

Introduced by

Representative Berg

Senator Stenehjem

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
 2 corrections and rehabilitation; to create and enact a new section to chapter 12-44.1 of the North  
 3 Dakota Century Code, relating to the incarceration of female inmates in grade one correctional  
 4 facilities; to provide a statement of legislative intent; to provide for a legislative council study; to  
 5 provide an exemption to chapters 48-01.1 and 54-44.7 of the North Dakota Century Code,  
 6 relating to public improvement contract bids and architect, engineer, and lands surveying  
 7 services; to provide for a performance audit of the department of corrections and rehabilitation;  
 8 to provide an effective date; to provide an expiration date; and to declare an emergency.

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 the department of corrections and rehabilitation, for the biennium beginning  
 15 July 1, 2003, and ending June 30, 2005, as follows:

16 Field services	\$20,922,058
17 Prisons division	69,254,582
18 Juvenile community services	9,629,163
19 Youth correctional center	<u>11,577,679</u>
20 Total all funds	\$111,383,482
21 Less estimated income	<u>29,646,871</u>
22 Total general fund appropriation	\$81,736,611

23 **SECTION 2. APPROPRIATION - 2001-03 BIENNIUM.** There is appropriated from  
 24 federal funds the sum of \$500,000, or so much of the sum as may be necessary, to the

1 department of corrections and rehabilitation, in adult services of the field services division, for  
2 the purpose of defraying the expenses of the department's transition center, for the biennium  
3 beginning July 1, 2001, and ending June 30, 2003.

4 **SECTION 3. CRIME VICTIMS RESTITUTION AND GIFT FUND.** The sum of  
5 \$100,000, or so much of the sum as may be necessary, included in the field services line item  
6 in section 1 of this Act, is from the crime victims restitution and gift fund and shall be used by  
7 the department of corrections and rehabilitation for the purposes provided in section  
8 54-23.4-05, for the biennium beginning July 1, 2003, and ending June 30, 2005.

9 **SECTION 4. STATE PENITENTIARY LAND FUND.** The sum of \$82,500, or so much  
10 of the sum as may be necessary, included in the youth correctional center line item in section 1  
11 of this Act, is from the state penitentiary land fund and shall be used by the department of  
12 corrections and rehabilitation for capital projects at the youth correctional center, for the  
13 biennium beginning July 1, 2003, and ending June 30, 2005.

14 **SECTION 5. LEGISLATIVE INTENT - COUNTY CONTRACT HOUSING STATE**  
15 **FEMALE INMATES - REPORTS TO BUDGET SECTION.** It is the intent of the fifty-eighth  
16 legislative assembly that the state contract with county facilities to house state female inmates  
17 during the 2003-05 biennium, with the continuation of the contracting subject to the results of  
18 the study in Section 6 of this Act. The department of corrections and rehabilitation and county  
19 jails contracting to house state female inmates shall report to the fall 2003 and summer 2004  
20 meetings of the budget section on the implementation and procedures of contracting with  
21 counties to house state female inmates.

22 **SECTION 6. LEGISLATIVE COUNCIL STUDY - CONTRACT HOUSING - FEMALE**  
23 **INMATES.** The legislative council shall consider studying, during the 2003-04 interim, the  
24 long-term needs of all state inmates and if the department of corrections and rehabilitation  
25 should continue to contract to house state female inmates with county jails or if the state should  
26 expand the prison system. If selected, the study must include a review of the east cell block of  
27 the North Dakota state penitentiary and future needs for maximum security prisoners; the  
28 female population and related treatment, programming, and training needs; and the mental  
29 health services of the state hospital, including if the department of corrections and rehabilitation  
30 should continue to expand its facilities on the state hospital grounds and if patients at the state  
31 hospital with mental health needs should be served in other locations. The legislative council

1 shall report its findings and recommendations, together with any legislation required to  
2 implement the recommendations, to the fifty-ninth legislative assembly.

3 **SECTION 7. TRANSFER OF LAND AND BUILDINGS - EXEMPTION FROM**  
4 **CHAPTERS 48-01.1 AND 54-44.7.** Ownership of the food service building, the dining facility  
5 and attached building 18A, the laundry building, and buildings eight and fifty on the grounds of  
6 the state hospital must be transferred to the department of corrections and rehabilitation. The  
7 department of corrections and rehabilitation is not subject to the provisions of chapters 48-01.1  
8 and 54-44.7 relating to public improvement contract bids and architect, engineer, and land  
9 surveying services for construction and renovation relating to the nurses' building, food service  
10 building, the dining facility and attached building 18A, laundry building, and building eight.

11 **SECTION 8. DEPARTMENT OF CORRECTIONS AND REHABILITATION -**  
12 **PERFORMANCE AUDIT.** The state auditor shall consider conducting a performance audit of  
13 the department of corrections and rehabilitation during the period beginning July 1, 2003, and  
14 ending January 1, 2005. If the performance audit is conducted, the results of the audit must be  
15 presented to the legislative audit and fiscal review committee and to the appropriations  
16 committees during the department of corrections and rehabilitation's budget presentation during  
17 the fifty-ninth legislative assembly.

18 **SECTION 9.** A new section to chapter 12-44.1 of the North Dakota Century Code is  
19 created and enacted as follows:

20 **Female inmates in grade one correctional facilities.** Notwithstanding section  
21 12-44.1-06, a grade one correctional facility that has a contract with the department of  
22 corrections and rehabilitation to confine female inmates who have been sentenced to the legal  
23 and physical custody of the department of corrections and rehabilitation may confine the female  
24 inmate for more than one year in accordance with the terms of the contract. A female inmate  
25 who has been sentenced to the legal and physical custody of the department of corrections and  
26 rehabilitation and who is confined in a grade one correctional facility under a contract with the  
27 department of corrections and rehabilitation has the same rights to sentence reduction for good  
28 and meritorious conduct and to pardon and parole as an inmate confined in a department of  
29 corrections and rehabilitation prisons division facility.

30 **SECTION 10. EFFECTIVE DATE.** Except as provided in section 12 of this Act, this Act  
31 becomes effective on July 1, 2003.

1           **SECTION 11. EXPIRATION DATE.** Section 9 of this Act is effective through June 30,  
2 2005, and after that date is ineffective.

3           **SECTION 12. EMERGENCY.** The sum of \$178,000 for capital construction projects  
4 included in the youth correctional center line item in section 1 of this Act and section 2 of this  
5 Act are declared to be an emergency measure.