

**FIRST ENGROSSMENT**

Sixty-seventh  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2015**

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 provide for a report; ~~and to provide an exemption;~~ and to  
3 declare an emergency.

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

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
6 as may be necessary, are appropriated out of any moneys in the general fund in the state  
7 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
8 other income, to the department of corrections and rehabilitation for the purpose of defraying  
9 the expenses of the department of corrections and rehabilitation, for the biennium beginning  
10 July 1, 2021, and ending June 30, 2023, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
13 <del>Adult services</del>	<del>\$236,657,747</del>	<del>\$20,353,739</del>	<del>\$257,011,486</del>
14 <del>Youth services</del>	<del>31,753,268</del>	<del>(7,446,234)</del>	<del>24,307,034</del>
15 <del>Total all funds</del>	<del>\$268,411,015</del>	<del>\$12,907,505</del>	<del>\$281,318,520</del>
16 <del>Less estimated income</del>	<del>40,124,189</del>	<del>4,839,550</del>	<del>44,963,739</del>
17 <del>Total general fund</del>	<del>\$228,286,826</del>	<del>\$8,067,955</del>	<del>\$236,354,781</del>
18 <del>FTE positions</del>	<del>899.79</del>	<del>8.00</del>	<del>907.79</del>
19 <u>Adult services</u>	<u>\$236,657,747</u>	<u>\$23,570,832</u>	<u>\$260,228,579</u>
20 <u>Youth services</u>	<u>31,753,268</u>	<u>(7,168,423)</u>	<u>24,584,845</u>
21 <u>Total all funds</u>	<u>\$268,411,015</u>	<u>\$16,402,409</u>	<u>\$284,813,424</u>
22 <u>Less estimated income</u>	<u>40,124,189</u>	<u>26,523,426</u>	<u>66,647,615</u>
23 <u>Total general fund</u>	<u>\$228,286,826</u>	<u>(\$10,121,017)</u>	<u>\$218,165,809</u>
24 <u>FTE positions</u>	<u>899.79</u>	<u>8.00</u>	<u>907.79</u>

1       **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**  
2 **SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding  
3 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the  
4 2021-23 one-time funding items included in the appropriation for the legislative assembly in  
5 section 1 of this Act:

6	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
7	Equipment	\$298,700	\$191,000
8	Kitchen equipment	0	115,000
9	Roughrider industries equipment	0	1,281,988
10	Roughrider industries storage warehouse	0	500,000
11	Elite servers replacement	40,000	0
12	Extraordinary repairs	1,332,250	0
13	Youth correctional center campus infrastructure study	75,000	0
14	Department of corrections and rehabilitation study	400,000	0
15	Scan and screen device	230,000	0
16	Redundant fence	160,000	0
17	Portable x-ray machine	22,000	0
18	Oracle software upgrade	165,000	0
19	Contracts and payments processing system	100,000	0
20	Inmate tracking system	160,000	0
21	Intake and legal movement system	<u>240,000</u>	<u>0</u>
22	Total all funds	\$3,222,950	\$2,087,988
23	Less estimated income	<u>1,831,700</u>	<u>1,781,988</u>
24	Total general fund	\$1,391,250	\$306,000

25       The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for  
26 the 2023-25 biennium. The department of corrections and rehabilitation shall report to the  
27 appropriations committees of the sixty-eighth legislative assembly on the use of this one-time  
28 funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

29       **SECTION 3. APPROPRIATION - 2019-21 BIENNIUM - FEDERAL CORONAVIRUS**  
30 **RELIEF FUND - SPENDING RESTRICTION.** There is appropriated out of any moneys from  
31 federal funds derived from the federal coronavirus relief fund, not otherwise appropriated, the

1 sum of \$43,689,050, or so much of the sum as may be necessary, to the department of  
2 corrections and rehabilitation for law enforcement payroll costs, for the period beginning March  
3 2020 and ending June 2021. The funding appropriated in this section replaces existing  
4 legislative appropriations. The department of corrections and rehabilitation may not spend the  
5 funding appropriated from the general fund for law enforcement payroll costs during the period  
6 identified.

7 **SECTION 4. ESTIMATED INCOME - FEDERAL CORONAVIRUS RELIEF FUND.** The  
8 estimated income line item in section 1 of this Act includes the sum of \$18,371,718, or so much  
9 of the sum as may be necessary, from the federal coronavirus relief fund for law enforcement  
10 payroll costs for the period beginning July 1, 2021, and ending December 31, 2021.

11 **SECTION 5. COMMUNITY BEHAVIORAL HEALTH PROGRAM - PAYER OF LAST**  
12 **RESORT.** The department of corrections and rehabilitation must be considered the payer of last  
13 resort whenever any other benefit or source of third-party payment, excluding the substance  
14 use disorder treatment voucher program, is available for community-based behavioral health  
15 services for the biennium beginning July 1, 2021, and ending June 30, 2023. The funding  
16 appropriated to the department of corrections and rehabilitation for community-based behavioral  
17 health services must be utilized prior to utilizing substance use disorder treatment voucher  
18 program funding.

19 **SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING**  
20 **FUND REVENUES.** Any moneys received by the department of corrections and rehabilitation  
21 from correctional supervision, electronic monitoring, and detention; reimbursements from other  
22 agencies; profits received from department of corrections and rehabilitation commissary;  
23 miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and  
24 from the youth correctional center permanent fund, may be deposited in the department of  
25 corrections and rehabilitation operating fund and expended pursuant to legislative appropriation  
26 for the biennium beginning July 1, 2021, and ending June 30, 2023.

27 **SECTION 7. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The  
28 amount of \$7,000,000 from the general fund appropriated for the community behavioral health  
29 program in section 1 of chapter 15 of the 2019 Session Laws is not subject to section  
30 54-44.1-11, and any unexpended funds from this appropriation may be used for the community

1 behavioral health program during the biennium beginning July 1, 2021, and ending June 30,  
2 2023.

3 **SECTION 8. EXEMPTION - DEFERRED MAINTENANCE AND EXTRAORDINARY**

4 **REPAIRS.** Notwithstanding any amount continued under section 4 of this Act, up to \$6,000,000  
5 from the general fund appropriated to the department of corrections and rehabilitation in  
6 section 1 of chapter 15 of the 2019 Session Laws is not subject to section 54-44.1-11, and any  
7 unexpended funds from this appropriation may be used for deferred maintenance and  
8 extraordinary repairs projects by the department of corrections and rehabilitation during the  
9 biennium beginning July 1, 2021, and ending June 30, 2023.

10 **SECTION 9. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure.