

**FIRST ENGROSSMENT  
with Conference Committee Amendments  
ENGROSSED SENATE BILL NO. 2015**

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 for refusal of admission of inmates; to provide for a  
3 legislative management study; to provide for a report to legislative management; to provide an  
4 exemption; and to amend and reenact subsection 2 of section 12.1-32-07 of the North Dakota  
5 Century Code, relating to supervision fees.

**6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
8 as may be necessary, are appropriated out of any moneys in the general fund in the state  
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
10 other income, to the department of corrections and rehabilitation for the purpose of defraying  
11 the expenses of the department of corrections and rehabilitation, for the biennium beginning  
12 July 1, 2013, and ending June 30, 2015, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
15 Adult services	\$160,825,768	\$17,819,891	\$178,645,659
16 Youth services	27,221,743	1,643,380	28,865,123
17 Accrued leave payments	<u>0</u>	<u>4,639,529</u>	<u>4,639,529</u>
18 Total all funds	\$188,047,511	\$24,102,800	\$212,150,311
19 Less estimated income	<u>30,145,650</u>	<u>1,089,272</u>	<u>31,234,922</u>
20 Total general fund	\$157,901,861	\$23,013,528	\$180,915,389
21 Full-time equivalent positions	794.29	20.00	814.29

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

1 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and  
2 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

3	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
4	Equipment	\$665,100	\$552,900
5	Capital projects	1,717,968	349,950
6	Information technology upgrades	0	652,900
7	Missouri River correctional center study	0	200,000
8	Extraordinary repairs	<u>741,490</u>	<u>1,683,296</u>
9	Total all funds	\$3,124,558	\$3,439,046
10	Less estimated income	<u>1,460,500</u>	<u>298,000</u>
11	Total general fund	\$1,664,058	\$3,141,046

12 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the  
13 2015-17 biennium. The department of corrections and rehabilitation shall report to the  
14 appropriations committees of the sixty-fourth legislative assembly on the use of this one-time  
15 funding for the biennium beginning July 1, 2013, and ending June 30, 2015.

16 **SECTION 3. EXEMPTION.** Appropriation authority continued for the biennium beginning  
17 July 1, 2011, and ending June 30, 2013, pursuant to section 54-44.1-11, relating to the  
18 penitentiary expansion project, is not subject to cancellation pursuant to section 54-44.1-11 and  
19 may be continued until June 30, 2014.

20 **SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION - REPORT TO**  
21 **LEGISLATIVE MANAGEMENT.** Section 1 of this Act includes the sum of \$200,000, or so much  
22 of the sum as may be necessary, that the department of corrections and rehabilitation, in  
23 conjunction with the office of management and budget, shall use to develop options for the  
24 feasibility and desirability of relocating the Missouri River correctional center and for a land use  
25 study, for the biennium beginning July 1, 2013, and ending June 30, 2015. The department may  
26 use up to \$50,000 to contract for a land use study of the Missouri River correctional center site.  
27 The study must review options to develop all or a portion of the current site into a day park and  
28 options to continue agriculture activities on the current site. The study may not include options  
29 to develop the land for residential, commercial, or industrial purposes. The department may use  
30 up to \$150,000 for the development of options for relocating the Missouri River correctional  
31 center including the determination of facilities, services, and activities that may be shared by the

1 Missouri River correctional center and the youth correctional center; to develop a plan to move  
2 the Missouri River correctional center to a site adjacent to the youth correctional center; and to  
3 provide cost estimates for construction necessary to relocate the Missouri River correctional  
4 center during the 2015-17 biennium, pending approval and funding by the sixty-fourth legislative  
5 assembly. During the 2013-14 interim, the office of management and budget shall provide a  
6 report to the budget section regarding options for the possible relocation of the Missouri River  
7 correctional center and results of the study. The department shall present its plan to move the  
8 Missouri River correctional center to a site adjacent to the youth correctional center to the  
9 legislative management by July 1, 2014.

10 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY OF JAMES RIVER CORRECTIONAL**  
11 **CENTER AND STATE HOSPITAL PROPERTY.** During the 2013-14 interim, the legislative  
12 management shall consider studying the use of the structures and property of the James River  
13 correctional center and the state hospital to determine the best and most efficient use of the  
14 properties. The legislative management shall reports its findings and recommendations,  
15 together with any legislation required to implement the recommendations, to the sixty-fourth  
16 legislative assembly.

17 **SECTION 6. REFUSAL OF ADMISSION OF INMATES - REPORT TO LEGISLATIVE**  
18 **MANAGEMENT.** The department of corrections and rehabilitation may refuse to admit inmates  
19 sentenced to the physical custody of the department when the admission of inmates will exceed  
20 the maximum operational capacity of the penitentiary and its affiliated facilities and result in the  
21 department exceeding its authorized legislative appropriation for contracting for housing  
22 inmates in other correctional facilities. For purposes of this section, maximum operational  
23 capacity of the department means the total number of inmates that may be imprisoned at the  
24 same time in the penitentiary and its affiliated facilities. The department shall develop a prison  
25 population management plan to prioritize admissions based on sentences and the availability of  
26 space in the penitentiary and its affiliated facilities. The department shall report annually to the  
27 budget section of the legislative management on the prison population management plan and  
28 inmate admissions and the number of inmates the department has not admitted after  
29 sentencing.

30 **SECTION 7. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota  
31 Century Code is amended and reenacted as follows:

1           2.    The conditions of probation must be such as the court in its discretion deems  
2                    reasonably necessary to ensure that the defendant will lead a law-abiding life or to  
3                    assist the defendant to do so. The court shall provide as an explicit condition of every  
4                    probation that the defendant not commit another offense during the period for which  
5                    the probation remains subject to revocation. The court shall order supervision costs  
6                    and fees of not less than ~~forty-five~~fifty-five dollars per month unless the court makes a  
7                    specific finding on record that the imposition of fees will result in an undue hardship. If  
8                    the offender has not paid the full amount of supervision fees and costs before  
9                    completion or termination of probation, the court may issue an order, after opportunity  
10                  for hearing, to determine the amount of supervision fees and costs that are unpaid.  
11                  The order may be filed, transcribed, and enforced by the department of corrections  
12                  and rehabilitation in the same manner as civil judgments rendered by a district court of  
13                  this state.