

**FIRST ENGROSSMENT
with Conference Committee 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 for a legislative
5 management study; 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:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
15 Adult services	\$220,757,448	\$18,590,187	\$239,347,635
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	\$20,136,008	\$271,633,965
19 Less estimated income	<u>37,161,253</u>	<u>4,794,636</u>	<u>41,955,889</u>
20 Total general fund	\$214,336,704	\$15,341,372	\$229,678,076
21 Full-time equivalent positions	845.29	54.50	899.79

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 campus infrastructure study	0	75,000
8	Department of corrections and rehabilitation study	0	400,000
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	Electronic medical records system	935,907	0
17	Pipeline protest law enforcement support	500,000	0
18	Justice reinvestment initiative	<u>500,000</u>	<u>0</u>
19	Total all funds	\$2,102,907	\$3,222,950
20	Less estimated income	<u>2,102,907</u>	<u>1,831,700</u>
21	Total general fund	\$0	\$1,391,250

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

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

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

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

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

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

22 **SECTION 6. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The
23 \$7,000,000 from the general fund appropriated in the adult services line item relating to the
24 community behavioral health program in section 1 of chapter 40 of the 2017 Session Laws is
25 not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be
26 used for the community behavioral health program for individuals in custody or under the
27 supervision of the department of corrections and rehabilitation or for the continuation of
28 programming, when necessary, for individuals no longer in custody or under the supervision of
29 the department, during the biennium beginning July 1, 2019, and ending June 30, 2021.

30 **SECTION 7. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING**
31 **FUND REVENUES.** Any moneys received by the department of corrections and rehabilitation

1 from correctional supervision, electronic monitoring, and detention; reimbursements from other
2 agencies; profits received from department of corrections and rehabilitation commissary;
3 miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and
4 from the common schools trust fund, may be deposited in the department of corrections and
5 rehabilitation operating fund and expended pursuant to legislative appropriation for the
6 biennium beginning July 1, 2019, and ending June 30, 2021.

7 **SECTION 8. CONVEYANCE OF LAND AND BUILDINGS - TOMPKINS BUILDING -**

8 **EXEMPTION.** The state of North Dakota, by and through the department of human services,
9 shall convey ownership of building 2404, formerly known as the nursing residence building and
10 Tompkins building, and surrounding real property on the grounds of the state hospital, to the
11 department of corrections and rehabilitation. Sections 54-01-05.2 and 54-01-05.5 do not apply
12 to this conveyance.

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

- 15 1. During the 2019-20 interim, the legislative management shall study the department of
16 corrections and rehabilitation. The legislative management shall create a department
17 of corrections and rehabilitation review committee to conduct the study, consisting of
18 six members as follows:
- 19 a. Three members of the house of representatives selected by the majority leader of
20 the house of representatives, two of whom must represent the majority faction of
21 the house of representatives and one of whom must represent the minority
22 faction of the house of representatives; and
- 23 b. Three members of the senate selected by the majority leader of the senate, two
24 of whom must represent the majority faction of the senate and one of whom must
25 represent the minority faction of the senate.
- 26 2. The legislative management chairman shall designate the committee chairman and
27 vice chairman and the legislative council shall provide staff services for the committee.
- 28 3. The committee shall conduct a comprehensive study of the department of corrections
29 and rehabilitation. The study must include:

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