

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 a statement of legislative~~
3 ~~intent; to provide for a legislative management study;~~ to provide an exemption; ~~and to declare~~
4 ~~an 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	\$20,353,739	\$257,011,486
15 Youth services	31,753,268	(7,446,234)	24,307,034
16 Total all funds	\$268,411,015	\$12,907,505	\$281,318,520
17 Less estimated income	40,124,189	4,839,550	44,963,739
18 Total general fund	\$228,286,826	\$8,067,955	\$236,354,781
19 FTE positions	899.79	8.00	907.79
20 <u>Adult services</u>	<u>\$236,657,747</u>	<u>\$23,570,832</u>	<u>\$260,228,579</u>
21 <u>Youth services</u>	<u>31,753,268</u>	<u>(7,168,423)</u>	<u>24,584,845</u>
22 <u>Total all funds</u>	<u>\$268,411,015</u>	<u>\$16,402,409</u>	<u>\$284,813,424</u>
23 <u>Less estimated income</u>	<u>40,124,189</u>	<u>26,523,426</u>	<u>66,647,615</u>

1	<u>Total general fund</u>	<u>\$228,286,826</u>	<u>(\$10,121,017)</u>	<u>\$218,165,809</u>
2	<u>FTE positions</u>	<u>899.79</u>	<u>8.00</u>	<u>907.79</u>

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**
4 **SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding
5 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the
6 2021-23 one-time funding items included in the appropriation for the legislative assembly in
7 section 1 of this Act:

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

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

1 | **SECTION 3. APPROPRIATION - 2019-21 BIENNIUM - FEDERAL CORONAVIRUS**

2 **RELIEF FUND - SPENDING RESTRICTION.** There is appropriated out of any moneys from
3 federal funds derived from the federal coronavirus relief fund, not otherwise appropriated, the
4 sum of \$43,689,050, or so much of the sum as may be necessary, to the department of
5 corrections and rehabilitation for law enforcement payroll costs, for the period beginning March
6 2020 and ending June 2021. The funding appropriated in this section replaces existing
7 legislative appropriations. The department of corrections and rehabilitation may not spend the
8 funding appropriated from the general fund for law enforcement payroll costs during the period
9 identified.

10 | **SECTION 4. ESTIMATED INCOME - FEDERAL CORONAVIRUS RELIEF FUND.** The

11 estimated income line item in section 1 of this Act includes the sum of \$18,371,718, or so much
12 of the sum as may be necessary, from the federal coronavirus relief fund for law enforcement
13 payroll costs for the period beginning July 1, 2021, and ending December 31, 2021.

14 | **SECTION 5. LEGISLATIVE INTENT - COMMUNITY BEHAVIORAL HEALTH SERVICES.**

15 It is the intent of the sixty-seventh legislative assembly that the department of corrections and
16 rehabilitation be considered the payer of last resort whenever any other benefit or source of
17 third-party payment, excluding the substance use disorder treatment voucher program, is
18 available for community-based behavioral health services for the biennium beginning July 1,
19 2021, and ending June 30, 2023. It is further the intent of the sixty-seventh legislative assembly
20 that the funding appropriated to the department of corrections and rehabilitation for
21 community-based behavioral health services be utilized prior to utilizing substance use disorder
22 treatment voucher program funding for the biennium beginning July 1, 2021, and ending
23 June 30, 2023.

24 | **SECTION 6. LEGISLATIVE MANAGEMENT STUDY - DEPARTMENT OF CORRECTIONS**

25 **AND REHABILITATION LAND USE.** During the 2021-22 interim, the legislative management
26 shall consider studying the use of land owned by the department of corrections and
27 rehabilitation, including the potential to sell land owned by the department to finance the
28 construction of new correctional facilities. The legislative management shall report its findings
29 and recommendations, together with any legislation required to implement the
30 recommendations, to the sixty-eighth legislative assembly.

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

9 **SECTION 8. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The
10 amount of \$7,000,000 from the general fund appropriated for the community behavioral health
11 program in section 1 of chapter 15 of the 2019 Session Laws is not subject to section
12 54-44.1-11, and any unexpended funds from this appropriation may be used for the community
13 behavioral health program during the biennium beginning July 1, 2021, and ending June 30,
14 2023.

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

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