

April 8, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 5 of section 12-47-36 of the North Dakota Century Code, relating to disclosure of confidential records;"

Page 1, line 3, replace "for a legislative management study; and" with "a statement of legislative intent; to provide for a study;"

Page 1, line 3, after "report" with insert "; to provide for an exemption; and to declare an emergency"

Page 1, replace lines 13 through 18 with:

"Adult services	\$220,757,448	\$30,293,935	\$251,051,383
Youth services	<u>30,740,509</u>	<u>1,545,821</u>	<u>32,286,330</u>
Total all funds	\$251,497,957	\$31,839,756	\$283,337,713
Less estimated income	<u>37,161,253</u>	<u>8,038,937</u>	<u>45,200,190</u>
Total general fund	\$214,336,704	\$23,800,819	\$238,137,523
Full-time equivalent positions	845.29	88.30	933.59"

Page 2, replace lines 12 through 17 with:

"Rough Rider industries building	0	1,140,000
James River correctional center minimum security facilities	0	2,390,334
Missouri River correctional center renovation	0	1,854,301
Gender-responsive services and facilities study	0	100,000
Electronic medical records system	935,907	0
Pipeline protest law enforcement support	500,000	0
Justice reinvestment initiative	<u>500,000</u>	<u>0</u>
Total all funds	\$2,102,907	\$8,482,585
Less estimated income	<u>2,102,907</u>	<u>5,076,001</u>
Total general fund	\$0	\$3,406,584"

Page 2, after line 21, insert:

"SECTION 3. APPROPRIATION - 2017-19 BIENNIUM - WORKFORCE DEVELOPMENT - EXEMPTION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation to enhance vocational opportunities, educational opportunities, and workforce development for individuals sentenced to the department of corrections and rehabilitation, including individuals placed in contract housing, for the period beginning with the effective date of this Act, and ending June 30, 2019. The department of corrections and rehabilitation shall consult with the southwest multi-county correction center regarding potential providers of vocational opportunities, educational opportunities, and workforce development. The appropriation in this section is not subject to section 54-44.1-11 and any unexpended funds from the appropriation may be used for enhancing vocational opportunities, educational opportunities, and workforce development for individuals sentenced to the department of corrections and rehabilitation during the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 2, line 23, replace "\$1,468,000" with "\$3,322,301"

Page 2, line 25, after the fourth comma insert "renovation of the Missouri River correctional center,"

Page 2, after line 26, insert:

"SECTION 5. AMENDMENT. Subsection 5 of section 12-47-36 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION STUDY OF GENDER-RESPONSIVE SERVICES AND FACILITIES - REPORT. The appropriation in section 1 of this Act includes \$100,000 from the general fund for the department of corrections and rehabilitation to study long-term gender-responsive correctional and rehabilitation facility and service needs during the 2019-20 interim. The department of corrections and rehabilitation, in consultation with representatives of the department of human services, judicial branch, tribal governments, and other private and public entities as determined by the department of corrections and rehabilitation, shall study gender-responsive facility and service needs of individuals sentenced to the department of corrections and rehabilitation. The study must include the preferable location of facilities, the service needs of individuals sentenced to the department of corrections and rehabilitation, and the impact on families of individuals sentenced to the department of corrections and rehabilitation. The department of corrections and rehabilitation may contract with consultants to assist in the study of gender-responsive correctional and rehabilitation facility and service needs and shall consider the results of the study in future appropriation requests. The department of corrections and rehabilitation shall 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 governor shall also consider the potential for workforce training and work release in making the determination. If the southwest multi-county correction center does not approve the governor's determination by June 30, 2021, the department of corrections and rehabilitation may use the funding appropriated to house inmates at another facility.

SECTION 8. LEGISLATIVE INTENT - JAMES RIVER CORRECTIONAL CENTER AND STATE HOSPITAL CAMPUS INFRASTRUCTURE STUDY. It is the intent of the sixty-sixth legislative assembly that the \$175,000 appropriated in section 1

of this Act for a campus infrastructure study of the James River correctional center and the state hospital consider the potential for the placement of minimum security male inmates in current structures on the state hospital campus.

SECTION 9. LEGISLATIVE INTENT - MINIMUM SECURITY FACILITY - JAMES RIVER CORRECTIONAL CENTER. It is the intent of the sixty-sixth legislative assembly that any minimum security facilities on the campus of the James River correctional center and state hospital not be enclosed with a fence.

SECTION 10. PRETRIAL SERVICES - PILOT PROGRAM - REPORT. The appropriation in section 1 of this Act includes \$755,034 and seven full-time equivalent positions for pretrial services. The department of corrections and rehabilitation may establish a pretrial services program as a pilot project in one or more judicial districts of the state during the biennium beginning July 1, 2019, and ending June 30, 2021. The department of corrections and rehabilitation and the judicial branch shall collaborate to develop guidelines and procedures for the administration of pretrial services for the district courts. The department of corrections and rehabilitation and the judicial branch shall provide a report regarding the process and outcome measures of the pretrial services program to the sixty-seventh legislative assembly."

Page 3, line 1, after "program" insert "for individuals in custody or under the supervision of the department of corrections and rehabilitation or for the continuation of programming, when necessary, for individuals no longer in custody or under the supervision of the department,"

Page 3, line 15, remove "The provisions of chapters 48-01.1 and 54-44.7"

Page 3, remove line 16

Page 3, line 17, replace "services for construction and renovation" with "Sections 54-01-05.2 and 54-01-05.5"

Page 3, remove lines 18 through 31

Page 4, replace lines 1 through 11 with:

"SECTION 14. CONVEYANCE OF LAND AND BUILDINGS - 12 WEST AND 16 WEST - EXEMPTION. The state of North Dakota, by and through the department of human services, may convey ownership of the 12 west and 16 west buildings and surrounding real property on 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.

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 gender-responsive services and facilities study in section 1, and sections 3, 6, and 8 of this Act are declared to be an emergency measure."

Reorder accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1015 - Department of Corrections and Rehab. - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Adult services	\$220,757,448	\$236,440,488	\$14,610,895	\$251,051,383

Youth services	<u>30,740,509</u>	<u>32,095,945</u>	<u>190,385</u>	<u>32,286,330</u>
Total all funds	\$251,497,957	\$268,536,433	\$14,801,280	\$283,337,713
Less estimated income	<u>37,161,253</u>	<u>42,139,308</u>	<u>3,060,882</u>	<u>45,200,190</u>
General fund	\$214,336,704	\$226,397,125	\$11,740,398	\$238,137,523
FTE	845.29	899.79	33.80	933.59

Department 530 - Department of Corrections and Rehab. - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases¹	Adds FTE Positions and Related Operating Expenses²	Adjusts Funding for Transitional Services³	Adds One- Time Funding for Minimum Security Facilities⁴	Adds One- Time Funding for a Study⁵	Adds One- Time Funding for Female Facility Renovations⁶
Adult services	\$1,411,771	\$6,115,122	\$1,599,367	\$2,390,334	\$100,000	\$1,854,301
Youth services	<u>190,385</u>					
Total all funds	\$1,602,156	\$6,115,122	\$1,599,367	\$2,390,334	\$100,000	\$1,854,301
Less estimated income	<u>66,581</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,854,301</u>
General fund	\$1,535,575	\$6,115,122	\$1,599,367	\$2,390,334	\$100,000	\$0
FTE	0.00	33.80	0.00	0.00	0.00	0.00

	Adds One- Time Funding for a Rough Rider Industries Building⁷	Total Senate Changes
Adult services	\$1,140,000	\$14,610,895
Youth services		<u>190,385</u>
Total all funds	\$1,140,000	\$14,801,280
Less estimated income	<u>1,140,000</u>	<u>3,060,882</u>
General fund	\$0	\$11,740,398
FTE	0.00	33.80

¹ Funding is adjusted to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and 2.5 percent on July 1, 2020. The House provided funding for a 2 percent salary increase on July 1, 2019, and a 2 percent salary increase on July 1, 2020.

² The following FTE positions and related funding are added:

	FTE	General Fund
Missouri River Correctional Center treatment positions	8.60	\$1,891,810
James River Correctional Center minimum security positions	<u>25.20</u>	<u>4,223,312</u>
Total	33.80	\$6,115,122

³ Funding is adjusted for transitional services, including the addition of \$549,626 for the Bismarck Transition Center contract and the restoration of \$1,049,741 removed by the House.

⁴ One-time funding is added for facilities for minimum security inmates at the James River Correctional Center. The funding may be used to renovate facilities transferred from the State Hospital to the Department of Corrections and Rehabilitation or for the lease or purchase of two temporary housing units for use as minimum security housing at the James River Correctional Center.

⁵ One-time funding of \$100,000 from the general fund is added for a Department of Corrections and Rehabilitation study of gender-responsive services and facilities.

⁶ One-time funding of \$1,854,301 from the strategic investment and improvements fund is added to convert the Missouri River Correctional Center into a female correctional and rehabilitation facility.

⁷ One-time funding from the Rough Rider Industries fund is added for the construction of a Rough Rider Industries building at the James River Correctional Center.

House Bill No. 1015 - Other Changes - Senate Action

This amendment also:

- Adds a section to provide a 2017-19 biennium appropriation of \$3 million from the general fund to the Department of Corrections and Rehabilitation to enhance vocational and education opportunities for inmate workforce development.
- Adjusts the section identifying the amount appropriated in Section 1 from the strategic investment and improvements fund.
- Adds a section to amend North Dakota Century Code Section 12-47-36(5) relating to disclosure of confidential records.
- Adds a section to provide for a Department of Corrections and Rehabilitation study of gender-responsive services and facilities.
- Adds a section to provide legislative intent that the Governor determine the location of male and female inmates in consultation with the Department of Corrections and Rehabilitation and the Southwest Multi-County Correction Center.
- Adds a section to provide legislative intent that the campus infrastructure study of the James River Correctional Center and the State Hospital consider the potential for placement of minimum security male inmates in current structures on the campus.
- Adds a section to provide legislative intent that no fence be placed around facilities used for minimum security male inmates.
- Adds a section to provide for the establishment of a pretrial services pilot project.
- Adjusts the section providing carryover authority relating to the free through recovery program to allow the funding to be used for the continuation of programming for individuals no longer in the custody or under the supervision of the Department of Corrections and Rehabilitation.
- Adds a section to allow for the conveyance of the West 12 and West 16 buildings from the State Hospital to the Department of Corrections and Rehabilitation for use as a minimum security facility.