

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1015
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to amend and reenact subsection 5 of section 12-47-36 of the North Dakota Century Code, relating to disclosure of confidential records; to authorize the conveyance of real property owned by the state of North Dakota; to provide for a legislative management study; to provide a report; to provide for a department of corrections and rehabilitation review committee; and to provide an exemption.

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, 2019, and ending June 30, 2021, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Adult services	\$220,757,448	\$18,590,187	\$239,347,635
Youth services	30,740,509	1,545,821	32,286,330
Total all funds	\$251,497,957	\$20,136,008	\$271,633,965
Less estimated income	37,161,253	4,794,636	41,955,889
Total general fund	\$214,336,704	\$15,341,372	\$229,678,076
Full-time equivalent positions	845.29	54.50	899.79

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Equipment	\$167,000	\$298,700
Elite servers replacement	0	40,000
Extraordinary repairs	0	1,332,250
Youth correctional center campus infrastructure study	0	75,000
Department of corrections and rehabilitation study	0	400,000
Scan and screen device	0	230,000
Redundant fence	0	160,000
Portable x-ray equipment	0	22,000
Oracle software upgrade	0	165,000
Contracts and payments processing system	0	100,000
Inmate tracking system	0	160,000
Intake and legal movement system	0	240,000
Electronic medical records system	935,907	0
Pipeline protest law enforcement support	500,000	0
Justice reinvestment initiative	500,000	0
Total all funds	\$2,102,907	\$3,222,950
Less estimated income	2,102,907	1,831,700
Total general fund	\$0	\$1,391,250

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The department of corrections and rehabilitation shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.

The estimated income line item in section 1 of this Act includes \$1,218,000 from the strategic investment and improvements fund for extraordinary repairs, an inmate tracking system, information technology upgrades, security equipment, and other one-time funding items.

SECTION 4. AMENDMENT. Subsection 5 of section 12-47-36 of the North Dakota Century Code is amended and reenacted as follows:

5. Medical, psychological, or treatment records may be disclosed without prior application to the court to a public hospital or treatment facility, the department of human services, a community behavioral health program, a vocational rehabilitation program, a transitional living facility, or to a licensed private medical or treatment facility, when necessary for the evaluation, treatment, or care of a person who is or who has been in the custody of, or is or who has been under the supervision and management of, the adult services division of the department of corrections and rehabilitation.

SECTION 5. PRETRIAL SERVICES - PILOT PROGRAM - REPORT. The appropriation in section 1 of this Act includes \$755,034 and seven full-time equivalent positions for pretrial services. The department of corrections and rehabilitation shall establish a pretrial services program as a pilot project in three judicial districts of the state during the biennium beginning July 1, 2019, and ending June 30, 2021. The department of corrections and rehabilitation and the judicial branch shall collaborate with each other and with the commission on legal counsel for indigents and county and regional corrections to develop guidelines and procedures for the administration of pretrial services for the district courts for individuals charged with felony and misdemeanor offenses. The department of corrections and rehabilitation and the judicial branch shall provide a report regarding the process and outcome measures of the pretrial services program together with recommendations to the sixty-seventh legislative assembly.

SECTION 6. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM. The \$7,000,000 from the general fund appropriated in the adult services line item relating to the community behavioral health program in section 1 of chapter 40 of the 2017 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be used for the community behavioral health program for individuals in custody or under the supervision of the department of corrections and rehabilitation or for the continuation of programming, when necessary, for individuals no longer in custody or under the supervision of the department, during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 7. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING FUND REVENUES. Any moneys received by the department of corrections and rehabilitation from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from department of corrections and rehabilitation commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the common schools trust fund, may be deposited in the department of corrections and rehabilitation operating fund and expended pursuant to legislative appropriation for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 8. CONVEYANCE OF LAND AND BUILDINGS - TOMPKINS BUILDING - EXEMPTION. The state of North Dakota, by and through the department of human services, shall convey ownership of building 2404, formerly known as the nursing residence building and Tompkins building, and surrounding real property on the grounds of the state hospital, to the department of corrections and rehabilitation. Sections 54-01-05.2 and 54-01-05.5 do not apply to this conveyance.

SECTION 9. LEGISLATIVE MANAGEMENT STUDY - DEPARTMENT OF CORRECTIONS AND REHABILITATION REVIEW COMMITTEE - MEMBERSHIP - DUTIES.

1. During the 2019-20 interim, the legislative management shall study the department of corrections and rehabilitation. The legislative management shall create a department of corrections and rehabilitation review committee to conduct the study, consisting of six members as follows:
 - a. Three members of the house of representatives selected by the majority leader of the house of representatives, two of whom must represent the majority faction of the house of representatives and one of whom must represent the minority faction of the house of representatives; and
 - b. Three members of the senate selected by the majority leader of the senate, two of whom must represent the majority faction of the senate and one of whom must represent the minority faction of the senate.
2. The legislative management chairman shall designate the committee chairman and vice chairman and the legislative council shall provide staff services for the committee.
3. The committee shall conduct a comprehensive study of the department of corrections and rehabilitation. The study must include:
 - a. A review, with input from a consultant engaged by the department of corrections and rehabilitation, of gender-responsive correctional and rehabilitation facility and service needs. The review must include:
 - (1) The preferable location of facilities;
 - (2) The service needs of individuals sentenced to the department of corrections and rehabilitation; and
 - (3) The impact on families of individuals sentenced to the department of corrections and rehabilitation.
 - b. An assessment of facilities at the Missouri River correctional center, the James River correctional center, and the state hospital, with input from a consultant engaged by the department of corrections and rehabilitation. The assessment must:
 - (1) Include the department of corrections and rehabilitation master plan, staffing plan, comprehensive service delivery strategy, and cost estimates;
 - (2) Be based on providing comprehensive services to those committed to the care, custody, and control of the department of corrections and rehabilitation;
 - (3) Include options for community-based and family-involved environments; and
 - (4) Consider the opportunity for vocational and workforce development.
 - c. A review of vocational opportunities, educational opportunities, workforce development, and medical and behavioral health treatment for those committed to the care, custody, and control of the department of corrections and rehabilitation.
4. The committee shall advise the department of corrections and rehabilitation on the department's selection of consultants to assist the department and the committee in its study, for which \$400,000 is included in the appropriation from the general fund in section 1 of this Act.

5. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1015.

House Vote: Yeas 73 Nays 19 Absent 2

Senate Vote: Yeas 44 Nays 3 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State