

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015

That the Senate recede from its amendments as printed on pages 1734-1738 of the House Journal and pages 1429-1433 of the Senate Journal and that Engrossed House Bill No. 1015 be amended as follows:

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 5 of section 12-47-36 of the North Dakota Century Code, relating to disclosure of confidential records;"

Page 1, line 3, remove "and"

Page 1, line 3, after "report" insert "to provide for a department of corrections and rehabilitation review committee; and to provide an exemption"

Page 1, replace lines 13 through 17 with:

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

Page 2, replace lines 3 and 4 with:

"Youth correctional center campus infrastructure study	0	75,000
Department of corrections and rehabilitation study	0	400,000"

Page 2, replace lines 15 through 17 with:

"Total all funds	\$2,102,907	\$3,222,950
Less estimated income	<u>2,102,907</u>	<u>1,831,700</u>
Total general fund	\$0	\$1,391,250"

Page 2, line 23, replace "\$1,468,000" with "\$1,218,000"

Page 2, line 24, remove "campus infrastructure studies,"

Page 2, after line 26, insert:

**"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."

Page 3, line 1, after "program" insert "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,"

Page 3, line 15, remove "The provisions of chapters 48-01.1 and 54-44.7"

Page 3, remove line 16

Page 3, line 17, replace "services for construction and renovation" with "Sections 54-01-05.2 and 54-01-05.5"

Page 3, remove lines 18 through 31

Page 4, replace lines 1 through 11 with:

**"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."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1015 - Department of Corrections and Rehab. - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Adult services	\$220,757,448	\$236,440,488	\$2,907,147	\$239,347,635	\$251,051,383	(\$11,703,748)
Youth services	30,740,509	32,095,945	190,385	32,286,330	32,286,330	
Total all funds	\$251,497,957	\$268,536,433	\$3,097,532	\$271,633,965	\$283,337,713	(\$11,703,748)
Less estimated income	37,161,253	42,139,308	(183,419)	41,955,889	45,200,190	(3,244,301)
General fund	\$214,336,704	\$226,397,125	\$3,280,951	\$229,678,076	\$238,137,523	(\$8,459,447)

**Department 530 - Department of Corrections and Rehab. - Detail of Conference Committee Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Adjusts Funding for Transitional Services <sup>2</sup>	Adjusts One- Time Funding for Infrastructure Studies <sup>3</sup>	Adds One- Time Funding for Consultants <sup>4</sup>	Total Conference Committee Changes
Adult services	\$1,082,780	\$1,599,367	(\$175,000)	\$400,000	\$2,907,147
Youth services	190,385				190,385
<b>Total all funds</b>	<b>\$1,273,165</b>	<b>\$1,599,367</b>	<b>(\$175,000)</b>	<b>\$400,000</b>	<b>\$3,097,532</b>
Less estimated income	66,581	0	(250,000)	0	(183,419)
General fund	\$1,206,584	\$1,599,367	\$75,000	\$400,000	\$3,280,951
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and 2.5 percent on July 1, 2020, the same as the Senate version. The House provided funding for a 2 percent salary increase on July 1, 2019, and a 2 percent salary increase on July 1, 2020.

<sup>2</sup> Funding is adjusted for transitional services, including the addition of \$549,626 for the Bismarck Transition Center contract and the restoration of \$1,049,741 removed by the House. The Senate version also included this adjustment.

<sup>3</sup> One-time funding from the strategic investment and improvements fund for a campus infrastructure study of the James River Correctional Center and State Hospital is removed. The funding for the campus infrastructure study at the Youth Correctional Center is adjusted to provide funding from the general fund rather than the strategic investment and improvements fund. Both the House and Senate included funding from the strategic investment and improvements fund for the studies.

<sup>4</sup> One-time funding of \$400,000 from the general fund is added for the Department of Corrections and Rehabilitation to hire consultants, with advice from a newly created Legislative Management committee, to assist the department and the Legislative Management in a study of the Department of Corrections and Rehabilitation. Neither the House nor the Senate provided funding to assist with this study.

The Conference Committee did not include the following adjustments made by the Senate:

- The addition of 8.6 FTE Missouri River Correctional Center treatment positions and \$1.9 million from the general fund;
- The addition of 25.2 FTE James River Correctional Center minimum security positions and \$4.2 million from the general fund;
- The addition of \$2.4 million of one-time funding from the general fund for minimum security facilities at the James River Correctional Center;
- The addition of \$100,000 of one-time funding from the general fund for a study of gender-responsive services and facilities;
- The addition of \$1.9 million of one-time funding from the strategic investment and improvements fund for Missouri River Correctional Center renovations; and
- The addition of \$1.1 million of one-time funding from the Rough Rider Industries fund for construction of a Rough Rider Industries building at the James River Correctional Center.

**House Bill No. 1015 - Other Changes - Conference Committee Action**

This amendment also:

- Does not include a section added by the Senate to provide a 2017-19 biennium appropriation of \$3 million from the general fund to the Department of Corrections and Rehabilitation to enhance vocational and education opportunities for inmate workforce development.
- Adds a section to amend North Dakota Century Code Section 12-47-36(5) relating to disclosure of confidential records. The Senate also included this section.
- Does not include a section added by the Senate to provide for a Department of Corrections and Rehabilitation study of gender-responsive services and facilities.
- Does not include a section added by the Senate to provide legislative intent that the Governor determine the

location of male and female inmates in consultation with the Department of Corrections and Rehabilitation and the Southwest Multi-County Correction Center.

- Does not include a section added by the Senate to provide legislative intent that a campus infrastructure study of the James River Correctional Center and the State Hospital consider the potential for placement of minimum security male inmates in current structures on the campus.
- Does not include a section added by the Senate to provide legislative intent that no fence be placed around facilities used for minimum security male inmates.
- Adds a section to provide for the establishment of a pretrial services pilot project. The Senate included a similar section.
- Adjusts the section providing carryover authority relating to the free through recovery program to allow the funding to be used for the continuation of programming for individuals no longer in the custody or under the supervision of the Department of Corrections and Rehabilitation. The Senate also included this adjustment.
- Does not include a section added by the Senate to allow for the conveyance of the 12 West and 16 West buildings from the State Hospital to the Department of Corrections and Rehabilitation for use as a minimum security facility.
- Adds a section to create a Department of Corrections and Rehabilitation review committee to study the department during the 2019-20 interim.