

**FIRST ENGROSSMENT
with House Amendments
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 for a
4 transfer; to provide an exemption; and to amend and reenact subsection 2 of section 12.1-32-07
5 of the North Dakota Century Code, relating to supervision fees.

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

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
15 Adult services	\$160,825,768	\$12,771,315	\$173,597,083
16 Youth services	27,221,743	1,336,986	28,558,729
17 Accrued leave payments	<u>0</u>	<u>4,639,529</u>	<u>4,639,529</u>
18 Total all funds	\$188,047,511	\$18,747,830	\$206,795,341
19 Less estimated income	<u>30,145,650</u>	<u>971,524</u>	<u>31,117,174</u>
20 Total general fund	\$157,901,861	\$17,776,306	\$175,678,167
21 Full-time equivalent positions	794.29	20.00	814.29

22 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
23 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time

1 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
2 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

3	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
4	Equipment	\$665,100	\$552,900
5	Capital projects	1,717,968	349,950
6	Information technology upgrades	0	652,900
7	Missouri River correctional center study	0	200,000
8	Transfer to state penitentiary land fund	0	12,000,000
9	Extraordinary repairs	<u>741,490</u>	<u>1,683,296</u>
10	Total all funds	\$3,124,558	\$15,439,046
11	Less estimated income	<u>1,460,500</u>	<u>298,000</u>
12	Total general fund	\$1,664,058	\$15,141,046

13 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
14 2015-17 biennium. The department of corrections and rehabilitation shall report to the
15 appropriations committees of the sixty-fourth legislative assembly on the use of this one-time
16 funding for the biennium beginning July 1, 2013, and ending June 30, 2015.

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

21 **SECTION 4. APPROPRIATION - TRANSFER - STATE PENITENTIARY LAND FUND -**
22 **LEGISLATIVE INTENT.** There is appropriated out of any moneys in the general fund in the
23 state treasury, not otherwise appropriated, the sum of \$12,000,000, which the office of
24 management and budget shall transfer on July 1, 2013, to the state penitentiary land fund
25 established in section 54-23.3-04. The funds transferred and interest earned on the moneys
26 transferred must be used for costs of relocating the Missouri River correctional center. It is the
27 intent of the legislative assembly that if the sixty-fourth legislative assembly does not approve
28 the relocation of the Missouri River correctional center, the funds transferred be returned to the
29 general fund.

30 **SECTION 5. DEPARTMENT OF CORRECTIONS AND REHABILITATION - REPORT TO**
31 **THE LEGISLATIVE MANAGEMENT.** There is included in section 1 of this Act, the sum of

1 \$200,000, or so much of the sum as may be necessary, that the department of corrections and
2 rehabilitation shall use for developing a plan for relocating the Missouri River correctional
3 center, for the biennium beginning July 1, 2013, and ending June 30, 2015. The plan must
4 include a determination of facilities, services, and activities that may be shared by the Missouri
5 River correctional center and the youth correctional center. The department must present the
6 plan to the legislative management by July 1, 2014.

7 **SECTION 6. LEGISLATIVE INTENT - MISSOURI RIVER CORRECTIONAL CENTER**

8 **LAND - REPORTS TO THE LEGISLATIVE MANAGEMENT.** It is the intent of the sixty-third
9 legislative assembly that once the Missouri River correctional center is relocated to the youth
10 correctional center site, all remaining land be transferred to the parks and recreation
11 department for recreational purposes and not for residential, business, or industrial purposes.
12 The parks and recreation department shall develop a ten-year plan for the property to be used
13 for recreational purposes. The parks and recreation department shall report on the plan and
14 progress to implement the plan periodically to a committee designated by the legislative
15 management.

16 **SECTION 7. LEGISLATIVE MANAGEMENT STUDY OF JAMES RIVER CORRECTIONAL**

17 **CENTER AND STATE HOSPITAL PROPERTY.** During the 2013-14 interim, the legislative
18 management shall consider studying the use of the structures and property of the James River
19 correctional center and the state hospital to determine the best and most efficient use of the
20 properties. The legislative management shall reports its findings and recommendations,
21 together with any legislation required to implement the recommendations, to the sixty-fourth
22 legislative assembly.

23 **SECTION 8. REFUSAL OF ADMISSION OF INMATES - REPORT TO LEGISLATIVE**
24 **MANAGEMENT.**

25 The department of corrections and rehabilitation may refuse to admit inmates sentenced to
26 the physical custody of the department when the admission of inmates will exceed the
27 maximum operational capacity of the penitentiary and its affiliated facilities and result in the
28 department exceeding its authorized legislative appropriation for contracting for housing
29 inmates in other correctional facilities. For purposes of this section, maximum operational
30 capacity of the department means the total number of inmates that may be imprisoned at the
31 same time in the penitentiary and its affiliated facilities. The department shall develop a prison

1 population management plan to prioritize admissions based on sentences and the availability of
2 space in the penitentiary and its affiliated facilities. The department shall report annually to the
3 budget section of the legislative management on the prison population management plan and
4 inmate admissions and the number of inmates the department has not admitted after
5 sentencing.

6 **SECTION 9. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota
7 Century Code is amended and reenacted as follows:

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