

Sixty-fourth
Legislative Assembly
of North Dakota

REENGROSSED 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 provide an appropriation to the legislative council; to provide a
3 contingent appropriation; to provide for a legislative management study; and to provide
4 legislative intent.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 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 the department of corrections and rehabilitation, for the biennium beginning
11 July 1, 2015, and ending June 30, 2017, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Adult services	\$175,467,210	\$40,917,968	\$216,385,178
15 Youth services	28,604,526	2,867,534	31,472,060
16 Accrued leave payments	4,639,529	(4,639,529)	0
17 Total all funds	\$208,711,265	\$39,145,973	\$247,857,238
18 Less estimated income	30,936,922	6,702,338	37,639,260
19 Total general fund	\$177,774,343	\$32,443,635	\$210,217,978
20 Full-time equivalent positions	814.29	12.00	826.29
21 <u>Adult services</u>	<u>\$175,467,210</u>	<u>\$52,462,099</u>	<u>\$227,929,309</u>
22 <u>Youth services</u>	<u>28,604,526</u>	<u>2,911,581</u>	<u>31,516,107</u>
23 <u>Accrued leave payments</u>	<u>4,639,529</u>	<u>(4,639,529)</u>	<u>0</u>
24 <u>Total all funds</u>	<u>\$208,711,265</u>	<u>\$50,734,151</u>	<u>\$259,445,416</u>

1	<u>Less estimated income</u>	<u>30,936,922</u>	<u>7,425,784</u>	<u>38,362,706</u>
2	<u>Total general fund</u>	<u>\$177,774,343</u>	<u>\$43,308,367</u>	<u>\$221,082,710</u>
3	<u>Full-time equivalent positions</u>	<u>814.29</u>	<u>35.00</u>	<u>849.29</u>

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

5 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
6 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the
7 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

8	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
9	Security camera upgrade	\$0	\$202,500
10	Equipment	552,900	244,400
11	License plate issue	4,900,000	4,900,000
12	Capital projects	349,950	0
13	Information technology upgrades	652,900	616,144
14	Missouri River correctional center study	200,000	0
15	Extraordinary repairs	1,683,296	1,425,267
16	Total all funds	\$8,339,046	\$7,388,311
17	Less estimated income	5,198,000	4,900,000
18	Total general fund	\$3,141,046	\$2,488,311
19	<u>DOCSTARS maintenance</u>	<u>0</u>	<u>150,000</u>
20	<u>Extraordinary repairs</u>	<u>1,683,296</u>	<u>2,175,847</u>
21	<u>Total all funds</u>	<u>\$8,339,046</u>	<u>\$8,288,891</u>
22	<u>Less estimated income</u>	<u>5,198,000</u>	<u>4,900,000</u>
23	<u>Total general fund</u>	<u>\$3,141,046</u>	<u>\$3,388,891</u>

24 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
25 2017-19 biennium. The department of corrections and rehabilitation shall report to the
26 appropriations committees of the sixty-fifth legislative assembly on the use of this one-time
27 funding for the biennium beginning July 1, 2015, and ending June 30, 2017.

28 **SECTION 3. APPROPRIATION - LEGISLATIVE COUNCIL.** There is appropriated out of
29 any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
30 \$50,000, or so much of the sum as may be necessary, to the legislative council for the purpose

1 of obtaining consulting services to assist with a legislative management study of incarceration
2 issues, for the biennium beginning July 1, 2015, and ending June 30, 2017.

3 ~~—SECTION 4. RECIDIVISM REDUCTION REENTRY PROGRAM – PILOT PROJECT. The~~
4 ~~adult services line item in section 1 of this Act includes \$1,300,000 from the general fund for the~~
5 ~~recidivism reduction reentry program pilot project in Cass, Burleigh, Morton, and Williams~~
6 ~~Counties.~~

7 **SECTION 4. CONTINGENT APPROPRIATION AND AUTHORIZATION - PAROLE AND**
8 **PROBATION BUDGET SECTION REPORT.** The amount of \$1,782,325 from the general fund
9 and 16 full-time equivalent positions included in section 1 of this Act may be spent and
10 authorized only if the total number of individuals on community supervision exceeds 6,850. The
11 department of corrections and rehabilitation shall notify the office of management and budget
12 and report to the budget section each time one or more full-time equivalent positions are
13 authorized under this section. Of the \$1,782,325 and the 16 full-time equivalent positions in this
14 section, the department of corrections and rehabilitation may spend funding and fill full-time
15 equivalent positions, as follows:

- 16 1. \$921,250 and five full-time equivalent positions if the number of individuals on
17 community supervision exceeds 6,850.
- 18 2. In addition to the funding and full-time equivalent positions authorized in subsection 1,
19 \$419,888 and three full-time equivalent positions if the number of individuals on
20 community supervision exceeds 7,125.
- 21 3. In addition to the funding and full-time equivalent positions authorized in subsections 1
22 and 2, \$287,025 and three full-time equivalent positions if the number of individuals on
23 community supervision exceeds 7,440.
- 24 4. In addition to the funding and full-time equivalent positions authorized in subsections 1
25 through 3, \$154,163 and three full-time equivalent positions if the number of
26 individuals on community supervision exceeds 7,755.

27 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - INCARCERATION ISSUES.** During
28 the 2015-16 interim, the legislative management shall study the recidivism reduction reentry
29 program pilot project, the prison day bed allocation pilot project, pretrial services, sentencing
30 alternatives, treatment options, and other related issues. The legislative management shall
31 report its findings and recommendations, together with any legislation required to implement the

1 recommendations, to the sixty-fifth legislative assembly. To conduct the study, legislative
2 management shall create an incarceration issues committee consisting of:

- 3 1. Two members of the house appropriations committee;
- 4 2. Two members of the senate appropriations committee;
- 5 3. One member of the house judiciary committee;
- 6 4. One member of the senate judiciary committee; and
- 7 5. Other members serving in a nonvoting advisory capacity include:
 - 8 a. Two district court judges appointed by the chief justice of the supreme court;
 - 9 b. The chief justice of the state supreme court, or a designee of the chief justice;
 - 10 c. One local law enforcement official appointed by the governor from a city with a
11 population greater than 10,000, based on the most recent decennial census;
 - 12 d. One local law enforcement official appointed by the governor from a city with a
13 population less than 10,000, based on the most recent decennial census;
 - 14 e. One state's attorney appointed by the attorney general from a county with a
15 population of 10,000 or more, based on the most recent decennial census;
 - 16 f. One state's attorney appointed by the attorney general from a county with a
17 population of less than 10,000, based on the most recent decennial census;
 - 18 g. The attorney general, or a designee of the attorney general;
 - 19 h. The director of the department of corrections and rehabilitation; and
 - 20 i. One member appointed by the director of the department of corrections and
21 rehabilitation.

22 Legislative management shall select the chairman and vice chairman of the committee. The
23 committee shall meet quarterly, at the times and places as determined by the chairman. The
24 legislative council shall provide staff services for the committee.

25 **SECTION 6. LEGISLATIVE INTENT - CONTRACT HOUSING AND PROGRAMMING.** It is
26 the intent of the sixty-fourth legislative assembly that the department of corrections and
27 rehabilitation give priority for the use of funding appropriated for contract housing and
28 programming to contract with in-state local and regional facilities for the placement of overflow
29 inmates for the biennium beginning July 1, 2015, and ending June 30, 2017.