

**SECOND ENGROSSMENT  
with Senate Amendments**

Sixtieth  
Legislative Assembly  
of North Dakota

**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 amend and reenact subsection 1 of section 12-65-08 and  
3 subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to fees for the  
4 interstate transfer or travel of probationers and supervision fees; to provide an exemption; to  
5 provide legislative intent; to provide for budget section approval; and to provide for a legislative  
6 council study.

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

8 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
9 section represent the base level funding component appropriated to the department of  
10 corrections and rehabilitation in section 3 of this Act as follows:

11 Field services	\$27,075,150
12 Prisons division	79,551,714
13 Juvenile community services	7,930,658
14 Youth correctional center	12,843,309
15 Equity pool	<u>1,500,000</u>
16 Total all funds - Base level	\$128,900,831
17 Less estimated income - Base level	<u>27,765,147</u>
18 Total general fund - Base level	\$101,135,684

19 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The  
20 amounts identified in this section represent the funding adjustments or enhancements to the  
21 base funding level for the department of corrections and rehabilitation which are included in the  
22 appropriation in section 3 of this Act as follows:

23 Field services	\$11,482,019
24 Prisons division	20,511,564

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1	Juvenile community services	964,482
2	Youth correctional center	1,712,416
3	Equity pool	<u>(1,500,000)</u>
4	Total all funds - Adjustments/enhancements	\$33,170,481
5	Less estimated income - Adjustments/enhancements	<u>(3,835,654)</u>
6	Total general fund - Adjustments/enhancements	\$37,006,135

7           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
8 funds 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 that agency, for the biennium beginning July 1, 2007, and ending June 30,  
12 2009, as follows:

13	Field services	\$38,557,169
14	Prisons division	100,063,278
15	Juvenile community services	8,895,140
16	Youth correctional center	<u>14,555,725</u>
17	Total all funds	\$162,071,312
18	Less estimated income	<u>23,929,493</u>
19	Total general fund appropriation	\$138,141,819

20           **SECTION 4. AMENDMENT.** Subsection 1 of section 12-65-08 of the North Dakota  
21 Century Code is amended and reenacted as follows:

22           1. Upon the approval by the department of corrections and rehabilitation of a request  
23 of a probationer who is under the supervision of the department of corrections and  
24 rehabilitation to transfer residence to another state under the interstate compact for  
25 adult offender supervision, the probationer shall pay to the department an  
26 application fee of one hundred fifty dollars. The department may waive the  
27 offender's application fee. If the department waives the offender's payment of the  
28 fee, the department shall pay the offender's application fee. In addition to the  
29 application fee paid by the probationer or the department, the county having  
30 jurisdiction over the probationer, upon approval of the application for transfer, shall  
31 pay to the department a fee of one hundred fifty dollars. However, if the balance in

1           the fund created pursuant to subsection 3 exceeds seventy-five thousand dollars  
2           on June thirtieth of the immediately preceding fiscal year, the department shall  
3           waive the entire fee otherwise required to be paid by the county.

4           **SECTION 5. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota  
5 Century Code is amended and reenacted as follows:

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

19          **SECTION 6. NORTH CENTRAL CORRECTIONAL AND REHABILITATION CENTER.**

20 The department of corrections and rehabilitation shall distribute in twenty-four equal payments  
21 \$1,631,044 from the general fund included in the prisons division line item in section 3 of this  
22 Act for treatment services at the north central correctional and rehabilitation center for the  
23 biennium beginning July 1, 2007, and ending June 30, 2009.

24          **SECTION 7. GRANT PROGRAMS.** The total general fund appropriation line item in  
25 section 3 of this Act includes \$2,000,000 to be used by the field services division to provide  
26 grants to North Dakota organizations for research-based programs to prevent criminal behavior  
27 and incarceration. The grant awards shall range from \$25,000 to \$500,000.

28          **SECTION 8. RECIDIVISM RISK REDUCTION.** The total general fund appropriation  
29 line item in section 3 of this Act includes \$5,000,000 to be used by the prisons division for  
30 treatment and programming related to recidivism risk reduction.

1           **SECTION 9. EXEMPTION.** The amount appropriated to the department of corrections  
2 and rehabilitation in section 5 of 2005 Senate Bill No. 2341 is not subject to the provisions of  
3 section 54-44.1-11. Any unexpended funds from this appropriation are available for crime  
4 victims compensation during the period beginning with passage of this Act and ending June 30,  
5 2009.

6           **SECTION 10. INMATE MEDICAL SYSTEM - BUDGET SECTION APPROVAL.** The  
7 department of corrections and rehabilitation shall, during the 2007-08 interim, develop a plan  
8 for and implement an inmate medical system. The department shall provide reports to the  
9 legislative information technology committee as required by chapters 54-35 and 54-59 of the  
10 North Dakota Century Code and information technology department standards. At the  
11 completion of the planning phase and prior to the implementation stage, the department shall  
12 provide an update to the information technology committee and the budget section in the form  
13 of a project startup report identifying benefits to be achieved, estimated costs for  
14 implementation, a milestone schedule, and project risks. Budget section approval is required  
15 before the department of corrections and rehabilitation proceeds with implementation.

16           **SECTION 11. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
17 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in  
18 section 3 of this Act includes \$3,999,591 for the one-time funding items identified in this  
19 section. This amount is not a part of the agency's base budget to be used in preparing the  
20 2009-11 executive budget. The department of corrections and rehabilitation shall report to the  
21 appropriations committees of the sixty-first legislative assembly on the use of this one-time  
22 funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

23 Youth correctional center security lighting	\$70,000
24 Deferred maintenance	2,165,591
25 Medical information system, equipment, and radios	<u>1,764,000</u>
26 Total	\$3,999,591

27           **SECTION 12. INTENT - REPORTING LEVELS.** The office of management and  
28 budget shall change the reporting levels on the budget analysis and reporting system to allow  
29 for a separation of food and clothing items for the 2009-11 biennium.

30           **SECTION 13. LEGISLATIVE COUNCIL STUDY - RETIREMENT CRITERIA FOR**  
31 **STATE CORRECTIONAL OFFICERS AND PEACE OFFICERS.** The legislative council shall

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- 1 consider studying, during the 2007-08 interim, retirement program criteria and benefits for
- 2 correctional officers and peace officers employed by state agencies, including the feasibility
- 3 and desirability of allowing these employees to retire with full retirement benefits at age fifty-five
- 4 or the "rule of 85".