

15.8123.04000

Sixty-fourth
Legislative Assembly
of North Dakota

**SECOND ENGROSSMENT
with Senate Amendments
REENGROSSED HOUSE BILL NO. 1015**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 corrections and rehabilitation; to provide an appropriation to the legislative council; to provide a
3 contingent appropriation; to provide for a legislative management study; and to provide
4 legislative intent.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the department of corrections and rehabilitation for the purpose of defraying
10 the expenses of the department of corrections and rehabilitation, for the biennium beginning
11 July 1, 2015, and ending June 30, 2017, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Adult services	\$175,467,210	\$52,462,099	\$227,929,309
15 Youth services	28,604,526	2,911,581	31,516,107
16 Accrued leave payments	<u>4,639,529</u>	<u>(4,639,529)</u>	<u>0</u>
17 Total all funds	\$208,711,265	\$50,734,151	\$259,445,416
18 Less estimated income	<u>30,936,922</u>	<u>7,425,784</u>	<u>38,362,706</u>
19 Total general fund	\$177,774,343	\$43,308,367	\$221,082,710
20 Full-time equivalent positions	814.29	35.00	849.29

21 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
22 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
23 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the
24 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

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	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
1			
2	Security camera upgrade	\$0	\$202,500
3	Equipment	552,900	244,400
4	License plate issue	4,900,000	4,900,000
5	Capital projects	349,950	0
6	Information technology upgrades	652,900	616,144
7	Missouri River correctional center study	200,000	0
8	DOCSTARS maintenance	0	150,000
9	Extraordinary repairs	<u>1,683,296</u>	<u>2,175,847</u>
10	Total all funds	\$8,339,046	\$8,288,891
11	Less estimated income	<u>5,198,000</u>	<u>4,900,000</u>
12	Total general fund	\$3,141,046	\$3,388,891

13 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
14 2017-19 biennium. The department of corrections and rehabilitation shall report to the
15 appropriations committees of the sixty-fifth legislative assembly on the use of this one-time
16 funding for the biennium beginning July 1, 2015, and ending June 30, 2017.

17 **SECTION 3. APPROPRIATION - LEGISLATIVE COUNCIL.** There is appropriated out of
18 any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
19 \$50,000, or so much of the sum as may be necessary, to the legislative council for the purpose
20 of obtaining consulting services to assist with a legislative management study of incarceration
21 issues, for the biennium beginning July 1, 2015, and ending June 30, 2017.

22 **SECTION 4. CONTINGENT APPROPRIATION AND AUTHORIZATION - PAROLE AND**
23 **PROBATION BUDGET SECTION REPORT.** The amount of \$1,782,325 from the general fund
24 and 16 full-time equivalent positions included in section 1 of this Act may be spent and
25 authorized only if the total number of individuals on community supervision exceeds 6,850. The
26 department of corrections and rehabilitation shall notify the office of management and budget
27 and report to the budget section each time one or more full-time equivalent positions are
28 authorized under this section. Of the \$1,782,325 and the 16 full-time equivalent positions in this
29 section, the department of corrections and rehabilitation may spend funding and fill full-time
30 equivalent positions, as follows:

- 1 1. \$921,250 and five full-time equivalent positions if the number of individuals on
2 community supervision exceeds 6,850.
- 3 2. In addition to the funding and full-time equivalent positions authorized in subsection 1,
4 \$419,888 and three full-time equivalent positions if the number of individuals on
5 community supervision exceeds 7,125.
- 6 3. In addition to the funding and full-time equivalent positions authorized in subsections 1
7 and 2, \$287,025 and three full-time equivalent positions if the number of individuals on
8 community supervision exceeds 7,440.
- 9 4. In addition to the funding and full-time equivalent positions authorized in subsections 1
10 through 3, \$154,163 and three full-time equivalent positions if the number of
11 individuals on community supervision exceeds 7,755.

12 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - INCARCERATION ISSUES.** During
13 the 2015-16 interim, the legislative management shall study the recidivism reduction reentry
14 program pilot project, the prison day bed allocation pilot project, pretrial services, sentencing
15 alternatives, treatment options, and other related issues. The legislative management shall
16 report its findings and recommendations, together with any legislation required to implement the
17 recommendations, to the sixty-fifth legislative assembly. To conduct the study, legislative
18 management shall create an incarceration issues committee consisting of:

- 19 1. Two members of the house appropriations committee;
- 20 2. Two members of the senate appropriations committee;
- 21 3. One member of the house judiciary committee;
- 22 4. One member of the senate judiciary committee; and
- 23 5. Other members serving in a nonvoting advisory capacity include:
 - 24 a. Two district court judges appointed by the chief justice of the supreme court;
 - 25 b. The chief justice of the state supreme court, or a designee of the chief justice;
 - 26 c. One local law enforcement official appointed by the governor from a city with a
27 population greater than 10,000, based on the most recent decennial census;
 - 28 d. One local law enforcement official appointed by the governor from a city with a
29 population less than 10,000, based on the most recent decennial census;
 - 30 e. One state's attorney appointed by the attorney general from a county with a
31 population of 10,000 or more, based on the most recent decennial census;

- 1 f. One state's attorney appointed by the attorney general from a county with a
- 2 population of less than 10,000, based on the most recent decennial census;
- 3 g. The attorney general, or a designee of the attorney general;
- 4 h. The director of the department of corrections and rehabilitation; and
- 5 i. One member appointed by the director of the department of corrections and
- 6 rehabilitation.

7 Legislative management shall select the chairman and vice chairman of the committee. The
8 committee shall meet quarterly, at the times and places as determined by the chairman. The
9 legislative council shall provide staff services for the committee.

10 **SECTION 6. LEGISLATIVE INTENT - CONTRACT HOUSING AND PROGRAMMING.** It is
11 the intent of the sixty-fourth legislative assembly that the department of corrections and
12 rehabilitation give priority for the use of funding appropriated for contract housing and
13 programming to contract with in-state local and regional facilities for the placement of overflow
14 inmates for the biennium beginning July 1, 2015, and ending June 30, 2017.