

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~~ to provide a report; to provide for a department of corrections and  
6 rehabilitation review committee; and to provide an exemption.

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 <u>Adult services</u>	<u>\$220,757,448</u>	<u>\$18,590,187</u>	<u>\$239,347,635</u>
22 <u>Youth services</u>	<u>30,740,509</u>	<u>1,545,821</u>	<u>32,286,330</u>
23 <u>Total all funds</u>	<u>\$251,497,957</u>	<u>\$20,136,008</u>	<u>\$271,633,965</u>
24 <u>Less estimated income</u>	<u>37,161,253</u>	<u>4,794,636</u>	<u>41,955,889</u>

1 Total general fund \$214,336,704 \$15,341,372 \$229,678,076

2 Full-time equivalent positions 845.29 54.50 899.79

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

4 **SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding  
5 items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time  
6 funding items included in the appropriation in section 1 of this Act:

7 One-Time Funding Description 2017-19 2019-21

8 Equipment \$167,000 \$298,700

9 Elite servers replacement 0 40,000

10 Extraordinary repairs 0 1,332,250

11 ~~Youth correctional center, James River correctional center,~~ ~~0~~ ~~250,000~~

12 ~~—and state hospital campus infrastructure studies~~

13 Youth correctional center campus infrastructure study 0 75,000

14 Department of corrections and rehabilitation study 0 400,000

15 Scan and screen device 0 230,000

16 Redundant fence 0 160,000

17 Portable x-ray equipment 0 22,000

18 Oracle software upgrade 0 165,000

19 Contracts and payments processing system 0 100,000

20 Inmate tracking system 0 160,000

21 Intake and legal movement system 0 240,000

22 Electronic medical records system 935,907 0

23 Pipeline protest law enforcement support 500,000 0

24 Justice reinvestment initiative 500,000 0

25 ~~Total all funds~~ ~~\$2,102,907~~ ~~\$2,997,950~~

26 ~~Less estimated income~~ ~~2,102,907~~ ~~2,081,700~~

27 ~~Total general fund~~ ~~\$0~~ ~~\$916,250~~

28 Total all funds \$2,102,907 \$3,222,950

29 Less estimated income 2,102,907 1,831,700

30 Total general fund \$0 \$1,391,250

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

5 **SECTION 3. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**

6 **FUND.** The estimated income line item in section 1 of this Act includes ~~\$1,468,000~~\$1,218,000  
7 from the strategic investment and improvements fund for ~~campus infrastructure studies,~~  
8 extraordinary repairs, an inmate tracking system, information technology upgrades, security  
9 equipment, and other one-time funding items.

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

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

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

1       **SECTION 6. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The  
2 \$7,000,000 from the general fund appropriated in the adult services line item relating to the  
3 community behavioral health program in section 1 of chapter 40 of the 2017 Session Laws is  
4 not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be  
5 used for the community behavioral health program for individuals in custody or under the  
6 supervision of the department of corrections and rehabilitation or for the continuation of  
7 programming, when necessary, for individuals no longer in custody or under the supervision of  
8 the department. during the biennium beginning July 1, 2019, and ending June 30, 2021.

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

17       **SECTION 8. CONVEYANCE OF LAND AND BUILDINGS - TOMPKINS BUILDING -**  
18 **EXEMPTION.** The state of North Dakota, by and through the department of human services,  
19 shall convey ownership of building 2404, formerly known as the nursing residence building and  
20 Tompkins building, and surrounding real property on the grounds of the state hospital, to the  
21 department of corrections and rehabilitation. ~~The provisions of chapters 48-01.1 and 54-44.7-~~  
22 ~~relating to public improvement contract bids and architect, engineer, and land surveying~~  
23 ~~services for construction and renovation~~ Sections 54-01-05.2 and 54-01-05.5 do not apply to this  
24 conveyance.

25       ~~**SECTION 10. LEGISLATIVE MANAGEMENT STUDY - DEPARTMENT OF**~~  
26 ~~**CORRECTIONS AND REHABILITATION.**~~ During the 2019-20 interim, the legislative  
27 management shall study the department of corrections and rehabilitation. The study must  
28 address the feasibility and desirability of relocating female inmates from the Dakota women's  
29 correctional and rehabilitation center in New England to another location and the feasibility and  
30 desirability of relocating minimum security male inmates from the Missouri River correctional  
31 center in Bismarck to New England or another location. The study must include a review of:

- ~~1. Service needs of female inmates;~~
  - ~~2. Service needs of male inmates;~~
  - ~~3. Services available to female inmates at the Dakota women's correctional and rehabilitation center;~~
  - ~~4. Services available to male inmates at the Missouri River correctional center;~~
  - ~~5. Facility needs, including changes needed to continue to serve male inmates and changes needed to serve female inmates, and associated costs;~~
  - ~~6. The short-term and long-term costs and benefits of relocating female inmates to another location;~~
  - ~~7. The short-term and long-term costs and benefits of relocating minimum-security male inmates to New England or another location;~~
  - ~~8. Available services and work-release opportunities for minimum-security male inmates in New England and other locations; and~~
  - ~~9. The feasibility and desirability of increasing regional detention and transition facilities for female inmates across the state.~~
- ~~The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.~~

**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.

- 1       2.   The legislative management chairman shall designate the committee chairman and  
2       vice chairman and the legislative council shall provide staff services for the committee.
- 3       3.   The committee shall conduct a comprehensive study of the department of corrections  
4       and rehabilitation. The study must include:
  - 5       a.   A review, with input from a consultant engaged by the department of corrections  
6       and rehabilitation, of gender-responsive correctional and rehabilitation facility and  
7       service needs. The review must include:
    - 8       (1)   The preferable location of facilities;
    - 9       (2)   The service needs of individuals sentenced to the department of corrections  
10       and rehabilitation; and
    - 11       (3)   The impact on families of individuals sentenced to the department of  
12       corrections and rehabilitation.
  - 13       b.   An assessment of facilities at the Missouri River correctional center, the James  
14       River correctional center, and the state hospital, with input from a consultant  
15       engaged by the department of corrections and rehabilitation. The assessment  
16       must:
    - 17       (1)   Include the department of corrections and rehabilitation master plan, staffing  
18       plan, comprehensive service delivery strategy, and cost estimates;
    - 19       (2)   Be based on providing comprehensive services to those committed to the  
20       care, custody, and control of the department of corrections and  
21       rehabilitation;
    - 22       (3)   Include options for community-based and family-involved environments; and
    - 23       (4)   Consider the opportunity for vocational and workforce development.
  - 24       c.   A review of vocational opportunities, educational opportunities, workforce  
25       development, and medical and behavioral health treatment for those committed  
26       to the care, custody, and control of the department of corrections and  
27       rehabilitation.
- 28       4.   The committee shall advise the department of corrections and rehabilitation on the  
29       department's selection of consultants to assist the department and the committee in its  
30       study, for which \$400,000 is included in the appropriation from the general fund in  
31       section 1 of this Act.

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