

**FIRST ENGROSSMENT
with Conference Committee Amendments
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; to provide a statement of legislative intent;
3 to provide for a legislative management study; to provide an exemption; and to declare an
4 emergency.

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, 2021, and ending June 30, 2023, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Adult services	\$236,657,747	\$23,570,832	\$260,228,579
15 Youth services	<u>31,753,268</u>	<u>(7,168,423)</u>	<u>24,584,845</u>
16 Total all funds	\$268,411,015	\$16,402,409	\$284,813,424
17 Less estimated income	<u>40,124,189</u>	<u>26,523,426</u>	<u>66,647,615</u>
18 Total general fund	\$228,286,826	(\$10,121,017)	\$218,165,809
19 FTE positions	899.79	8.00	907.79

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

Sixty-seventh
Legislative Assembly

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

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

24 **SECTION 3. APPROPRIATION - 2019-21 BIENNIUM - FEDERAL CORONAVIRUS**
 25 **RELIEF FUND - SPENDING RESTRICTION.** There is appropriated out of any moneys from
 26 federal funds derived from the federal coronavirus relief fund, not otherwise appropriated, the
 27 sum of \$43,689,050, or so much of the sum as may be necessary, to the department of
 28 corrections and rehabilitation for law enforcement payroll costs, for the period beginning March
 29 2020 and ending June 2021. The funding appropriated in this section replaces existing
 30 legislative appropriations. The department of corrections and rehabilitation may not spend the

1 funding appropriated from the general fund for law enforcement payroll costs during the period
2 identified.

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

7 **SECTION 5. LEGISLATIVE INTENT - COMMUNITY BEHAVIORAL HEALTH SERVICES.**
8 It is the intent of the sixty-seventh legislative assembly that the department of corrections and
9 rehabilitation be considered the payer of last resort whenever any other benefit or source of
10 third-party payment, excluding the substance use disorder treatment voucher program, is
11 available for community-based behavioral health services for the biennium beginning July 1,
12 2021, and ending June 30, 2023. It is further the intent of the sixty-seventh legislative assembly
13 that the funding appropriated to the department of corrections and rehabilitation for
14 community-based behavioral health services be utilized prior to utilizing substance use disorder
15 treatment voucher program funding for the biennium beginning July 1, 2021, and ending
16 June 30, 2023.

17 **SECTION 6. LEGISLATIVE MANAGEMENT STUDY - DEPARTMENT OF CORRECTIONS**
18 **AND REHABILITATION LAND USE.** During the 2021-22 interim, the legislative management
19 shall consider studying the use of land owned by the department of corrections and
20 rehabilitation, including the potential to sell land owned by the department to finance the
21 construction of new correctional facilities. The legislative management shall report its findings
22 and recommendations, together with any legislation required to implement the
23 recommendations, to the sixty-eighth legislative assembly.

24 **SECTION 7. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING**
25 **FUND REVENUES.** Any moneys received by the department of corrections and rehabilitation
26 from correctional supervision, electronic monitoring, and detention; reimbursements from other
27 agencies; profits received from department of corrections and rehabilitation commissary;
28 miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and
29 from the youth correctional center permanent fund, may be deposited in the department of
30 corrections and rehabilitation operating fund and expended pursuant to legislative appropriation
31 for the biennium beginning July 1, 2021, and ending June 30, 2023.

1 **SECTION 8. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The
2 amount of \$7,000,000 from the general fund appropriated for the community behavioral health
3 program in section 1 of chapter 15 of the 2019 Session Laws is not subject to section
4 54-44.1-11, and any unexpended funds from this appropriation may be used for the community
5 behavioral health program during the biennium beginning July 1, 2021, and ending June 30,
6 2023.

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

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