptual cost estimate of \$6.75 million dollars in 2015. The study concluded that the existing MRCC land is well suited for a public day park, it is not desirable due to the significant risk associated with maintaining strict physical separation of two distinct populations located in proximity to each other.

In 2016, 240 acres of land was transferred via executive order from the Department of Corrections and Rehabilitation (DOCR) to the Department of Parks and Recreation (NDPRD). In 2017, NDPRD received an appropriation for developing recreation opportunities on sovereign lands in the state but noted that almost all the \$500,000 appropriation would have been used to build a road with

no funds for development, maintenance or to provide a staffing presence at the site.

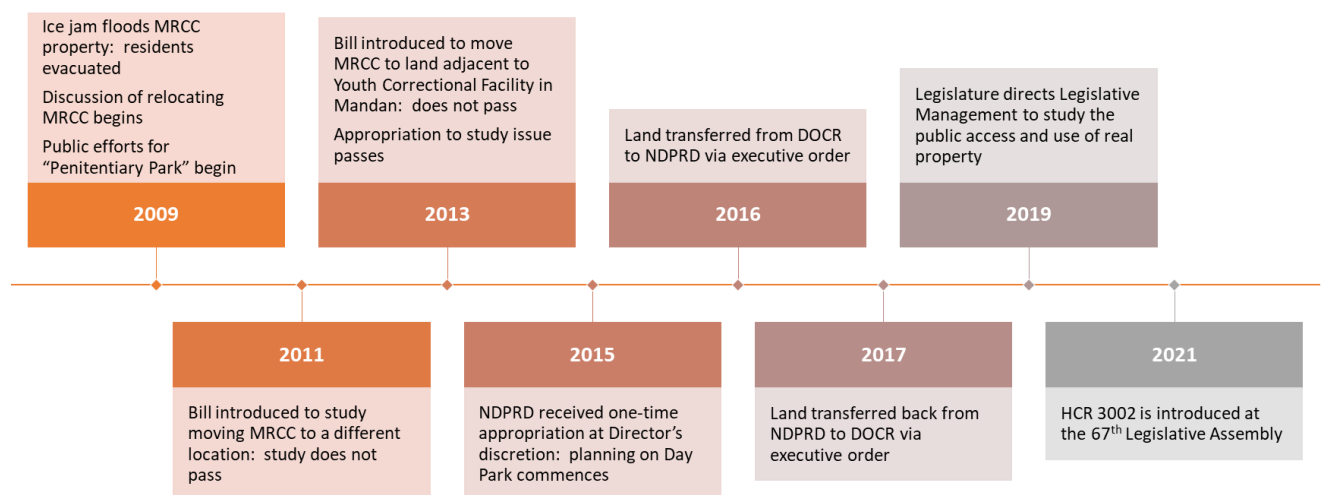
Without the relocation of the MRCC, the feasibility of developing a park utilizing partial acreage was less than desirable at that time. In 2017, the land was transferred back to DOCR from NDPRD, and a Memorandum of Understanding was executed between the two departments, providing the Parks and Recreation Department would have the first option to purchase the land previously transferred if the MRCC site ceases operations or relocates.

Meanwhile, General Sibley Park is adjacent to the property and contains campsites, multi-use trails, a small watercraft launch, picnic areas, playgrounds and equipment rentals. That park is managed by the Bismarck Parks and Recreation District.

The Memorandum of Understanding provides an ideal solution to preserve the full opportunity for future public use of the state-owned property without encumbering current resources.

Mr. Chairman, the Department of Parks and Recreation supports House Concurrent Resolution 3002.

Mr. Chairman, I would be happy to stand for any questions. Thank you.



**HOUSE GOVERNMENT AND VETERANS AFFAIR COMMITTEE
REPRESENTATIVE JIM KASPER, CHAIR
JANUARY 8, 2021**

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
RICK GARDNER, DIRECTOR, ROUGH RIDER INDUSTRIES
PRESENTING TESTIMONY IN SUPPORT OF HOUSE CONCURRENT RESOLUTION
3002**

Good morning, Chairman Kasper and members of the House Government and Veterans Affairs Committee. My name is Rick Gardner and I am the Director of Rough Rider Industries (RRI). I am here on behalf of the North Dakota Department of Corrections and Rehabilitation (DOCOR) to provide testimony in support of House Concurrent Resolution 3002.

The Missouri River Correction Center (MRCC) is a minimum-security prison that lies on approximately 800 acres of land and has housed up to 191 individuals. The MRCC is an open campus correctional center with no fences or barriers surrounding it. Male adults may reside at MRCC when they have 42 months or less on their sentence, classified as minimum custody, and approved by the Warden of Transitional Facilities. A variety of programs are provided to the individuals to include drug and alcohol treatment, education, work release, and on-site employment to include Roughrider Industries (RRI). RRI provides several work programs on the MRCC property including a welding shop, land and herd management, fencing crew, and sandbag filling operation.

Within this property are 304 acres of cropland of which 260 acres are irrigated and 44 acres dry. RRI has invested over \$300,000 into a pivot style irrigation system and well

site. The cropland is currently leased at a rate \$290 per acre and generates \$88,160 in annual revenue to the department. The entire cropland area is located on the southwest side of 48th Avenue Southwest and lies within the natural flood plain.

Southwest of the cropland area lies an additional 213 acres of land which was the proposed site for the North Dakota Park and Recreation Department Day Park. During 2011, this area experienced heavy flooding and ten feet of sand was deposited over the entire area. Prior to the 2011, this area was used as hay ground and did experience seasonal flooding. Today, the tree-lined areas along the riverbank are part of a lease with North Dakota State University Hettinger Research Extension Center on a grazing research project. Approximately 400-500 sheep are pastured on 279 acres of land surrounding the MRCC campus area. This lease generates \$4,058 in annual revenue to the DOCR and helps control weed populations in the area such as leafy spurge. In addition, through an agreement with the North Dakota Game and Fish Department, this area is also part of an experimental archery hunting season for deer, turkey, and waterfowl. Twenty-five lottery-hunting permits are made available to the public each year; however, the program was suspended in 2020 due to the COVID-19 pandemic.

Along the riverbank on the Northeast corner and just outside of the boundary of the proposed Day Park site is RRI's sandbag filling operation. The bags are filled with sand that has been deposited by the flood and wind. These sandbags are used on roadway construction projects and during the 2020 construction season, 56,000 sandbags were produced and dispersed throughout the state.



Mr. Chairman, the DOCR and RRI fully support House Concurrent Resolution 3002. Mr. Chairman, I would be happy to answer any questions at this time. Thank you.

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HCR 3002
1/15/2021

Resolution recognizing the memo of understanding and option to acquire land entered by the Dept. of Corrections and Rehab, by and through the State Pen and the Missouri River Correctional Center and the Parks and Rec Dept.

Chairman Kasper called the meeting to order. Members present: Chairman Kasper, Vice Chairman B. Koppelman, Representatives Hoverson, Karls, Louser, Ostlie, Rohr, Schauer, Steiner, Stemen, Vetter, P. Anderson, Schneider.

Discussion Topics:

- Option to acquire Parks and Recreation property for the Department of Corrections.

Representative Louser made a motion for a "Do Pass".

Representative Stemen seconded the motion.

Representatives	Yes	No	Representatives	Yes	No
Chairman Kasper	X		Rep. P. Anderson	X	
Vice Chairman B. Koppelman	X		Rep. Schneider	X	
Rep. Hoverson	X				
Rep. Karls	X				
Rep. Louser	X				
Rep. Magrum	A				
Rep Ostlie	X				
Rep. Rohr	X				
Rep. Schauer	X				
Rep. Steiner	X				
Rep. Stemen	X				
Rep. Vetter	X				

Roll call vote: 13 Yeas 0 Nays 1 Absent.

Representative Schauer carried the bill.

09:52 Chairman Kasper closed the meeting.

Sheri Lewis, Clerk for

Carmen Hart, Committee Clerk

REPORT OF STANDING COMMITTEE

HCR 3002: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR
3002 was placed on the Eleventh order on the calendar.

2021 SENATE GOVERNMENT AND VETERANS AFFAIRS

HCR 3002

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Room JW216, State Capitol

HCR 3002
3/18/2021

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

Chair Vedaa opened the hearing at 10:30 AM with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

Discussion Topics:

- Property transferred
- Statement of Intent
- Public safety

Sen Sorvaag introduced the bill #9853

Ryan Gardner – ND State Parks and Recreation - testified in favor #9834

Rick Gardner – ND Dept Corrections and Rehabilitation - testified in favor #9868

Sen K Roers moved a Do Pass

Sen Weber seconded

Roll Call Vote: 7 -- YES 0 -- NO -0-ab Motion Passed

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

Sen Weber will carry the bill

Adjourned at 11:24 AM

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HCR 3002: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR
3002 was placed on the Fourteenth order on the calendar.

March 18, 2021

Chairman Vedaa & Senate Government and Veterans Affairs Committee

House Concurrent Resolution 3002

Government Finance Interim Committee was charged with studying public access and use of real property located between the Missouri River and the Missouri River Correctional Center (MRCC).

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Parks Department which has an option to receive the whole piece of property if the Corrections which discontinue to operate at the MRCC location. It is not buying or selling just transferring.

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Sen. Ronald Sorvaag

District 45

HCR: 3002
North Dakota Parks and Recreation Department
Senate Government and Veteran Affairs Committee
Room JW216, 10:30 am
Thursday, March 18, 2021

Chairman Vedaa and members of the committee:

Good Morning, For the record my name is Ryan Gardner, West Regional Manager for the State of North Dakota, Department of Parks and Recreation and I am testifying on behalf of the Department in support of House Concurrent Resolution 3002.

The evaluation for the public access and use of real property owned by the State of North Dakota commenced in 2009 after an ice jam flooded the Missouri River Correctional Center (MRCC) property that caused residents to be evacuated. Consideration was being given to relocating the MRCC that coincided with public efforts for "Penitentiary Park." Bills were introduced in both the 2011 and 2013 legislative session to relocate the MRCC to a different location, but neither passed. In 2013, an appropriation to study the issue does pass.

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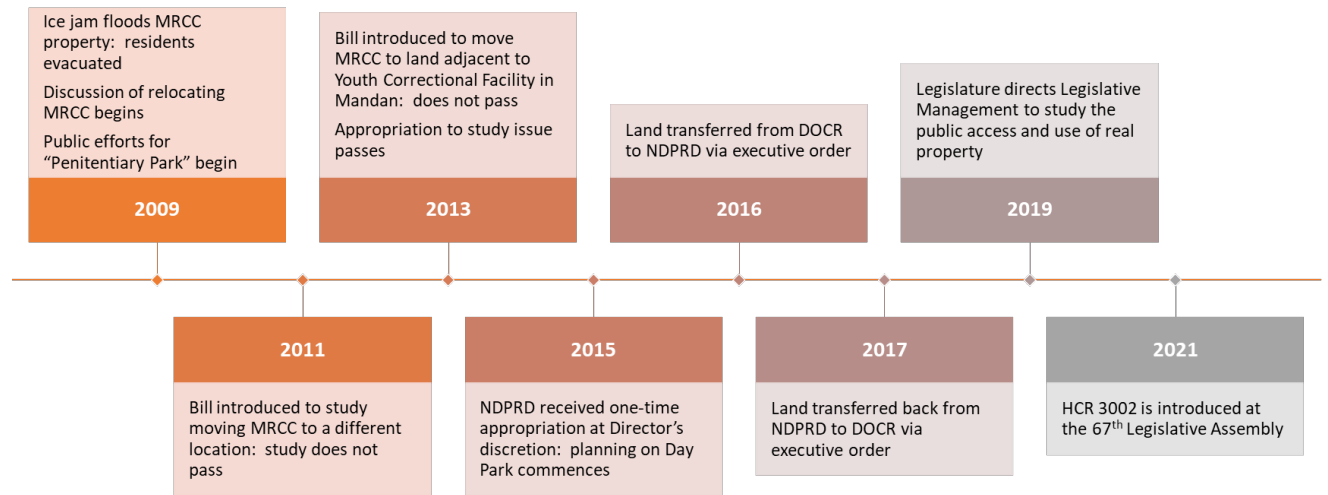
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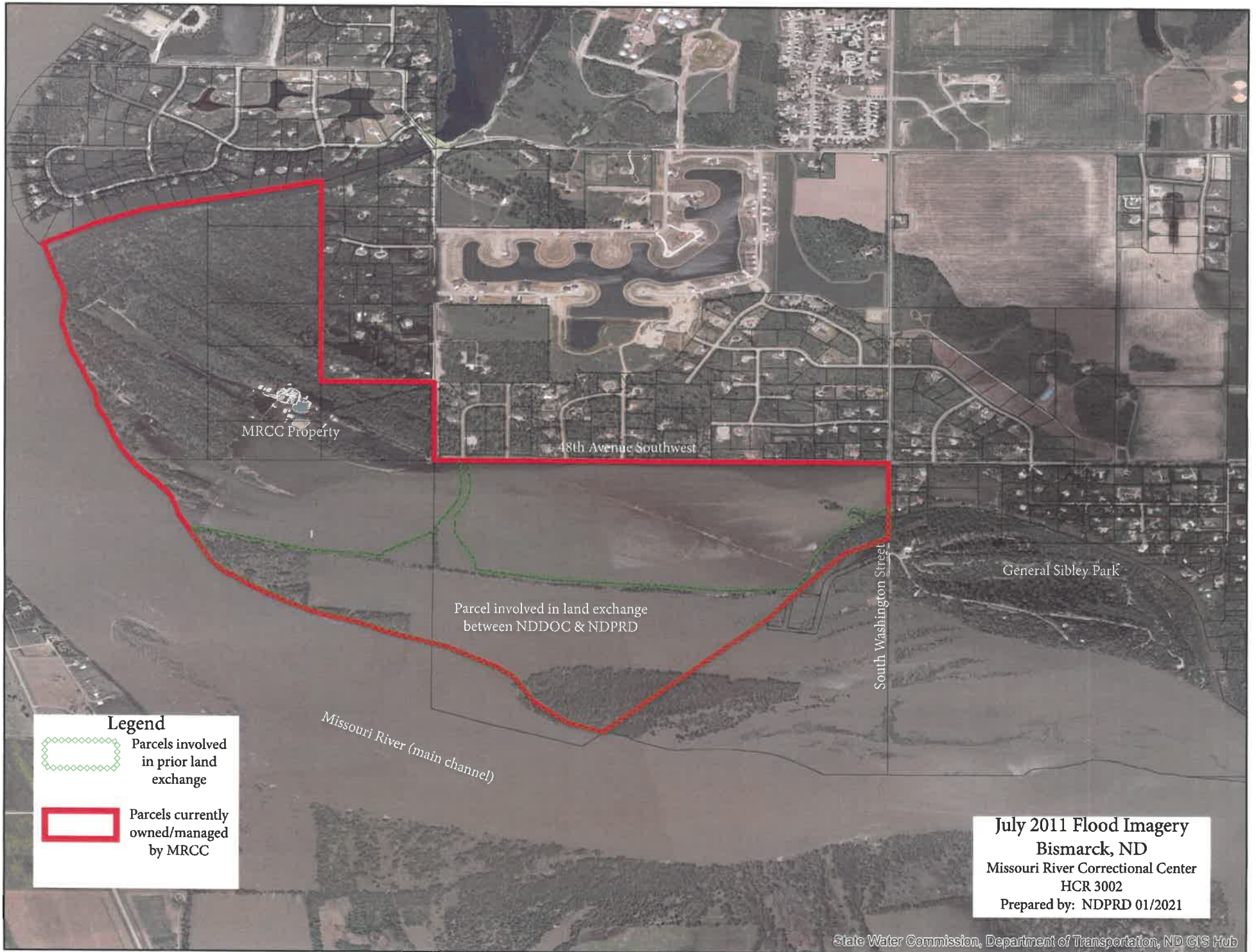
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Mr. Chairman, the Department of Parks and Recreation supports House Concurrent Resolution 3002.

Mr. Chairman, I would be happy to stand for any questions. Thank you.





**SENATE GOVERNMENT AND VETERANS AFFAIR COMMITTEE
SENATOR SHAWN VEDAA, CHAIR
MARCH 18, 2021**

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RICK GARDNER, DIRECTOR, ROUGH RIDER INDUSTRIES
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Southwest of the cropland area lies an additional 213 acres of land which was the proposed site for the North Dakota Park and Recreation Department Day Park (outlined with a blue border below). During 2011, this area experienced heavy flooding and ten feet of sand was deposited over the entire area. Prior to 2011, this area was used as hay ground and did experience seasonal flooding. Today, the tree-lined areas along the riverbank are part of a lease with North Dakota State University Hettinger Research Extension Center on a grazing research project. Approximately 400-500 sheep are pastured on 279 acres of land surrounding the MRCC campus area (outlined in red below). This lease generates \$4,058 in annual revenue to the DOCR and helps control weed populations in the area such as leafy spurge. In addition, through an agreement with the North Dakota Game and Fish Department, this area is also part of an experimental archery hunting season for deer, turkey, and waterfowl. Twenty-five lottery-hunting permits are made available to the public each year; however, the program was suspended in 2020 due to the COVID-19 pandemic.

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