

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED 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
3 for a legislative management study; to provide for a prison bed day allocations pilot project; and
4 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	\$40,917,968	\$216,385,178
15 Youth services	28,604,526	2,867,534	31,472,060
16 Accrued leave payments	<u>4,639,529</u>	<u>(4,639,529)</u>	<u>0</u>
17 Total all funds	\$208,711,265	\$39,145,973	\$247,857,238
18 Less estimated income	<u>30,936,922</u>	<u>6,702,338</u>	<u>37,639,260</u>
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 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
22 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
23 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the
24 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

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

12 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
13 2017-19 biennium. The department of corrections and rehabilitation shall report to the
14 appropriations committees of the sixty-fifth legislative assembly on the use of this one-time
15 funding for the biennium beginning July 1, 2015, and ending June 30, 2017.

16 **SECTION 3. APPROPRIATION - LEGISLATIVE COUNCIL.** There is appropriated out of
17 any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
18 \$50,000, or so much of the sum as may be necessary, to the legislative council for the purpose
19 of obtaining consulting services to assist with a legislative management study of incarceration
20 issues, for the biennium beginning July 1, 2015, and ending June 30, 2017.

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

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

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

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

23 **SECTION 6. PRISON BED DAY ALLOCATION - PILOT PROJECT.** The department of
24 corrections and rehabilitation shall allocate to Cass, Burleigh, Morton, and Williams Counties a
25 specific number of prison bed days available for offenders from each county for the 2015-17
26 biennium. The department shall provide each county with its allocation before July 1, 2015. The
27 department shall determine the specific number of prison bed days available to each county by
28 considering the estimated 2015-17 biennium inmate population at the department, the
29 authorized legislative appropriation for housing inmates in correctional facilities, including
30 contract in-state and out-of-state correctional facilities, and the most recent North Dakota
31 county census data, as reported by the United States Census Bureau. For the purposes of this

1 section, the department shall exclude all inmates sentenced to more than seven years and
2 inmates whose parole or probation has been revoked. The department shall provide each
3 county with a monthly statement reporting the number of prison bed days used during the
4 biennium to date by that county and the county's current balance of available prison bed days. If
5 a county exceeds its 2015-17 biennium prison bed day allocation, the department shall bill the
6 county seventy dollars for each prison bed day in excess of the county's 2015-17 biennium
7 prison bed day allocation. If a county does not exceed its 2015-17 biennium prison bed day
8 allocation, the county shall be eligible to receive a proportionate amount of the unspent
9 legislative appropriation designated for housing inmates in out-of-state correctional facilities.

10 **SECTION 7. LEGISLATIVE INTENT - CONTRACT HOUSING AND PROGRAMMING.** It is
11 the intent of the sixty-fourth legislative assembly that the department of corrections and
12 rehabilitation give priority for the use of funding appropriated for contract housing and
13 programming to contract with in-state local and regional facilities for the placement of overflow
14 inmates for the biennium beginning July 1, 2015, and ending June 30, 2017.