

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1015

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 corrections and rehabilitation; to amend and reenact subsection 1 of section 12-65-08 and
3 subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to fees for the
4 interstate transfer or travel of probationers and supervision fees; to provide an exemption; to
5 provide legislative intent; to provide for budget section approval; and to declare an emergency.

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

7 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
8 section represent the base level funding component appropriated to the department of
9 corrections and rehabilitation in section 3 of this Act as follows:

10	Field services	\$27,075,150
11	Prisons division	79,551,714
12	Juvenile community services	7,930,658
13	Youth correctional center	12,843,309
14	Equity pool	<u>1,500,000</u>
15	Total all funds - Base level	\$128,900,831
16	Less estimated income - Base level	<u>27,765,147</u>
17	Total general fund - Base level	\$101,135,684

18 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
19 amounts identified in this section represent the funding adjustments or enhancements to the
20 base funding level for the department of corrections and rehabilitation which are included in the
21 appropriation in section 3 of this Act as follows:

22	Field services	\$8,138,211
23	Prisons division	99,780,064
24	Juvenile community services	964,482

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1	Youth correctional center	1,712,416
2	Equity pool	<u>(1,500,000)</u>
3	Total all funds - Adjustments/enhancements	\$109,095,173
4	Less estimated income - Adjustments/enhancements	<u>(3,835,654)</u>
5	Total general fund - Adjustments/enhancements	\$112,930,827

6 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
7 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the department of corrections and rehabilitation for the purpose of defraying
10 the expenses of that agency, for the biennium beginning July 1, 2007, and ending June 30,
11 2009, as follows:

12	Field services	\$35,213,361
13	Prisons division	179,331,778
14	Juvenile community services	8,895,140
15	Youth correctional center	<u>14,555,725</u>
16	Total all funds	\$237,996,004
17	Less estimated income	<u>23,929,493</u>
18	Total general fund appropriation	\$214,066,511

19 **SECTION 4. AMENDMENT.** Subsection 1 of section 12-65-08 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 1. Upon the approval by the department of corrections and rehabilitation of a request
22 of a probationer who is under the supervision of the department of corrections and
23 rehabilitation to transfer residence to another state under the interstate compact for
24 adult offender supervision, the probationer shall pay to the department an
25 application fee of one hundred fifty dollars. The department may waive the
26 offender's application fee. If the department waives the offender's payment of the
27 fee, the department shall pay the offender's application fee. In addition to the
28 application fee paid by the probationer or the department, the county having
29 jurisdiction over the probationer, upon approval of the application for transfer, shall
30 pay to the department a fee of one hundred fifty dollars. However, if the balance in
31 the fund created pursuant to subsection 3 exceeds seventy-five thousand dollars

1 on June thirtieth of the immediately preceding fiscal year, the department shall
2 waive the entire fee otherwise required to be paid by the county.

3 **SECTION 5. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 2. The conditions of probation must be such as the court in its discretion deems
6 reasonably necessary to ensure that the defendant will lead a law-abiding life or to
7 assist the defendant to do so. The court shall provide as an explicit condition of
8 every probation that the defendant not commit another offense during the period
9 for which the probation remains subject to revocation. The court shall order
10 supervision costs and fees of not less than ~~forty~~ forty-five dollars per month unless
11 the court makes a specific finding on record that the imposition of fees will result in
12 an undue hardship. If the offender has not paid the full amount of supervision fees
13 and costs before completion or termination of probation, the court may issue an
14 order, after opportunity for hearing, to determine the amount of supervision fees
15 and costs that are unpaid. The order may be filed, transcribed, and enforced by
16 the department of corrections and rehabilitation in the same manner as civil
17 judgments rendered by a district court of this state.

18 **SECTION 6. NORTH CENTRAL CORRECTIONAL AND REHABILITATION CENTER.**

19 The department of corrections and rehabilitation shall distribute in twenty-four equal payments
20 \$1,631,044 from the general fund included in the prisons division line item in section 3 of this
21 Act for treatment services at the north central correctional and rehabilitation center for the
22 biennium beginning July 1, 2007, and ending June 30, 2009.

23 **SECTION 7. NEW PRISON FACILITY ON EXISTING SITE.** The prisons division line
24 item in section 3 of this Act includes \$85,000,000 of one-time funding for construction of a new
25 prison facility on the existing penitentiary site. The facility should be a pod design and include
26 cells for a population of at least nine hundred fifty inmates with as many of these cells as
27 possible being single cells. The facility must include an observation tower, warehouse, armory,
28 administration, facility operations, programs, recreation, and food services. The department
29 shall retain and use existing industries, maintenance, motor pool, and energy plant buildings.
30 The department shall consider using other existing buildings if it is economical, practical, and
31 the buildings are structurally sound.

1 **SECTION 8. RELOCATION OF MISSOURI RIVER CORRECTIONAL CENTER -**
2 **SALE OF LAND.** The department of corrections and rehabilitation shall move the Missouri
3 River correctional center to the location of the state penitentiary after the completion of any
4 penitentiary expansion or construction projects authorized by this Act. The department shall
5 sell the land and buildings at the Missouri River correctional center site after the correctional
6 center has been moved to the penitentiary site.

7 **SECTION 9. PRISON FACILITY ALTERNATIVE - ADDITIONAL FUNDING -**
8 **APPROPRIATION.** The department of corrections and rehabilitation may seek and accept
9 other funds which are appropriated for the biennium beginning July 1, 2007, and ending
10 June 30, 2009, for the construction of a new prison facility. If the department of corrections and
11 rehabilitation receives sufficient other funds to make construction of a new prison facility
12 feasible at a site in Burleigh County, other than the existing penitentiary site, the sum of
13 \$85,000,000, or so much of the sum as may be necessary, included in the prisons division line
14 item in section 3 of this Act for construction of the prison expansion project, may, in the
15 alternative, be used by the department of corrections and rehabilitation for the construction of a
16 new prison facility.

17 **SECTION 10. EXEMPTION.** The amount appropriated to the department of
18 corrections and rehabilitation in section 5 of 2005 Senate Bill No. 2341 is not subject to the
19 provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available
20 for crime victims compensation during the period beginning with passage of this Act and ending
21 June 30, 2009.

22 **SECTION 11. INMATE MEDICAL SYSTEM - BUDGET SECTION APPROVAL.** The
23 department of corrections and rehabilitation shall, during the 2007-08 interim, develop a plan
24 for and implement an inmate medical system. The department shall provide reports to the
25 legislative information technology committee as required by chapters 54-35 and 54-59 of the
26 North Dakota Century Code and information technology department standards. At the
27 completion of the planning phase and prior to the implementation stage, the department shall
28 provide an update to the information technology committee and the budget section in the form
29 of a project startup report identifying benefits to be achieved, estimated costs for
30 implementation, a milestone schedule, and project risks. Budget section approval is required
31 before the department of corrections and rehabilitation proceeds with implementation.

1 **SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
2 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in
3 section 3 of this Act includes \$88,332,091 for the one-time funding items identified in this
4 section. This amount is not a part of the agency's base budget to be used in preparing the
5 2009-11 executive budget. The department of corrections and rehabilitation shall report to the
6 appropriations committees of the sixty-first legislative assembly on the use of this one-time
7 funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

8 Prison expansion project	\$85,000,000
9 Youth correctional center security lighting	70,000
10 Deferred maintenance	1,498,091
11 Medical information system, equipment, and radios	<u>1,764,000</u>
12 Total	\$88,332,091

13 **SECTION 13. INTENT - REPORTING LEVELS.** The office of management and
14 budget shall change the reporting levels on the budget analysis and reporting system to allow
15 for a separation of food and clothing items for the 2009-11 biennium.

16 **SECTION 14. EMERGENCY.** Section 10 of this Act is declared to be an emergency
17 measure.