

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2015  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide for refusal of admission of inmates; to provide for a legislative management study; to provide for a report to legislative management; to provide an exemption; and to amend and reenact subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to supervision fees.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of corrections and rehabilitation for the purpose of defraying the expenses of the department of corrections and rehabilitation, for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Adult services	\$160,825,768	\$17,819,891	\$178,645,659
Youth services	27,221,743	1,643,380	28,865,123
Accrued leave payments	<u>0</u>	<u>4,639,529</u>	<u>4,639,529</u>
Total all funds	\$188,047,511	\$24,102,800	\$212,150,311
Less estimated income	<u>30,145,650</u>	<u>1,089,272</u>	<u>31,234,922</u>
Total general fund	\$157,901,861	\$23,013,528	\$180,915,389
Full-time equivalent positions	794.29	20.00	814.29

**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:

<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Equipment	\$665,100	\$552,900
Capital projects	1,717,968	349,950
Information technology upgrades	0	652,900
Missouri River correctional center study	0	200,000
Extraordinary repairs	<u>741,490</u>	<u>1,683,296</u>
Total all funds	\$3,124,558	\$3,439,046
Less estimated income	<u>1,460,500</u>	<u>298,000</u>
Total general fund	\$1,664,058	\$3,141,046

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.

**SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION - REPORT TO LEGISLATIVE MANAGEMENT.** Section 1 of this Act includes the sum of \$200,000, or so much of the sum as may be necessary, that the department of corrections and rehabilitation, in conjunction with the office of management and budget, shall use to develop options for the feasibility and desirability of relocating the Missouri River correctional center and for a land use study, for the biennium beginning July 1, 2013, and ending June 30, 2015. The department may use up to \$50,000 to contract for a land use study of the Missouri River correctional center site. The study must review options to develop all or a portion of the current site into a day park and options to continue agriculture activities on the current site. The study may not include options to develop the land for residential, commercial, or industrial purposes. The department may use up to \$150,000 for the development of options for relocating the Missouri River correctional center including the determination of facilities, services, and activities that may be shared by the Missouri River correctional center and the youth correctional center; to develop a plan to move the Missouri River correctional center to a site adjacent to the youth correctional center; and to provide cost estimates for construction necessary to relocate the Missouri River correctional center during the 2015-17 biennium, pending approval and funding by the sixty-fourth legislative assembly. During the 2013-14 interim, the office of management and budget shall provide a report to the budget section regarding options for the possible relocation of the Missouri River correctional center and results of the study. The department shall present its plan to move the Missouri River correctional center to a site adjacent to the youth correctional center to the legislative management by July 1, 2014.

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

**SECTION 6. REFUSAL OF ADMISSION OF INMATES - REPORT TO LEGISLATIVE MANAGEMENT.** The department of corrections and rehabilitation may refuse to admit inmates sentenced to the physical custody of the department when the admission of inmates will exceed the maximum operational capacity of the penitentiary and its affiliated facilities and result in the department exceeding its authorized legislative appropriation for contracting for housing inmates in other correctional facilities. For purposes of this section, maximum operational capacity of the department means the total number of inmates that may be imprisoned at the same time in the penitentiary and its affiliated facilities. The department shall develop a prison population management plan to prioritize admissions based on sentences and the availability of space in the penitentiary and its affiliated facilities. The department shall report annually to the budget section of the legislative management on the prison population management plan and inmate admissions and the number of inmates the department has not admitted after sentencing.

**SECTION 7. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

2. The conditions of probation must be such as the court in its discretion deems reasonably necessary to ensure that the defendant will lead a law-abiding life or to assist the defendant to do so. The court shall provide as an explicit condition of every probation that the defendant not commit another offense during the period for which the probation remains subject to revocation. The court shall order supervision costs and fees of not less than ~~forty-five~~forty-five dollars per month unless the court makes a specific finding on record that the imposition of fees will result in an undue hardship. If the offender has not paid the full amount of supervision fees and costs before completion or termination of probation, the court may issue an order, after opportunity for hearing, to determine the amount of supervision fees and costs that are unpaid. The order may be filed, transcribed, and enforced by the department of corrections and rehabilitation in the same manner as civil judgments rendered by a district court of this state.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2015.

Senate Vote:    Yeas 47            Nays 0            Absent 0

House Vote:    Yeas 83            Nays 10           Absent 1

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State