

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; ~~and to provide an appropriation to the legislative council; to~~
 3 ~~provide for a legislative management study; to provide for a~~ prison bed day allocations ~~pilot~~
 4 ~~project; and to provide 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	\$81,117,205	\$256,584,415
15 Youth services	28,604,526	3,427,019	32,031,545
16 Accrued leave payments	4,639,529	(4,639,529)	0
17 Total all funds	\$208,711,265	\$79,904,695	\$288,615,960
18 Less estimated income	30,936,922	7,072,110	38,009,032
19 Total general fund	\$177,774,343	\$72,832,585	\$250,606,928
20 Full-time equivalent positions	814.29	22.00	836.29
21 <u>Adult services</u>	<u>\$175,467,210</u>	<u>\$40,917,968</u>	<u>\$216,385,178</u>
22 <u>Youth services</u>	<u>28,604,526</u>	<u>2,867,534</u>	<u>31,472,060</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>\$39,145,973</u>	<u>\$247,857,238</u>

1	<u>Less estimated income</u>	<u>30,936,922</u>	<u>6,702,338</u>	<u>37,639,260</u>
2	<u>Total general fund</u>	<u>\$177,774,343</u>	<u>\$32,443,635</u>	<u>\$210,217,978</u>
3	<u>Full-time equivalent positions</u>	<u>814.29</u>	<u>12.00</u>	<u>826.29</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	Missouri River correctional center building	\$0	\$29,550,000
10	Security camera upgrade	0	337,000
11	Equipment	552,900	318,039
12	License plate issue	4,900,000	0
13	Capital projects	349,950	0
14	Information technology upgrades	652,900	1,716,144
15	Missouri River correctional center study	200,000	0
16	Extraordinary repairs	1,683,296	2,175,847
17	Total all funds	\$8,339,046	\$34,097,030
18	Less estimated income	5,198,000	0
19	Total general fund	\$3,141,046	\$34,097,030
20	<u>Security camera upgrade</u>	<u>\$0</u>	<u>\$202,500</u>
21	<u>Equipment</u>	<u>552,900</u>	<u>244,400</u>
22	<u>License plate issue</u>	<u>4,900,000</u>	<u>4,900,000</u>
23	<u>Capital projects</u>	<u>349,950</u>	<u>0</u>
24	<u>Information technology upgrades</u>	<u>652,900</u>	<u>616,144</u>
25	<u>Missouri River correctional center study</u>	<u>200,000</u>	<u>0</u>
26	<u>Extraordinary repairs</u>	<u>1,683,296</u>	<u>1,425,267</u>
27	<u>Total all funds</u>	<u>\$8,339,046</u>	<u>\$7,388,311</u>
28	<u>Less estimated income</u>	<u>5,198,000</u>	<u>4,900,000</u>
29	<u>Total general fund</u>	<u>\$3,141,046</u>	<u>\$2,488,311</u>

30 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
31 2017-19 biennium. The department of corrections and rehabilitation shall report to the

1 appropriations committees of the sixty-fifth legislative assembly on the use of this one-time
2 funding for the biennium beginning July 1, 2015, and ending June 30, 2017.

3 **SECTION 3. APPROPRIATION - LEGISLATIVE COUNCIL.** There is appropriated out of
4 any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
5 \$50,000, or so much of the sum as may be necessary, to the legislative council for the purpose
6 of obtaining consulting services to assist with a legislative management study of incarceration
7 issues, for the biennium beginning July 1, 2015, and ending June 30, 2017.

8 **SECTION 4. RECIDIVISM REDUCTION REENTRY PROGRAM - PILOT PROJECT.** The
9 adult services line item in section 1 of this Act includes \$1,300,000 from the general fund for the
10 recidivism reduction reentry program pilot project in Cass, Burleigh, Morton, and Williams
11 Counties.

12 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - INCARCERATION ISSUES.** During
13 the 2015-16 interim, the legislative management shall study the recidivism reduction reentry
14 program pilot project, the prison day bed allocation pilot project, pretrial services, sentencing
15 alternatives, treatment options, and other related issues. The legislative management shall
16 report its findings and recommendations, together with any legislation required to implement the
17 recommendations, to the sixty-fifth legislative assembly. To conduct the study, legislative
18 management shall create an incarceration issues committee consisting of:

- 19 1. Two members of the house appropriations committee;
- 20 2. Two members of the senate appropriations committee;
- 21 3. One member of the house judiciary committee;
- 22 4. One member of the senate judiciary committee; and
- 23 5. Other members serving in a nonvoting advisory capacity include:
 - 24 a. Two district court judges appointed by the chief justice of the supreme court;
 - 25 b. The chief justice of the state supreme court, or a designee of the chief justice;
 - 26 c. One local law enforcement official appointed by the governor from a city with a
27 population greater than 10,000, based on the most recent decennial census;
 - 28 d. One local law enforcement official appointed by the governor from a city with a
29 population less than 10,000, based on the most recent decennial census;
 - 30 e. One state's attorney appointed by the attorney general from a county with a
31 population of 10,000 or more, based on the most recent decennial census;

- 1 f. One state's attorney appointed by the attorney general from a county with a
- 2 population of less than 10,000, based on the most recent decennial census;
- 3 g. The attorney general, or a designee of the attorney general;
- 4 h. The director of the department of corrections and rehabilitation; and
- 5 i. One member appointed by the director of the department of corrections and
- 6 rehabilitation.

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

10 **SECTION 6. PRISON BED DAY ALLOCATION - PILOT PROJECT.** The department of
11 corrections and rehabilitation shall allocate to ~~each North Dakota county~~Cass, Burleigh, Morton,
12 and Williams Counties a specific number of prison bed days available for offenders from each
13 county for the 2015-17 biennium. The department shall provide each county with its allocation
14 before July 1, 2015. The department shall determine the specific number of prison bed days
15 available to each county by considering the estimated 2015-17 biennium inmate population at
16 the department, the authorized legislative appropriation for housing inmates in correctional
17 facilities, including contract in-state and out-of-state correctional facilities, and the most recent
18 North Dakota county census data, as reported by the United States Census Bureau. For the
19 purposes of this section, the department shall exclude all inmates sentenced to more than
20 seven years and inmates whose parole or probation has been revoked. The department shall
21 provide each county with a monthly statement reporting the number of prison bed days used
22 during the biennium to date by that county and the county's current balance of available prison
23 bed days. If a county exceeds its 2015-17 biennium prison bed day allocation, the department
24 shall bill the county ~~seventy-five~~seventy dollars for each prison bed day in excess of the
25 county's 2015-17 biennium prison bed day allocation. If a county does not exceed its 2015-17
26 biennium prison bed day allocation, the county shall be eligible to receive a proportionate
27 amount of the unspent legislative appropriation designated for housing inmates in out-of-state
28 correctional facilities.

29 **SECTION 7. LEGISLATIVE INTENT - CONTRACT HOUSING AND PROGRAMMING.** It is
30 the intent of the sixty-fourth legislative assembly that the department of corrections and
31 rehabilitation give priority for the use of funding appropriated for contract housing and

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- 1 programming to contract with in-state local and regional facilities for the placement of overflow
- 2 inmates for the biennium beginning July 1, 2015, and ending June 30, 2017.