

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2015

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 for refusal of admission of inmates; to provide for a  
3 legislative management study; to provide for a report to legislative management; to provide an  
4 exemption; and to amend and reenact ~~section 3 of chapter 15 of the 2011 Session Laws,~~  
5 ~~relating to borrowing authority.~~ subsection 2 of section 12.1-32-07 of the North Dakota Century  
6 Code, relating to supervision fees.

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

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

	Base Level	Adjustments or Enhancements	Appropriation
16 <del>Adult services</del>	<del>\$160,825,768</del>	<del>\$20,763,379</del>	<del>\$181,589,147</del>
17 <del>Youth services</del>	<del>27,221,743</del>	<del>2,937,581</del>	<del>30,159,324</del>
18 <del>Total all funds</del>	<del>\$188,047,511</del>	<del>\$23,700,960</del>	<del>\$211,748,471</del>
19 <del>Less estimated income</del>	<del>30,145,650</del>	<del>530,474</del>	<del>30,676,124</del>
20 <del>Total general fund</del>	<del>\$157,901,861</del>	<del>\$23,170,486</del>	<del>\$181,072,347</del>
21 <del>Full-time equivalent positions</del>	<del>794.29</del>	<del>20.00</del>	<del>814.29</del>
22 <u>Adult services</u>	<u>\$160,825,768</u>	<u>\$17,819,891</u>	<u>\$178,645,659</u>
23 <u>Youth services</u>	<u>27,221,743</u>	<u>1,643,380</u>	<u>28,865,123</u>
24 <u>Accrued leave payments</u>	<u>0</u>	<u>4,639,529</u>	<u>4,639,529</u>

1	<u>Total all funds</u>	<u>\$188,047,511</u>	<u>\$24,102,800</u>	<u>\$212,150,311</u>
2	<u>Less estimated income</u>	<u>30,145,650</u>	<u>1,089,272</u>	<u>31,234,922</u>
3	<u>Total general fund</u>	<u>\$157,901,861</u>	<u>\$23,013,528</u>	<u>\$180,915,389</u>
4	<u>Full-time equivalent positions</u>	<u>794.29</u>	<u>20.00</u>	<u>814.29</u>

5 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

6 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time  
7 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and  
8 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

9	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
10	Equipment	\$665,100	\$552,900
11	Capital projects	1,717,968	349,950
12	Information technology upgrades	0	652,900
13	<del>Oil impact adjustments</del>	<del>0</del>	<del>266,352</del>
14	<u>Missouri River correctional center study</u>	<u>0</u>	<u>200,000</u>
15	Extraordinary repairs	<u>741,490</u>	<u>1,683,296</u>
16	<del>Total all funds</del>	<del>\$3,124,558</del>	<del>\$3,505,398</del>
17	<del>Less estimated income</del>	<del>1,460,500</del>	<del>298,000</del>
18	<del>Total general fund</del>	<del>\$1,664,058</del>	<del>\$3,207,398</del>
19	<u>Total all funds</u>	<u>\$3,124,558</u>	<u>\$3,439,046</u>
20	<u>Less estimated income</u>	<u>1,460,500</u>	<u>298,000</u>
21	<u>Total general fund</u>	<u>\$1,664,058</u>	<u>\$3,141,046</u>

22 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the  
23 2015-17 biennium. The department of corrections and rehabilitation shall report to the  
24 appropriations committees of the sixty-fourth legislative assembly on the use of this one-time  
25 funding for the biennium beginning July 1, 2013, and ending June 30, 2015.

26 **SECTION 3. EXEMPTION.** Appropriation authority continued for the biennium beginning  
27 July 1, 2011, and ending June 30, 2013, pursuant to section 54-44.1-11, relating to the  
28 penitentiary expansion project, is not subject to cancellation pursuant to section 54-44.1-11 and  
29 may be continued until June 30, 2014.

30 ~~**SECTION 4. AMENDMENT.** Section 3 of chapter 15 of the 2011 Session Laws is amended~~  
31 ~~and reenacted as follows:~~

~~SECTION 3. BORROWING AUTHORITY -- BANK OF NORTH DAKOTA --~~

~~APPROPRIATION. The department of corrections and rehabilitation may borrow the sum of \$1,100,000, or so much of the sum as may be necessary, from the Bank of North Dakota, which is appropriated to the department of corrections and rehabilitation for the purpose of defraying the expenses of the penitentiary expansion project, for the period beginning July 1, 2011, and ending June 30, 20132014.~~

**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

1 properties. The legislative management shall reports its findings and recommendations,  
2 together with any legislation required to implement the recommendations, to the sixty-fourth  
3 legislative assembly.

4 **SECTION 6. REFUSAL OF ADMISSION OF INMATES - REPORT TO LEGISLATIVE**

5 **MANAGEMENT.** The department of corrections and rehabilitation may refuse to admit inmates  
6 sentenced to the physical custody of the department when the admission of inmates will exceed  
7 the maximum operational capacity of the penitentiary and its affiliated facilities and result in the  
8 department exceeding its authorized legislative appropriation for contracting for housing  
9 inmates in other correctional facilities. For purposes of this section, maximum operational  
10 capacity of the department means the total number of inmates that may be imprisoned at the  
11 same time in the penitentiary and its affiliated facilities. The department shall develop a prison  
12 population management plan to prioritize admissions based on sentences and the availability of  
13 space in the penitentiary and its affiliated facilities. The department shall report annually to the  
14 budget section of the legislative management on the prison population management plan and  
15 inmate admissions and the number of inmates the department has not admitted after  
16 sentencing.

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

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