

SECOND ENGROSSMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

REENGROSSED HOUSE BILL NO. 1015

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~~ authorize the issuance of bonds; to provide  
3 a statement of legislative intent; and to provide an exemption.

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, 2023, and ending June 30, 2025, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
<del>Adult services</del>	<del>\$258,140,591</del>	<del>\$217,522,126</del>	<del>\$475,662,717</del>
<del>Youth services</del>	<del>24,584,845</del>	<del>2,998,878</del>	<del>27,583,723</del>
<del>Total all funds</del>	<del>\$282,725,436</del>	<del>\$220,521,004</del>	<del>\$503,246,440</del>
<del>Less estimated income</del>	<del>64,865,627</del>	<del>153,138,764</del>	<del>218,004,391</del>
<del>Total general fund</del>	<del>\$217,859,809</del>	<del>\$67,382,240</del>	<del>\$285,242,049</del>
<del>Full-time equivalent positions</del>	<del>907.79</del>	<del>24.00</del>	<del>931.79</del>
<u>Adult services</u>	<u>\$258,140,591</u>	<u>\$170,778,154</u>	<u>\$428,918,745</u>
<u>Youth services</u>	<u>24,584,845</u>	<u>1,555,722</u>	<u>26,140,567</u>
<u>Total all funds</u>	<u>\$282,725,436</u>	<u>\$172,333,876</u>	<u>\$455,059,312</u>
<u>Less estimated income</u>	<u>64,865,627</u>	<u>125,451,497</u>	<u>190,317,124</u>
<u>Total general fund</u>	<u>\$217,859,809</u>	<u>\$46,882,379</u>	<u>\$264,742,188</u>
<u>Full-time equivalent positions</u>	<u>907.79</u>	<u>16.00</u>	<u>923.79</u>

1       **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**

2       **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding  
3 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the  
4 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

5	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
6	<del>Equipment</del>	<del>\$191,000</del>	<del>\$1,720,800</del>
7	<u>Equipment</u>	<u>\$191,000</u>	<u>\$1,022,800</u>
8	Kitchen equipment	115,000	0
9	Roughrider industries equipment	1,281,988	2,019,000
10	Roughrider industries storage warehouse	500,000	0
11	Federal payroll expenses	7,000,000	0
12	Radios	2,057,384	0
13	County jail stipends	4,800,000	0
14	Free through recovery program	2,995,200	0
15	<del>Heart River correctional center facility</del>	<del>0</del>	<del>161,200,000</del>
16	<u>Heart River correctional center facility</u>	<u>0</u>	<u>131,200,000</u>
17	Inflationary costs	0	3,478,998
18	Transitional facility contract inflation	0	2,759,222
19	Dakota women's correctional and rehabilitation center	0	2,450,000
20	contract		
21	Dickinson adult detention center contract	0	1,003,434
22	Staff and resident development and training	0	100,000
23	<del>Offender management system review</del>	<del>0</del>	<del>757,000</del>
24	<del>New cameras</del>	<del>0</del>	<del>275,000</del>
25	<del>Maintenance and extraordinary repairs</del>	<del>0</del>	<del>4,000,000</del>
26	<u>Offender management system review</u>	<u>0</u>	<u>500,000</u>
27	<u>Maintenance and extraordinary repairs</u>	<u>0</u>	<u>1,000,000</u>
28	<u>James River correctional center remodel</u>	<u>0</u>	<u>255,500</u>
29	DOCSTARS maintenance	0	307,000
30	James River correctional center maintenance shop	0	1,550,000
31	Information technology needs	0	2,000,000

1	Roughrider industries supplies	0	4,083,681
2	Roughrider industries information technology costs	0	642,080
3	<del>Total all funds</del>	<del>\$18,940,572</del>	<del>\$188,346,215</del>
4	<del>Less estimated income</del>	<del>18,634,572</del>	<del>171,876,761</del>
5	<del>Total general fund</del>	<del>\$306,000</del>	<del>\$16,469,454</del>
6	<u>Roughrider industries cold storage</u>	0	200,000
7	<u>Roughrider industries paint line replacement</u>	0	2,300,000
8	<u>Total all funds</u>	<u>\$18,940,572</u>	<u>\$156,871,715</u>
9	<u>Less estimated income</u>	<u>18,634,572</u>	<u>144,632,261</u>
10	<u>Total general fund</u>	<u>\$306,000</u>	<u>\$12,239,454</u>

11 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget  
 12 for the 2025-27 biennium. The department of corrections and rehabilitation shall report to the  
 13 appropriations committees of the sixty-ninth legislative assembly on the use of this one-time  
 14 funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

15 **SECTION 3. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING**  
 16 **FUND REVENUES.** Any moneys received by the department of corrections and rehabilitation  
 17 from correctional supervision, electronic monitoring, and detention; reimbursements from other  
 18 agencies; profits received from department of corrections and rehabilitation commissary;  
 19 miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and  
 20 from the youth correctional center permanent fund, may be deposited in the department of  
 21 corrections and rehabilitation operating fund and expended pursuant to legislative appropriation  
 22 for the biennium beginning July 1, 2023, and ending June 30, 2025.

23 **SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**  
 24 **FUND.** The estimated income line item in section 1 of this Act includes  
 25 ~~\$165,057,000~~\$35,057,000 from the strategic investment and improvements fund, including  
 26 ~~\$161,200,000~~\$31,200,000 for a new Heart River correctional center facility, \$1,550,000 for a  
 27 new James River correctional center maintenance shop, and \$2,307,000 for information  
 28 technology needs.

29 **SECTION 5. WOMEN'S PRISON CONSTRUCTION PROJECT - BOND ISSUANCE**  
 30 **AUTHORIZATION.** The industrial commission, acting as the North Dakota building authority,  
 31 shall arrange through the issuance of evidences of indebtedness under chapter 54-17.2 for the

1 biennium beginning July 1, 2023, and ending June 30, 2025, for project costs associated with  
2 the department of corrections and rehabilitation women's prison construction project declared to  
3 be in the public interest, for which \$100,000,000 is appropriated from bond proceeds in  
4 section 1 of this Act. The industrial commission shall issue evidences of indebtedness under this  
5 section with the condition that repayments need not begin until July 1, 2025. The authority of  
6 the industrial commission to issue evidences of indebtedness under this section ends June 30,  
7 2025, but the industrial commission may continue to exercise all other powers granted to it  
8 under chapter 54-17.2 and this Act and comply with any covenants entered into before that  
9 date.

10 **SECTION 6. HEART RIVER CORRECTIONAL CENTER FACILITY - LEGISLATIVE**  
11 **INTENT.** It is the intent of the sixty-eighth legislative assembly that the sixty-ninth legislative  
12 assembly appropriate \$30,000,000 to complete the construction of the new women's prison  
13 facility at the Heart River correctional center, for the biennium beginning July 1, 2025, and  
14 ending June 30, 2027.

15 **SECTION 7. HEART RIVER CORRECTIONAL CENTER FACILITY - STEERING**  
16 **COMMITTEE.** The department of corrections and rehabilitation shall establish a Heart River  
17 correctional center facility steering committee to oversee the design and construction of the new  
18 Heart River correctional center facility for the biennium beginning July 1, 2023, and ending  
19 June 30, 2025. The committee must include one member of the senate appointed by the senate  
20 majority leader, one member of the house appointed by the house majority leader, and one  
21 member of the minority party from either the senate or the house appointed by the minority  
22 leaders of the senate and the house.

23 **SECTION 8. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The  
24 amount of \$8,000,000 from the general fund appropriated for the community behavioral health  
25 program in section 1 of chapter 43 of the 2021 Session Laws is not subject to section  
26 54-44.1-11, and any unexpended funds from this appropriation may be used for the community  
27 behavioral health program during the biennium beginning July 1, 2023, and ending June 30,  
28 2025.

29 **SECTION 9. EXEMPTION - DEFERRED MAINTENANCE AND EXTRAORDINARY**  
30 **REPAIRS.** The amount of \$6,000,000 from the general fund appropriated to the department of  
31 corrections and rehabilitation in section 1 of chapter 15 of the 2019 Session Laws and

1 continued in section 9 of chapter 43 of the 2021 Session Laws is not subject to section  
2 54-44.1-11, and any unexpended funds from this appropriation may be used for deferred  
3 maintenance, capital planning, and extraordinary repairs projects by the department of  
4 corrections and rehabilitation during the biennium beginning July 1, 2023, and ending June 30,  
5 2025.

6 **SECTION 10. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** Section  
7 54-44.1-11 does not apply to the appropriation authority transferred from the office of  
8 management and budget to the department of corrections and rehabilitation from the amounts  
9 appropriated from federal funds derived from the state fiscal recovery fund in subsection 10 of  
10 section 1 of chapter 550 of the 2021 Special Session Session Laws, and any unexpended funds  
11 from this transferred appropriation authority may be used for the purpose of deferred  
12 maintenance and extraordinary repairs projects during the biennium beginning July 1, 2023,  
13 and ending June 30, 2025.

14 **SECTION 11. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** The amount  
15 of \$990,000 from federal funds derived from the state fiscal recovery fund appropriated to the  
16 department of corrections and rehabilitation for stipends to county jails for deferred admissions  
17 in subsection 4 of section 1 of chapter 550 of the 2021 Special Session Session Laws is not  
18 subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used  
19 for payments for deferred admissions during the biennium beginning July 1, 2023, and ending  
20 June 30, 2025.