

**FIRST ENGROSSMENT
with House Amendments**

ENGROSSED SENATE BILL NO. 2016

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 for line item transfers; to provide legislative intent; to
3 provide for legislative council studies; to create and enact a new section to chapter 54-23.3 and
4 a new subsection to section 54-23.4-06 of the North Dakota Century Code, relating to the
5 establishment of new programs by the director of the department of corrections and
6 rehabilitation and crime victims compensation; and to amend and reenact section 12-59-02 and
7 subsection 1 of section 54-23.4-12 of the North Dakota Century Code, relating to compensation
8 of parole board members and subrogation.

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

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
11 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
12 treasury, not otherwise appropriated, and from special funds derived from federal funds and
13 other income, to the department of corrections and rehabilitation for the purpose of defraying
14 the expenses of its various divisions, for the biennium beginning July 1, 2001, and ending
15 June 30, 2003, as follows:

16 Subdivision 1.

17 CENTRAL OFFICE

18	Salaries and wages	\$1,075,871
19	Operating expenses	152,062
20	Equipment	<u>57,750</u>
21	Total all funds	\$1,285,683
22	Less estimated income	<u>11,160</u>
23	Total general fund appropriation	\$1,274,523

24 Subdivision 2.

1	JUVENILE SERVICES	
2	Salaries and wages	\$10,647,498
3	Operating expenses	4,891,907
4	Equipment	119,700
5	Capital improvements	671,427
6	Grants	<u>4,413,877</u>
7	Total all funds	\$20,744,409
8	Less estimated income	<u>7,825,075</u>
9	Total general fund appropriation	\$12,919,334
10	Subdivision 3.	
11	ADULT SERVICES	
12	Victims services	\$3,415,066
13	Institutional offender services	3,863,128
14	Community offender services	11,203,870
15	Support services	20,905,566
16	Program services	3,619,457
17	Security and safety	23,577,624
18	Roughrider industries	<u>10,842,290</u>
19	Total all funds	\$77,427,001
20	Less estimated income	<u>17,296,864</u>
21	Total general fund appropriation	\$60,130,137
22	Grand total general fund appropriation S.B. 2016	\$74,323,994
23	Grand total special fund appropriation S.B. 2016	\$25,133,099
24	Grand total all funds appropriation S.B. 2016	\$99,457,093

25 **SECTION 2. LAND BOARD DISTRIBUTIONS.** The estimated income line item in
26 subdivision 2 of section 1 of this Act includes \$502,823 from permanent funds managed for the
27 benefit of the youth correctional center by the board of university and school lands.

28 **SECTION 3. AUTHORITY TO LEASE LAND UNDER THE JURISDICTION OF THE**
29 **DEPARTMENT.** The department of corrections and rehabilitation may lease land under the
30 jurisdiction of the department for the purpose of the construction and operation of a prerelease
31 center. Subsection 12 of section 54-23.3-04 does not apply to the lease authorized by this

1 section. The lease expires when the leased property is no longer used for a prerelease center,
2 when the lease operator breaches any material part of the lease, or twenty years after the date
3 of the lease, whichever occurs first, and all rights, title, and interest in any buildings, fixtures,
4 and improvements vest and remain with the state.

5 **SECTION 4. CORRECTIONAL SYSTEM - LEGISLATIVE COUNCIL STUDY.** During
6 the 2001-02 interim, the legislative council shall consider studying the correctional system in
7 North Dakota, including its functions, responsibilities, and funding; causes for increases in the
8 state's inmate population; types of offenders and offender programs; cost-effectiveness of
9 programs; operation, efficiency, and effectiveness of prison industries programs; rates of
10 recidivism; possible alternatives to incarceration which may reduce the number of inmates and
11 reduce recidivism; and the effectiveness of sentencing laws, incarceration, and treatment. The
12 legislative council shall report its findings and recommendations, together with any legislation
13 required to implement the recommendations, to the fifty-eighth legislative assembly.

14 **SECTION 5. INMATE PAY AND DEDUCTIONS FROM INMATE PAY - LEGISLATIVE**
15 **COUNCIL STUDY.** During the 2001-02 interim, the legislative council shall consider studying
16 wages paid to inmates sentenced to the state correctional system and the various deductions
17 from those wages, including methods used to determine rates of pay; actual wages paid to
18 inmates; deductions from inmate wages; and the effect deductions for incarceration costs,
19 facility operation costs, and capital improvement costs have on inmate payments for child
20 support and restitution.

21 **SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION FACILITY**
22 **NEEDS - LEGISLATIVE COUNCIL STUDY.** During the 2001-02 interim, the legislative council
23 shall consider studying the facility needs of the department of corrections and rehabilitation,
24 including the adequacy and utilization of the department's existing facilities; anticipated future
25 facility needs considering the impact of alternative programs and trends in inmate population;
26 the feasibility and desirability of increased utilization of county and private correctional facilities;
27 and facilities required to address the needs of various inmate populations, including female
28 inmates and inmates diagnosed with serious mental illness.

29 **SECTION 7. FEDERAL FUNDING REDUCTIONS - BUDGET SECTION APPROVAL.**
30 If, during the biennium beginning July 1, 2001, and ending June 30, 2003, the federal
31 government reduces funding below the level anticipated by the fifty-seventh legislative

1 assembly for any programs administered by the department of corrections and rehabilitation,
2 the department may not supplant the federal funds with general or special fund moneys without
3 first obtaining the approval of the budget section of the legislative council. The department's
4 budget request for the biennium beginning July 1, 2003, and ending June 30, 2005, must
5 identify any programs for which general or special fund appropriation authority is requested to
6 replace federal funds previously available for the program.

7 **SECTION 8. YOUTH CORRECTIONAL CENTER - TEACHER CONTRACTS FOR**
8 **SUMMER EDUCATION PROGRAMS.** The salaries and wages line item included in
9 subdivision 2 of section 1 of this Act includes funding for teacher contracts to support the
10 summer education program at the youth correctional center. Any moneys budgeted for teacher
11 contracts for the summer education program but not spent for that purpose may not be used for
12 any other purpose and must be returned to the general fund at the end of the biennium
13 beginning July 1, 2001, and ending June 30, 2003.

14 **SECTION 9. TRANSFERS BETWEEN LINE ITEMS AND SUBDIVISIONS -**
15 **COMPUTER PURCHASES.** Notwithstanding section 54-16-04, the department of corrections
16 and rehabilitation may transfer between the various subdivisions included in section 1 of this
17 Act and between the various line items included in subdivision 3 of section 1 of this Act for the
18 purpose of purchasing personal computers to carry out the duties of the department.

19 **SECTION 10. OPERATION OF "PRERELEASE" AND "DUI OFFENDER**
20 **TREATMENT" PROGRAMS - REPORT TO THE FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.**
21 During the biennium beginning July 1, 2001, and ending June 30, 2003, the department of
22 corrections and rehabilitation shall monitor the operation of the programs known as the
23 "prerelease center" and the "DUI offender treatment center" authorized by the fifty-seventh
24 legislative assembly. The department shall present a report to the appropriations committees
25 of the fifty-eighth legislative assembly regarding the operation of the programs, including the
26 impact of the programs on recidivism rates; the cost-effectiveness of the programs; the success
27 of the programs; the ability to collect fees, if any, from the participating inmates; and a
28 comparison of the costs and benefits of the "prerelease center" and the "DUI offender treatment
29 center" to other forms of treatment or incarceration.

30 **SECTION 11. "PRERELEASE" PROGRAM AND INMATE CONTRACT HOUSING -**
31 **USE OF MONEYS APPROPRIATED.** The institutional offender services line item contained in

1 subdivision 3 of section 1 of this Act includes funding for the operation of a "prerelease center".
2 Any moneys budgeted for the operation of the "prerelease center" but not spent for that
3 purpose may not be used for any other purpose except contracting for additional inmate beds
4 at county or private correctional facilities, as determined necessary by the department.
5 Notwithstanding section 54-16-04, the department may transfer moneys from the institutional
6 offender services line item to the security and safety line item in subdivision 3 of section 1 of
7 this Act as determined necessary by the department to contract for inmate housing.

8 **SECTION 12. LEGISLATIVE INTENT - FUNDING FOR DRUG COURT PROGRAM.** It
9 is the intent of the fifty-seventh legislative assembly that the department of corrections and
10 rehabilitation seek federal funding to support the drug court program during the biennium
11 beginning July 1, 2001, and ending June 30, 2003. If federal funds do not become available to
12 the department to support the program, special funds derived from other income of the
13 department may be used to fund the program. If federal funds become available during the
14 biennium, the department must use the federal funds, and any required matching funds to be
15 provided from special funds, to fund the program for the remainder of the biennium before
16 funds from any other source are used for this purpose. Special fund moneys not used for the
17 drug court program pursuant to this section must be used in place of general fund moneys
18 appropriated by the fifty-seventh legislative assembly for other programs operated by the
19 department.

20 **SECTION 13. AMENDMENT.** Section 12-59-02 of the 1999 Supplement to the North
21 Dakota Century Code is amended and reenacted as follows:

22 **12-59-02. Meetings - Compensation - Rules.** The governor shall appoint a member
23 of the parole board to be chairman. The chairman of the parole board shall designate three
24 members of the parole board for each meeting of the parole board. Meetings of the parole
25 board must be held in accordance with rules established by the parole board and must be held
26 as often as required to properly conduct the business of the board, but in any event not less
27 than six times per year. The parole board may only take action upon the concurrence of at
28 least two members who participated in the same meeting. The final decision of at least two
29 parole board members who participated in the same parole board meeting constitutes the
30 decision of the parole board. Members are entitled to be compensated at the rate of ~~sixty-two~~
31 seventy-five dollars and fifty cents per day for each day actually and necessarily spent in the

1 performance of their duties as board members plus the same mileage and expenses as are
2 authorized for state officials and employees. The director of the division of parole and
3 probation, or the director's designee, is the clerk for the parole board.

4 **SECTION 14.** A new section to chapter 54-23.3 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Approval of new programs.** Notwithstanding the powers granted under section
7 54-23.3-04, the director of the department of corrections and rehabilitation may not authorize
8 any new program that serves adult or juvenile offenders, including alternatives to conventional
9 incarceration and programs operated on a contract basis, without first reporting to the
10 legislative assembly or, if the legislative assembly is not in session, the budget section of the
11 legislative council.

12 **SECTION 15.** A new subsection to section 54-23.4-06 of the 1999 Supplement to the
13 North Dakota Century Code is created and enacted as follows:

14 Compensation may not be awarded unless the claimant pursues each available
15 collateral source, including claim for relief unless the claim for relief would place an
16 undue burden on the claimant.

17 **SECTION 16. AMENDMENT.** Subsection 1 of section 54-23.4-12 of the 1999
18 Supplement to the North Dakota Century Code is amended and reenacted as follows:

19 1. If compensation is awarded, the division is subrogated to all the claimant's rights to
20 receive or recover benefits or advantages, for economic loss for which and to the
21 extent only that compensation is awarded, from a source that is, or, if readily
22 available to the claimant, would be, a collateral source. The division has the right
23 of subrogation to initiate a claim for relief to recover for economic loss from a
24 collateral source, including a tort-feasor.