

**FIRST ENGROSSMENT
with Senate Amendments
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 a statement of
5 legislative intent; to provide for a study; to provide a report; to provide for an exemption; and to
6 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:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
15 Adult services	\$220,757,448	\$30,293,935	\$251,051,383
17 Youth services	<u>30,740,509</u>	<u>1,545,821</u>	<u>32,286,330</u>
18 Total all funds	\$251,497,957	\$31,839,756	\$283,337,713
19 Less estimated income	<u>37,161,253</u>	<u>8,038,937</u>	<u>45,200,190</u>
20 Total general fund	\$214,336,704	\$23,800,819	\$238,137,523
21 Full-time equivalent positions	845.29	88.30	933.59

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

Sixty-sixth
Legislative Assembly

1 items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time
2 funding items included in the appropriation in section 1 of this Act:

3	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
4	Equipment	\$167,000	\$298,700
5	Elite servers replacement	0	40,000
6	Extraordinary repairs	0	1,332,250
7	Youth correctional center, James River correctional center,	0	250,000
8	and state hospital campus infrastructure studies		
9	Scan and screen device	0	230,000
10	Redundant fence	0	160,000
11	Portable x-ray equipment	0	22,000
12	Oracle software upgrade	0	165,000
13	Contracts and payments processing system	0	100,000
14	Inmate tracking system	0	160,000
15	Intake and legal movement system	0	240,000
16	Rough Rider industries building	0	1,140,000
17	James River correctional center minimum security facilities	0	2,390,334
18	Missouri River correctional center renovation	0	1,854,301
19	Gender-responsive services and facilities study	0	100,000
20	Electronic medical records system	935,907	0
21	Pipeline protest law enforcement support	500,000	0
22	Justice reinvestment initiative	<u>500,000</u>	<u>0</u>
23	Total all funds	\$2,102,907	\$8,482,585
24	Less estimated income	<u>2,102,907</u>	<u>5,076,001</u>
25	Total general fund	\$0	\$3,406,584

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

30 **SECTION 3. APPROPRIATION - 2017-19 BIENNIUM - WORKFORCE DEVELOPMENT -**
31 **EXEMPTION.** There is appropriated out of any moneys in the general fund in the state treasury,

1 not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be
2 necessary, to the department of corrections and rehabilitation to enhance vocational
3 opportunities, educational opportunities, and workforce development for individuals sentenced
4 to the department of corrections and rehabilitation, including individuals placed in contract
5 housing, for the period beginning with the effective date of this Act, and ending June 30, 2019.
6 The department of corrections and rehabilitation shall consult with the southwest multi-county
7 correction center regarding potential providers of vocational opportunities, educational
8 opportunities, and workforce development. The appropriation in this section is not subject to
9 section 54-44.1-11 and any unexpended funds from the appropriation may be used for
10 enhancing vocational opportunities, educational opportunities, and workforce development for
11 individuals sentenced to the department of corrections and rehabilitation during the biennium
12 beginning July 1, 2019, and ending June 30, 2021.

13 **SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**

14 **FUND.** The estimated income line item in section 1 of this Act includes \$3,322,301 from the
15 strategic investment and improvements fund for campus infrastructure studies, extraordinary
16 repairs, an inmate tracking system, information technology upgrades, security equipment,
17 renovation of the Missouri River correctional center, and other one-time funding items.

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

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

28 **SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION STUDY OF**

29 **GENDER-RESPONSIVE SERVICES AND FACILITIES - REPORT.** The appropriation in
30 section 1 of this Act includes \$100,000 from the general fund for the department of corrections
31 and rehabilitation to study long-term gender-responsive correctional and rehabilitation facility

1 and service needs during the 2019-20 interim. The department of corrections and rehabilitation,
2 in consultation with representatives of the department of human services, judicial branch, tribal
3 governments, and other private and public entities as determined by the department of
4 corrections and rehabilitation, shall study gender-responsive facility and service needs of
5 individuals sentenced to the department of corrections and rehabilitation. The study must
6 include the preferable location of facilities, the service needs of individuals sentenced to the
7 department of corrections and rehabilitation, and the impact on families of individuals sentenced
8 to the department of corrections and rehabilitation. The department of corrections and
9 rehabilitation may contract with consultants to assist in the study of gender-responsive
10 correctional and rehabilitation facility and service needs and shall consider the results of the
11 study in future appropriation requests. The department of corrections and rehabilitation shall
12 report the results of its study to the legislative management by June 30, 2020.

13 **SECTION 7. LEGISLATIVE INTENT - CONTRACT HOUSING FOR STATE INMATES.** It is
14 the intent of the sixty-sixth legislative assembly that the \$11,905,311 appropriated in section 1 of
15 this Act to house inmates at the southwest multi-county correction center's correctional facility in
16 New England during the 2019-21 biennium be applied to house male inmates or female
17 inmates, as determined by the governor with the approval of the southwest multi-county
18 correction center. The governor shall consult with the department of corrections and
19 rehabilitation and the southwest multi-county correction center in making the determination. The
20 governor shall also consider the potential for workforce training and work release in making the
21 determination. If the southwest multi-county correction center does not approve the governor's
22 determination by June 30, 2021, the department of corrections and rehabilitation may use the
23 funding appropriated to house inmates at another facility.

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

30 **SECTION 9. LEGISLATIVE INTENT - MINIMUM SECURITY FACILITY - JAMES RIVER**
31 **CORRECTIONAL CENTER.** It is the intent of the sixty-sixth legislative assembly that any

1 minimum security facilities on the campus of the James River correctional center and state
2 hospital not be enclosed with a fence.

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

12 **SECTION 11. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The
13 \$7,000,000 from the general fund appropriated in the adult services line item relating to the
14 community behavioral health program in section 1 of chapter 40 of the 2017 Session Laws is
15 not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be
16 used for the community behavioral health program for individuals in custody or under the
17 supervision of the department of corrections and rehabilitation or for the continuation of
18 programming, when necessary, for individuals no longer in custody or under the supervision of
19 the department, during the biennium beginning July 1, 2019, and ending June 30, 2021.

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

28 **SECTION 13. CONVEYANCE OF LAND AND BUILDINGS - TOMPKINS BUILDING -**
29 **EXEMPTION.** The state of North Dakota, by and through the department of human services,
30 shall convey ownership of building 2404, formerly known as the nursing residence building and
31 Tompkins building, and surrounding real property on the grounds of the state hospital, to the

1 department of corrections and rehabilitation. Sections 54-01-05.2 and 54-01-05.5 do not apply
2 to this conveyance.

3 **SECTION 14. CONVEYANCE OF LAND AND BUILDINGS - 12 WEST AND 16 WEST -**
4 **EXEMPTION.** The state of North Dakota, by and through the department of human services,
5 may convey ownership of the 12 west and 16 west buildings and surrounding real property on
6 the grounds of the state hospital, to the department of corrections and rehabilitation. Sections
7 54-01-05.2 and 54-01-05.5 do not apply to this conveyance.

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