

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2015

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 refusal of admission of inmates; to provide for a
3 legislative management study; to provide for a report to legislative management; to provide for a
4 transfer; to provide an exemption; and to amend and reenact ~~section 3 of chapter 15 of the 2011-~~
5 ~~Session Laws, relating to borrowing authority.~~ subsection 2 of section 12.1-32-07 of the North
6 Dakota Century Code, relating to supervision fees.

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, 2013, and ending June 30, 2015, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
16 Adult services	\$160,825,768	\$20,763,379	\$181,589,147
17 Youth services	27,221,743	2,937,581	30,159,324
18 Total all funds	\$188,047,511	\$23,700,960	\$211,748,471
19 Less estimated income	30,145,650	530,474	30,676,124
20 Total general fund	\$157,901,861	\$23,170,486	\$181,072,347
21 Full-time equivalent positions	794.29	20.00	814.29
22 <u>Adult services</u>	<u>\$160,825,768</u>	<u>\$12,771,315</u>	<u>\$173,597,083</u>
23 <u>Youth services</u>	<u>27,221,743</u>	<u>1,336,986</u>	<u>28,558,729</u>
24 <u>Accrued leave payments</u>	<u>0</u>	<u>4,639,529</u>	<u>4,639,529</u>

1	<u>Total all funds</u>	<u>\$188,047,511</u>	<u>\$18,747,830</u>	<u>\$206,795,341</u>
2	<u>Less estimated income</u>	<u>30,145,650</u>	<u>971,524</u>	<u>31,117,174</u>
3	<u>Total general fund</u>	<u>\$157,901,861</u>	<u>\$17,776,306</u>	<u>\$175,678,167</u>
4	<u>Full-time equivalent positions</u>	<u>794.29</u>	<u>20.00</u>	<u>814.29</u>

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

SIXTY-FOURTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

9	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
10	Equipment	\$665,100	\$552,900
11	Capital projects	1,717,968	349,950
12	Information technology upgrades	0	652,900
13	Oil impact adjustments	0	266,352
14	<u>Missouri River correctional center study</u>	<u>0</u>	<u>200,000</u>
15	<u>Transfer to state penitentiary land fund</u>	<u>0</u>	<u>12,000,000</u>
16	Extraordinary repairs	<u>741,490</u>	<u>1,683,296</u>
17	Total all funds	\$3,124,558	\$3,505,398
18	Less estimated income	1,460,500	298,000
19	Total general fund	\$1,664,058	\$3,207,398
20	<u>Total all funds</u>	<u>\$3,124,558</u>	<u>\$15,439,046</u>
21	<u>Less estimated income</u>	<u>1,460,500</u>	<u>298,000</u>
22	<u>Total general fund</u>	<u>\$1,664,058</u>	<u>\$15,141,046</u>

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The department of corrections and rehabilitation shall report to the appropriations committees of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 3. EXEMPTION. Appropriation authority continued for the biennium beginning July 1, 2011, and ending June 30, 2013, pursuant to section 54-44.1-11, relating to the penitentiary expansion project, is not subject to cancellation pursuant to section 54-44.1-11 and may be continued until June 30, 2014.

1 ~~SECTION 4. AMENDMENT.~~ Section 3 of chapter 15 of the 2011 Session Laws is amended
2 and reenacted as follows: ~~SECTION 3. BORROWING AUTHORITY - BANK~~
3 ~~OF NORTH DAKOTA - APPROPRIATION.~~ The department of corrections and rehabilitation
4 may borrow the sum of \$1,100,000, or so much of the sum as may be necessary, from the Bank
5 of North Dakota, which is appropriated to the department of corrections and rehabilitation for the
6 purpose of defraying the expenses of the penitentiary expansion project, for the period
7 beginning July 1, 2011, and ending June 30, 20132014.

8 **SECTION 4. APPROPRIATION - TRANSFER - STATE PENITENTIARY LAND FUND -**
9 **LEGISLATIVE INTENT.** There is appropriated out of any moneys in the general fund in the
10 state treasury, not otherwise appropriated, the sum of \$12,000,000, which the office of
11 management and budget shall transfer on July 1, 2013, to the state penitentiary land fund
12 established in section 54-23.3-04. The funds transferred and interest earned on the moneys
13 transferred must be used for costs of relocating the Missouri River correctional center. It is the
14 intent of the legislative assembly that if the sixty-fourth legislative assembly does not approve
15 the relocation of the Missouri River correctional center, the funds transferred be returned to the
16 general fund.

17 **SECTION 5. DEPARTMENT OF CORRECTIONS AND - REHABILITATION - REPORT TO**
18 **THE LEGISLATIVE MANAGEMENT.** There is included in section 1 of this Act, the sum of
19 \$200,000, or so much of the sum as may be necessary, that the department of corrections and
20 rehabilitation shall use for developing a plan for relocating the Missouri River correctional
21 center, for the biennium beginning July 1, 2013, and ending June 30, 2015. The plan must
22 include a determination of facilities, services, and activities that may be shared by the Missouri
23 River correctional center and the youth correctional center. The department must present the
24 plan to the legislative management by July 1, 2014.

25 **SECTION 6. LEGISLATIVE INTENT - MISSOURI RIVER CORRECTIONAL CENTER**
26 **LAND - REPORTS TO THE LEGISLATIVE MANAGEMENT.** It is the intent of the sixty-third
27 legislative assembly that once the Missouri River correctional center is relocated to the youth
28 correctional center site, all remaining land be transferred to the parks and recreation
29 department for recreational purposes and not for residential, business, or industrial purposes.
30 The parks and recreation department shall develop a ten-year plan for the property to be used

1 for recreational purposes. The parks and recreation department shall report on the plan and
2 progress to implement the plan periodically to a committee designated by the legislative
3 management.

4 **SECTION 7. LEGISLATIVE MANAGEMENT STUDY OF JAMES RIVER CORRECTIONAL**
5 **CENTER AND STATE HOSPITAL PROPERTY.** During the 2013-14 interim, the legislative
6 management shall consider studying the use of the structures and property of the James River
7 correctional center and the state hospital to determine the best and most efficient use of the
8 properties. The legislative management shall reports its findings and recommendations,
9 together with any legislation required to implement the recommendations, to the sixty-fourth
10 legislative assembly.

11 **SECTION 8. REFUSAL OF ADMISSION OF INMATES - REPORT TO LEGISLATIVE**
12 **MANAGEMENT.**

13 The department of corrections and rehabilitation may refuse to admit inmates sentenced to
14 the physical custody of the department when the admission of inmates will exceed the
15 maximum operational capacity of the penitentiary and its affiliated facilities and result in the
16 department exceeding its authorized legislative appropriation for contracting for housing
17 inmates in other correctional facilities. For purposes of this section, maximum operational
18 capacity of the department means the total number of inmates that may be imprisoned at the
19 same time in the penitentiary and its affiliated facilities. The department shall develop a prison
20 population management plan to prioritize admissions based on sentences and the availability of
21 space in the penitentiary and its affiliated facilities. The department shall report annually to the
22 budget section of the legislative management on the prison population management plan and
23 inmate admissions and the number of inmates the department has not admitted after
24 sentencing.

25 **SECTION 9. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota
26 Century Code is amended and reenacted as follows:

- 27 2. The conditions of probation must be such as the court in its discretion deems
28 reasonably necessary to ensure that the defendant will lead a law-abiding life or to
29 assist the defendant to do so. The court shall provide as an explicit condition of every
30 probation that the defendant not commit another offense during the period for which
31 the probation remains subject to revocation. The court shall order supervision costs

1 | and fees of not less than ~~forty-five~~fifty-five dollars per month unless the court makes a
2 | specific finding on record that the imposition of fees will result in an undue hardship. If
3 | the offender has not paid the full amount of supervision fees and costs before
4 | completion or termination of probation, the court may issue an order, after opportunity
5 | for hearing, to determine the amount of supervision fees and costs that are unpaid.
6 | The order may be filed, transcribed, and enforced by the department of corrections
7 | and rehabilitation in the same manner as civil judgments rendered by a district court of
8 | this state.