FIRST ENGROSSMENT

Sixty-sixth Legislative Assembly of North Dakota

ENGROSSED HOUSE BILL NO. 1015

Introduced by

Appropriations Committee

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 5 of section 12-47-36 of the

3 North Dakota Century Code, relating to disclosure of confidential records; to authorize the

4 conveyance of real property owned by the state of North Dakota; to provide for a legislative-

5 management study; and a statement of legislative intent; to provide for a study; to provide a

6 report; to provide for an exemption; and to declare an emergency.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds 9 as may be necessary, are appropriated out of any moneys in the general fund in the state 10 treasury, not otherwise appropriated, and from special funds derived from federal funds and 11 other income, to the department of corrections and rehabilitation for the purpose of defraying 12 the expenses of the department of corrections and rehabilitation, for the biennium beginning 13 July 1, 2019, and ending June 30, 2021, as follows:

14			Adjustments or	
15	1	Base Level	Enhancements	Appropriation
16	Adult services	\$220,757,448	\$15,683,040	\$236,440,488
17	Youth services	<u>30,740,509</u>	<u>1,355,436</u>	<u>32,095,945</u>
18	Total all funds	\$251,497,957	\$17,038,476	\$268,536,433
19	Less estimated income	<u>37,161,253</u>	4,9 <u>78,055</u>	<u>42,139,308</u>
20	Total general fund	\$214,336,704	\$12,060,421	\$226,397,125
21	Full-time equivalent positions	845.29	54.50	899.79
22	Adult services	\$220,757,448	\$30,293,935	\$251,051,383
23	Youth services	30,740,509	1,545,821	32,286,330
24	Total all funds	\$251,497,957	\$31,839,756	<u>\$283,337,713</u>

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1	Less estimated income	37,161,253	8,038,937	45,200,190
2	Total general fund	\$214,336,704	\$23,800,819	\$238,137,523
3	Full-time equivalent positions	845.29	88.30	933.59

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE

5 SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding

6 items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time7 funding items included in the appropriation in section 1 of this Act:

8	One-Time Funding Description	<u>2017-19</u>	<u>2019-21</u>
9	Equipment	\$167,000	\$298,700
10	Elite servers replacement	0	40,000
11	Extraordinary repairs	0	1,332,250
12	Youth correctional center, James River correctional center,	0	250,000
13	and state hospital campus infrastructure studies		
14	Scan and screen device	0	230,000
15	Redundant fence	0	160,000
16	Portable x-ray equipment	0	22,000
17	Oracle software upgrade	0	165,000
18	Contracts and payments processing system	0	100,000
19	Inmate tracking system	0	160,000
20	Intake and legal movement system	0	240,000
21	Electronic medical records system	935,907	0
22	Pipeline protest law enforcement support	500,000	0
23	Justice reinvestment initiative	<u>500,000</u>	<u>θ</u>
24	Total all funds	\$2,102,907	\$2,997,950
25	Less estimated income		<u>2,081,700</u>
26	Total general fund	\$0	\$916,250
27	Rough Rider industries building	0	1,140,000
28	James River correctional center minimum security facilities	0	2,390,334
29	Missouri River correctional center renovation	0	1,854,301
30	Gender-responsive services and facilities study	0	100,000
31	Electronic medical records system	935,907	0

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1	Pipeline protest law enforcement support	500,000	0
2	Justice reinvestment initiative	500,000	0
3	Total all funds	\$2,102,907	\$8,482,585
4	Less estimated income	2,102,907	5,076,001
5	Total general fund	\$0	\$3,406,584

6 The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget 7 for the 2021-23 biennium. The department of corrections and rehabilitation shall report to the 8 appropriations committees of the sixty-seventh legislative assembly on the use of this one-time 9 funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

10 SECTION 3. APPROPRIATION - 2017-19 BIENNIUM - WORKFORCE DEVELOPMENT -11 **EXEMPTION.** There is appropriated out of any moneys in the general fund in the state treasury, 12 not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be 13 necessary, to the department of corrections and rehabilitation to enhance vocational 14 opportunities, educational opportunities, and workforce development for individuals sentenced 15 to the department of corrections and rehabilitation, including individuals placed in contract 16 housing, for the period beginning with the effective date of this Act, and ending June 30, 2019. 17 The department of corrections and rehabilitation shall consult with the southwest multi-county 18 correction center regarding potential providers of vocational opportunities, educational 19 opportunities, and workforce development. The appropriation in this section is not subject to 20 section 54-44.1-11 and any unexpended funds from the appropriation may be used for 21 enhancing vocational opportunities, educational opportunities, and workforce development for 22 individuals sentenced to the department of corrections and rehabilitation during the biennium 23 beginning July 1, 2019, and ending June 30, 2021. 24 SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS 25 **FUND.** The estimated income line item in section 1 of this Act includes \$1,468,000\$3,322,301 26 from the strategic investment and improvements fund for campus infrastructure studies, 27 extraordinary repairs, an inmate tracking system, information technology upgrades, security 28 equipment, renovation of the Missouri River correctional center, and other one-time funding 29 items.

1 Medical, psychological, or treatment records may be disclosed without prior 5. 2 application to the court to a public hospital or treatment facility, the department of 3 human services, a community behavioral health program, a vocational rehabilitation 4 program, a transitional living facility, or to a licensed private medical or treatment 5 facility, when necessary for the evaluation, treatment, or care of a person who is or 6 who has been in the custody of, or is or who has been under the supervision and 7 management of, the adult services division of the department of corrections and 8 rehabilitation.

9 SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION STUDY OF 10 GENDER-RESPONSIVE SERVICES AND FACILITIES - REPORT. The appropriation in 11 section 1 of this Act includes \$100,000 from the general fund for the department of corrections 12 and rehabilitation to study long-term gender-responsive correctional and rehabilitation facility 13 and service needs during the 2019-20 interim. The department of corrections and rehabilitation, 14 in consultation with representatives of the department of human services, judicial branch, tribal 15 governments, and other private and public entities as determined by the department of 16 corrections and rehabilitation, shall study gender-responsive facility and service needs of 17 individuals sentenced to the department of corrections and rehabilitation. The study must 18 include the preferable location of facilities, the service needs of individuals sentenced to the 19 department of corrections and rehabilitation, and the impact on families of individuals sentenced 20 to the department of corrections and rehabilitation. The department of corrections and 21 rehabilitation may contract with consultants to assist in the study of gender-responsive 22 correctional and rehabilitation facility and service needs and shall consider the results of the 23 study in future appropriation requests. The department of corrections and rehabilitation shall 24 report the results of its study to the legislative management by June 30, 2020.

SECTION 7. LEGISLATIVE INTENT - CONTRACT HOUSING FOR STATE INMATES. It is
 the intent of the sixty-sixth legislative assembly that the \$11,905,311 appropriated in section 1 of
 this Act to house inmates at the southwest multi-county correction center's correctional facility in
 New England during the 2019-21 biennium be applied to house male inmates or female
 inmates, as determined by the governor with the approval of the southwest multi-county
 correction center. The governor shall consult with the department of corrections and
 rehabilitation and the southwest multi-county correction center in making the determination. The

1 governor shall also consider the potential for workforce training and work release in making the 2 determination. If the southwest multi-county correction center does not approve the governor's 3 determination by June 30, 2021, the department of corrections and rehabilitation may use the 4 funding appropriated to house inmates at another facility. 5 SECTION 8. LEGISLATIVE INTENT - JAMES RIVER CORRECTIONAL CENTER AND 6 STATE HOSPITAL CAMPUS INFRASTRUCTURE STUDY. It is the intent of the sixty-sixth 7 legislative assembly that the \$175,000 appropriated in section 1 of this Act for a campus 8 infrastructure study of the James River correctional center and the state hospital consider the 9 potential for the placement of minimum security male inmates in current structures on the state 10 hospital campus. 11 SECTION 9. LEGISLATIVE INTENT - MINIMUM SECURITY FACILITY - JAMES RIVER 12 **CORRECTIONAL CENTER.** It is the intent of the sixty-sixth legislative assembly that any 13 minimum security facilities on the campus of the James River correctional center and state 14 hospital not be enclosed with a fence. 15 SECTION 10. PRETRIAL SERVICES - PILOT PROGRAM - REPORT. The appropriation in 16 section 1 of this Act includes \$755,034 and seven full-time equivalent positions for pretrial 17 services. The department of corrections and rehabilitation may establish a pretrial services 18 program as a pilot project in one or more judicial districts of the state during the biennium 19 beginning July 1, 2019, and ending June 30, 2021. The department of corrections and 20 rehabilitation and the judicial branch shall collaborate to develop guidelines and procedures for 21 the administration of pretrial services for the district courts. The department of corrections and 22 rehabilitation and the judicial branch shall provide a report regarding the process and outcome 23 measures of the pretrial services program to the sixty-seventh legislative assembly. 24 SECTION 11. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM. The 25 \$7,000,000 from the general fund appropriated in the adult services line item relating to the 26 community behavioral health program in section 1 of chapter 40 of the 2017 Session Laws is 27 not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be 28 used for the community behavioral health program for individuals in custody or under the 29 supervision of the department of corrections and rehabilitation or for the continuation of 30 programming, when necessary, for individuals no longer in custody or under the supervision of 31 the department, during the biennium beginning July 1, 2019, and ending June 30, 2021.

1	SECTION 12. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING
2	FUND REVENUES. Any moneys received by the department of corrections and rehabilitation
3	from correctional supervision, electronic monitoring, and detention; reimbursements from other
4	agencies; profits received from department of corrections and rehabilitation commissary;
5	miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and
6	from the common schools trust fund, may be deposited in the department of corrections and
7	rehabilitation operating fund and expended pursuant to legislative appropriation for the
8	biennium beginning July 1, 2019, and ending June 30, 2021.
9	SECTION 13. CONVEYANCE OF LAND AND BUILDINGS - TOMPKINS BUILDING -
10	EXEMPTION. The state of North Dakota, by and through the department of human services,
11	shall convey ownership of building 2404, formerly known as the nursing residence building and
12	Tompkins building, and surrounding real property on the grounds of the state hospital, to the
13	department of corrections and rehabilitation. The provisions of chapters 48-01.1 and 54-44.7
14	relating to public improvement contract bids and architect, engineer, and land surveying-
15	services for construction and renovation Sections 54-01-05.2 and 54-01-05.5 do not apply to this
16	conveyance.
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18	CORRECTIONS AND REHABILITATION. During the 2019-20 interim, the legislative
19	management shall study the department of corrections and rehabilitation. The study must-
20	address the feasibility and desirability of relocating female inmates from the Dakota women's
21	correctional and rehabilitation center in New England to another location and the feasibility and
22	desirability of relocating minimum security male inmates from the Missouri River correctional
23	center in Bismarck to New England or another location. The study must include a review of:
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26	- 3. Services available to female inmates at the Dakota women's correctional and
27	rehabilitation center;
28	 4. Services available to male inmates at the Missouri River correctional center;
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30	changes needed to serve female inmates, and associated costs;

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2	another location;	
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4	inmates to New England or another location;	
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6	in New England and other locations; and	
7	9. The feasibility and desirability of increasing regional detention and transition facilities	
8	for female inmates across the state.	
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10	any legislation required to implement the recommendations, to the sixty-seventh legislative-	
11	assembly.	
12	SECTION 14. CONVEYANCE OF LAND AND BUILDINGS - 12 WEST AND 16 WEST -	
13	EXEMPTION. The state of North Dakota, by and through the department of human services,	
14	may convey ownership of the 12 west and 16 west buildings and surrounding real property on	
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	the grounds of the state hospital, to the department of corrections and rehabilitation. Sections	
16	the grounds of the state hospital, to the department of corrections and rehabilitation. Sections 54-01-05.2 and 54-01-05.5 do not apply to this conveyance.	
16	54-01-05.2 and 54-01-05.5 do not apply to this conveyance.	
16 17	54-01-05.2 and 54-01-05.5 do not apply to this conveyance. SECTION 15. EMERGENCY. The appropriation of \$175,000 from the strategic investment	
16 17 18	54-01-05.2 and 54-01-05.5 do not apply to this conveyance. SECTION 15. EMERGENCY. The appropriation of \$175,000 from the strategic investment and improvements fund for the James River correctional center and state hospital campus	
16 17 18 19	54-01-05.2 and 54-01-05.5 do not apply to this conveyance. SECTION 15. EMERGENCY. The appropriation of \$175,000 from the strategic investment and improvements fund for the James River correctional center and state hospital campus infrastructure study in section 1, the appropriation of \$100,000 from the general fund for a	