

Sixty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1015

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
2 corrections and rehabilitation; to amend and reenact subsection 5 of section 12-47-36 of the  
3 North Dakota Century Code, relating to disclosure of confidential records; to authorize the  
4 conveyance of real property owned by the state of North Dakota; to provide ~~for a legislative-~~  
5 ~~management study; and~~ a statement of legislative intent; to provide for a study; to provide a  
6 report; to provide for an exemption; and to declare an emergency.

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

	Base Level	Adjustments or Enhancements	Appropriation
16 <del>Adult services</del>	<del>\$220,757,448</del>	<del>\$15,683,040</del>	<del>\$236,440,488</del>
17 <del>Youth services</del>	<del>30,740,509</del>	<del>1,355,436</del>	<del>32,095,945</del>
18 <del>Total all funds</del>	<del>\$251,497,957</del>	<del>\$17,038,476</del>	<del>\$268,536,433</del>
19 <del>Less estimated income</del>	<del>37,161,253</del>	<del>4,978,055</del>	<del>42,139,308</del>
20 <del>Total general fund</del>	<del>\$214,336,704</del>	<del>\$12,060,421</del>	<del>\$226,397,125</del>
21 <del>Full-time equivalent positions</del>	<del>845.29</del>	<del>54.50</del>	<del>899.79</del>
22 <u>Adult services</u>	<u>\$220,757,448</u>	<u>\$30,293,935</u>	<u>\$251,051,383</u>
23 <u>Youth services</u>	<u>30,740,509</u>	<u>1,545,821</u>	<u>32,286,330</u>
24 <u>Total all funds</u>	<u>\$251,497,957</u>	<u>\$31,839,756</u>	<u>\$283,337,713</u>

1	<u>Less estimated income</u>	<u>37,161,253</u>	<u>8,038,937</u>	<u>45,200,190</u>
2	<u>Total general fund</u>	<u>\$214,336,704</u>	<u>\$23,800,819</u>	<u>\$238,137,523</u>
3	<u>Full-time equivalent positions</u>	<u>845.29</u>	<u>88.30</u>	<u>933.59</u>

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

8	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
9	Equipment	\$167,000	\$298,700
10	Elite servers replacement	0	40,000
11	Extraordinary repairs	0	1,332,250
12	Youth correctional center, James River correctional center,	0	250,000
13	and state hospital campus infrastructure studies		
14	Scan and screen device	0	230,000
15	Redundant fence	0	160,000
16	Portable x-ray equipment	0	22,000
17	Oracle software upgrade	0	165,000
18	Contracts and payments processing system	0	100,000
19	Inmate tracking system	0	160,000
20	Intake and legal movement system	0	240,000
21	<del>Electronic medical records system</del>	<del>935,907</del>	<del>0</del>
22	<del>Pipeline protest law enforcement support</del>	<del>500,000</del>	<del>0</del>
23	<del>Justice reinvestment initiative</del>	<del>500,000</del>	<del>0</del>
24	<del>Total all funds</del>	<del>\$2,102,907</del>	<del>\$2,997,950</del>
25	<del>Less estimated income</del>	<del>2,102,907</del>	<del>2,081,700</del>
26	<del>Total general fund</del>	<del>\$0</del>	<del>\$916,250</del>
27	<u>Rough Rider industries building</u>	<u>0</u>	<u>1,140,000</u>
28	<u>James River correctional center minimum security facilities</u>	<u>0</u>	<u>2,390,334</u>
29	<u>Missouri River correctional center renovation</u>	<u>0</u>	<u>1,854,301</u>
30	<u>Gender-responsive services and facilities study</u>	<u>0</u>	<u>100,000</u>
31	<u>Electronic medical records system</u>	<u>935,907</u>	<u>0</u>

1	<u>Pipeline protest law enforcement support</u>	<u>500,000</u>	<u>0</u>
2	<u>Justice reinvestment initiative</u>	<u>500,000</u>	<u>0</u>
3	<u>Total all funds</u>	<u>\$2,102,907</u>	<u>\$8,482,585</u>
4	<u>Less estimated income</u>	<u>2,102,907</u>	<u>5,076,001</u>
5	<u>Total general fund</u>	<u>\$0</u>	<u>\$3,406,584</u>

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

10 **SECTION 3. APPROPRIATION - 2017-19 BIENNIUM - WORKFORCE DEVELOPMENT -**  
11 **EXEMPTION.** There is appropriated out of any moneys in the general fund in the state treasury,  
12 not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be  
13 necessary, to the department of corrections and rehabilitation to enhance vocational  
14 opportunities, educational opportunities, and workforce development for individuals sentenced  
15 to the department of corrections and rehabilitation, including individuals placed in contract  
16 housing, for the period beginning with the effective date of this Act, and ending June 30, 2019.  
17 The department of corrections and rehabilitation shall consult with the southwest multi-county  
18 correction center regarding potential providers of vocational opportunities, educational  
19 opportunities, and workforce development. The appropriation in this section is not subject to  
20 section 54-44.1-11 and any unexpended funds from the appropriation may be used for  
21 enhancing vocational opportunities, educational opportunities, and workforce development for  
22 individuals sentenced to the department of corrections and rehabilitation during the biennium  
23 beginning July 1, 2019, and ending June 30, 2021.

24 **SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**  
25 **FUND.** The estimated income line item in section 1 of this Act includes ~~\$1,468,000~~\$3,322,301  
26 from the strategic investment and improvements fund for campus infrastructure studies,  
27 extraordinary repairs, an inmate tracking system, information technology upgrades, security  
28 equipment, renovation of the Missouri River correctional center, and other one-time funding  
29 items.

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

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

9       **SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION STUDY OF**  
10 **GENDER-RESPONSIVE SERVICES AND FACILITIES - REPORT.** The appropriation in  
11 section 1 of this Act includes \$100,000 from the general fund for the department of corrections  
12 and rehabilitation to study long-term gender-responsive correctional and rehabilitation facility  
13 and service needs during the 2019-20 interim. The department of corrections and rehabilitation,  
14 in consultation with representatives of the department of human services, judicial branch, tribal  
15 governments, and other private and public entities as determined by the department of  
16 corrections and rehabilitation, shall study gender-responsive facility and service needs of  
17 individuals sentenced to the department of corrections and rehabilitation. The study must  
18 include the preferable location of facilities, the service needs of individuals sentenced to the  
19 department of corrections and rehabilitation, and the impact on families of individuals sentenced  
20 to the department of corrections and rehabilitation. The department of corrections and  
21 rehabilitation may contract with consultants to assist in the study of gender-responsive  
22 correctional and rehabilitation facility and service needs and shall consider the results of the  
23 study in future appropriation requests. The department of corrections and rehabilitation shall  
24 report the results of its study to the legislative management by June 30, 2020.

25       **SECTION 7. LEGISLATIVE INTENT - CONTRACT HOUSING FOR STATE INMATES.** It is  
26 the intent of the sixty-sixth legislative assembly that the \$11,905,311 appropriated in section 1 of  
27 this Act to house inmates at the southwest multi-county correction center's correctional facility in  
28 New England during the 2019-21 biennium be applied to house male inmates or female  
29 inmates, as determined by the governor with the approval of the southwest multi-county  
30 correction center. The governor shall consult with the department of corrections and  
31 rehabilitation and the southwest multi-county correction center in making the determination. The

1 governor shall also consider the potential for workforce training and work release in making the  
2 determination. If the southwest multi-county correction center does not approve the governor's  
3 determination by June 30, 2021, the department of corrections and rehabilitation may use the  
4 funding appropriated to house inmates at another facility.

5 **SECTION 8. LEGISLATIVE INTENT - JAMES RIVER CORRECTIONAL CENTER AND**  
6 **STATE HOSPITAL CAMPUS INFRASTRUCTURE STUDY.** It is the intent of the sixty-sixth  
7 legislative assembly that the \$175,000 appropriated in section 1 of this Act for a campus  
8 infrastructure study of the James River correctional center and the state hospital consider the  
9 potential for the placement of minimum security male inmates in current structures on the state  
10 hospital campus.

11 **SECTION 9. LEGISLATIVE INTENT - MINIMUM SECURITY FACILITY - JAMES RIVER**  
12 **CORRECTIONAL CENTER.** It is the intent of the sixty-sixth legislative assembly that any  
13 minimum security facilities on the campus of the James River correctional center and state  
14 hospital not be enclosed with a fence.

15 **SECTION 10. PRETRIAL SERVICES - PILOT PROGRAM - REPORT.** The appropriation in  
16 section 1 of this Act includes \$755,034 and seven full-time equivalent positions for pretrial  
17 services. The department of corrections and rehabilitation may establish a pretrial services  
18 program as a pilot project in one or more judicial districts of the state during the biennium  
19 beginning July 1, 2019, and ending June 30, 2021. The department of corrections and  
20 rehabilitation and the judicial branch shall collaborate to develop guidelines and procedures for  
21 the administration of pretrial services for the district courts. The department of corrections and  
22 rehabilitation and the judicial branch shall provide a report regarding the process and outcome  
23 measures of the pretrial services program to the sixty-seventh legislative assembly.

24 **SECTION 11. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The  
25 \$7,000,000 from the general fund appropriated in the adult services line item relating to the  
26 community behavioral health program in section 1 of chapter 40 of the 2017 Session Laws is  
27 not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be  
28 used for the community behavioral health program for individuals in custody or under the  
29 supervision of the department of corrections and rehabilitation or for the continuation of  
30 programming, when necessary, for individuals no longer in custody or under the supervision of  
31 the department, during the biennium beginning July 1, 2019, and ending June 30, 2021.

1       **SECTION 12. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING**  
2 **FUND REVENUES.** Any moneys received by the department of corrections and rehabilitation  
3 from correctional supervision, electronic monitoring, and detention; reimbursements from other  
4 agencies; profits received from department of corrections and rehabilitation commissary;  
5 miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and  
6 from the common schools trust fund, may be deposited in the department of corrections and  
7 rehabilitation operating fund and expended pursuant to legislative appropriation for the  
8 biennium beginning July 1, 2019, and ending June 30, 2021.

9       **SECTION 13. CONVEYANCE OF LAND AND BUILDINGS - TOMPKINS BUILDING -**  
10 **EXEMPTION.** The state of North Dakota, by and through the department of human services,  
11 shall convey ownership of building 2404, formerly known as the nursing residence building and  
12 Tompkins building, and surrounding real property on the grounds of the state hospital, to the  
13 department of corrections and rehabilitation. ~~The provisions of chapters 48-01.1 and 54-44.7~~  
14 ~~relating to public improvement contract bids and architect, engineer, and land surveying~~  
15 ~~services for construction and renovation~~ Sections 54-01-05.2 and 54-01-05.5 do not apply to this  
16 conveyance.

17 ~~—SECTION 14. LEGISLATIVE MANAGEMENT STUDY—DEPARTMENT OF~~  
18 ~~CORRECTIONS AND REHABILITATION.~~ During the 2019-20 interim, the legislative  
19 management shall study the department of corrections and rehabilitation. The study must  
20 address the feasibility and desirability of relocating female inmates from the Dakota women's  
21 correctional and rehabilitation center in New England to another location and the feasibility and  
22 desirability of relocating minimum security male inmates from the Missouri River correctional  
23 center in Bismarck to New England or another location. The study must include a review of:  
24 —1.— Service needs of female inmates;  
25 —2.— Service needs of male inmates;  
26 —3.— Services available to female inmates at the Dakota women's correctional and  
27 rehabilitation center;  
28 —4.— Services available to male inmates at the Missouri River correctional center;  
29 —5.— Facility needs, including changes needed to continue to serve male inmates and  
30 changes needed to serve female inmates, and associated costs;

- 1 ~~6. The short term and long term costs and benefits of relocating female inmates to~~  
2 ~~another location;~~
- 3 ~~7. The short term and long term costs and benefits of relocating minimum security male~~  
4 ~~inmates to New England or another location;~~
- 5 ~~8. Available services and work release opportunities for minimum security male inmates~~  
6 ~~in New England and other locations; and~~
- 7 ~~9. The feasibility and desirability of increasing regional detention and transition facilities~~  
8 ~~for female inmates across the state.~~
- 9 ~~The legislative management shall report its findings and recommendations, together with~~  
10 ~~any legislation required to implement the recommendations, to the sixty seventh legislative~~  
11 ~~assembly.~~

12 **SECTION 14. CONVEYANCE OF LAND AND BUILDINGS - 12 WEST AND 16 WEST -**  
13 **EXEMPTION.** The state of North Dakota, by and through the department of human services,  
14 may convey ownership of the 12 west and 16 west buildings and surrounding real property on  
15 the grounds of the state hospital, to the department of corrections and rehabilitation. Sections  
16 54-01-05.2 and 54-01-05.5 do not apply to this conveyance.

17 **SECTION 15. EMERGENCY.** The appropriation of \$175,000 from the strategic investment  
18 and improvements fund for the James River correctional center and state hospital campus  
19 infrastructure study in section 1, the appropriation of \$100,000 from the general fund for a  
20 gender-responsive services and facilities study in section 1, and sections 3, 6, and 8 of this Act  
21 are declared to be an emergency measure.