

April 30, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2015**

Introduced by

Appropriations Committee

*In place of amendment (25.0182.03009) adopted by the House, Engrossed Senate Bill No. 2015 is amended by amendment (25.0182.03018) as follows:*

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
2 corrections and rehabilitation; to authorize a line of credit; to provide a statement of legislative  
3 intent; to provide for a report; to provide for a legislative management study; and to provide an  
4 exemption.

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 other funds derived from special funds and  
9 federal funds, 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, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 <del>Adult services</del>	<del>\$265,998,440</del>	<del>\$161,089,699</del>	<del>\$427,088,139</del>
15 <del>Youth services</del>	<del>26,853,221</del>	<del>9,480,420</del>	<del>36,333,641</del>
16 <del>New and vacant FTE pool</del>	<del>0</del>	<del>15,246,375</del>	<del>15,246,375</del>
17 <del>Total all funds</del>	<del>\$292,851,661</del>	<del>\$185,816,494</del>	<del>\$478,668,155</del>
18 <del>Less other funds</del>	<del>45,744,746</del>	<del>108,434,000</del>	<del>154,178,746</del>

1	<del>Total general fund</del>	<del>\$247,106,915</del>	<del>\$77,382,494</del>	<del>\$324,489,409</del>
2	<del>Full-time equivalent positions</del>	<del>929.79</del>	<del>51.00</del>	<del>980.79</del>
3	<u>Adult services</u>	<u>\$265,998,440</u>	<u>\$174,577,338</u>	<u>\$440,575,778</u>
4	<u>Youth services</u>	<u>26,853,221</u>	<u>9,349,903</u>	<u>36,203,124</u>
5	<u>New and vacant FTE pool</u>	<u>0</u>	<u>15,248,196</u>	<u>15,248,196</u>
6	<u>Total all funds</u>	<u>\$292,851,661</u>	<u>\$199,175,437</u>	<u>\$492,027,098</u>
7	<u>Less other funds</u>	<u>45,744,746</u>	<u>101,911,978</u>	<u>147,656,724</u>
8	<u>Total general fund</u>	<u>\$247,106,915</u>	<u>\$97,263,459</u>	<u>\$344,370,374</u>
9	<u>Full-time equivalent positions</u>	<u>929.79</u>	<u>34.50</u>	<u>964.29</u>

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

**SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Heart River correctional center	\$36,742	\$35,635,000	\$35,671,742
Missouri River correctional center	121,136	8,032,757	8,153,893
temporary housing unit			
<del>Payments to county and regional jails</del>	<del>17,500,000</del>	<del>0</del>	<del>17,500,000</del>
<del>Deferred maintenance and extraordinary</del>	<del>0</del>	<del>15,000,000</del>	<del>15,000,000</del>
<del>repairs</del>			
<u>Payments to county and regional jails</u>	<u>28,430,210</u>	<u>0</u>	<u>28,430,210</u>
<u>Deferred maintenance and extraordinary</u>	<u>0</u>	<u>13,006,609</u>	<u>13,006,609</u>
<u>repairs</u>			
New FTE costs	40,000	0	40,000
James River correctional center study	0	750,000	750,000
Missouri River correctional center planning	0	20,000,000	20,000,000
and design			
<del>Software systems and technology</del>	<del>0</del>	<del>11,278,631</del>	<del>11,278,631</del>
<del>upgrades</del>			
<u>Software systems and technology</u>	<u>0</u>	<u>9,750,000</u>	<u>9,750,000</u>

1	<u>upgrades</u>			
2	Equipment	0	2,079,700	2,079,700
3	Victims of crime grants	0	7,000,000	7,000,000
4	Mental health assessments and services	0	550,000	550,000
5	Rough rider industries equipment and	0	13,722,181	13,722,181
6	supplies			
7	Workforce training and education	0	1,027,500	1,027,500
8	<del>James River correctional center</del>	<del>0</del>	<del>570,000</del>	<del>570,000</del>
9	<del>maintenance building demolition</del>			
10	<del>County and regional correctional centers</del>	<del>0</del>	<del>3,000,000</del>	<del>3,000,000</del>
11	<del>contracted operations</del>			
12	<del>Total</del>	<del>\$17,697,878</del>	<del>\$118,645,769</del>	<del>\$136,343,647</del>
13	<u>James River correctional center</u>	0	570,000	570,000
14	<u>maintenance building demolition</u>			
15	<u>Total</u>	<u>\$28,628,088</u>	<u>\$112,123,747</u>	<u>\$140,751,835</u>

16       **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The  
 17 department of corrections and rehabilitation may not spend funds appropriated in the new and  
 18 vacant FTE pool line item in section 1 of this Act, but may request the office of management and  
 19 budget to transfer funds from the new and vacant FTE pool line item to the adult services and  
 20 youth services line items in accordance with the guidelines and reporting provisions included in  
 21 House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

22       **SECTION 4. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.**

23 The other funds line item in section 1 of this Act includes the sum of ~~\$102,356,197~~\$95,834,175  
 24 from the strategic investment and improvements fund for one-time projects and programs as  
 25 follows:

26	Heart River correctional center project		\$35,635,000
27	Missouri River correctional center temporary housing		8,032,757
28	Missouri River correctional center planning and design		20,000,000
29	James River correctional center facilities study		750,000
30	James River correctional center maintenance building demolition		570,000
31	<del>County and regional correctional center contracted operations</del>		<del>3,000,000</del>

1	<del>Deferred maintenance and extraordinary repairs</del>	<del>15,000,000</del>
2	<del>Software and technology upgrades</del>	<del>11,278,631</del>
3	<u>Deferred maintenance and extraordinary repairs</u>	<u>13,006,609</u>
4	<u>Software and technology upgrades</u>	<u>9,750,000</u>
5	Equipment	1,089,809
6	Victims of crime grants	7,000,000
7	<del>Total</del>	<del>\$102,356,197</del>
8	<u>Total</u>	<u>\$95,834,175</u>

**SECTION 5. OTHER FUNDS - FEDERAL FUNDS - CONTINGENT BANK OF NORTH  
DAKOTA LINE OF CREDIT - DEPARTMENT OF CORRECTIONS AND REHABILITATION.**

The other funds line item in section 1 of this Act includes \$989,891 from federal funds or proceeds from a line of credit for purchasing tasers, body cameras, and ballistic vests. If the department of corrections and rehabilitation is unsuccessful in obtaining a federal grant of \$989,891 for this purpose and notifies the office of management and budget that it will not receive federal funds for this purpose during the biennium beginning July 1, 2025, and ending June 30, 2027, the department of corrections and rehabilitation may borrow up to \$989,891 through a line of credit from the Bank of North Dakota for the purchase of tasers, body cameras, and ballistic vests during the biennium beginning July 1, 2025, and ending June 30, 2027. The interest rate on the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. If the department of corrections and rehabilitation accesses the line of credit, the department of corrections and rehabilitation shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.

**SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING  
FUND REVENUES.** Any moneys received by the department of corrections and rehabilitation from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from department of corrections and rehabilitation commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the youth correctional center permanent fund, may be deposited in the department of corrections and rehabilitation operating fund and expended pursuant to legislative appropriation, for the biennium beginning July 1, 2025, and ending June 30, 2027.

1       **SECTION 7. MISSOURI RIVER CORRECTIONAL CENTER PLANNING AND DESIGN -**  
2 **STEERING COMMITTEE - LEGISLATIVE INTENT - REPORT.** The appropriation in the adult  
3 services line item in section 1 of this Act includes \$20,000,000 from the strategic investment  
4 and improvements fund for planning and design for a new ~~six hundred bed~~ minimum security  
5 male correctional facility for the Missouri River correctional center. The department of  
6 corrections and rehabilitation shall establish a Missouri River correctional center steering  
7 committee to oversee the design and construction of the new Missouri River correctional center  
8 facility, including other options, for the biennium beginning July 1, 2025, and ending June 30,  
9 2027. The committee must include one member of the senate appointed by the senate majority  
10 leader, one member of the house appointed by the house majority leader, and one member of  
11 the minority party from either the senate or the house appointed by the minority leaders of the  
12 senate and the house. It is the intent of the sixty-ninth legislative assembly that the seventieth  
13 legislative assembly consider supporting the completion of a new minimum security facility for  
14 the Missouri River correctional center during the biennium beginning July 1, 2027, and ending  
15 June 30, 2029. The department of corrections and rehabilitation shall provide a quarterly report  
16 to the legislative management regarding the planning and design of a new minimum security  
17 facility.

18 ~~— SECTION 10. LEGISLATIVE MANAGEMENT STUDY – DEPARTMENT OF~~  
19 ~~CORRECTIONS AND REHABILITATION. During the 2025-26 interim, the legislative~~  
20 ~~management shall consider studying the impacts of providing requirements for offenders~~  
21 ~~sentenced to the supervision and custody of the department of corrections and rehabilitation.~~  
22 ~~The study must include a thorough review of the impacts of requiring an offender to serve~~  
23 ~~eighty-five percent of an offender's term of imprisonment in a secured facility, together with input~~  
24 ~~from district court judges regarding sentencing decisions, state's attorneys regarding charging~~  
25 ~~decisions, the department of corrections and rehabilitation regarding early release and use of~~  
26 ~~transitional facilities to provide outside services to inmates, and the parole board regarding~~  
27 ~~decisions to parole an inmate. The legislative management shall report its findings and~~  
28 ~~recommendations, together with any legislation required to implement the recommendations, to~~  
29 ~~the seventieth legislative assembly.~~

30       **SECTION 8. LEGISLATIVE MANAGEMENT STUDY - DIVERSION AND DEFLECTION**  
31 **CENTERS.** During the 2025-26 interim, the legislative management shall consider studying the

1 need for diversion and deflection centers in the state. The study must include the appropriate  
2 involvement of the state in the planning and establishment of diversion and deflection centers.  
3 The legislative management shall report its findings and recommendations, together with any  
4 legislation required to implement the recommendations, to the seventieth legislative assembly.

5 **SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SENTENCING, CORRECTIONS,**  
6 **AND PAROLE OVERSIGHT.** During the 2025-26 interim, the legislative management shall  
7 study the sentencing, correctional, and parole systems within the state, with a focus on  
8 improving transparency, consistency, and outcomes in the administration of justice. The study  
9 must include a comprehensive review of:

- 10 1. Sentencing requirements and incarceration impacts, including an evaluation of the  
11 potential impacts of requiring offenders sentenced to the custody of the department of  
12 corrections and rehabilitation to serve eighty-five percent of their terms in secured  
13 facilities. The study must include:
  - 14 a. Cost analyses;
  - 15 b. Consideration of data and trends relating to criminal offenses and sentencing;
  - 16 c. Consideration of recidivism trends;
  - 17 d. Consideration of rehabilitation and re-entry opportunities;
  - 18 e. Definitions of terms related to sentencing and incarceration; and
  - 19 f. Safety and accountability measures for minimum security facilities and  
20 transitional facilities.
- 21 2. The structure and function of the parole board, including provisions of chapter 12-59  
22 and any rules adopted by the parole board. The study must include:
  - 23 a. Membership structure, appointment process, terms, quorum, and meeting  
24 transparency;
  - 25 b. Parole eligibility requirements and determinations;
  - 26 c. Victim rights and notification systems; and
  - 27 d. The role and input of the department of corrections and rehabilitation in  
28 parole-related matters.

29 The study may include input from:

- 30 1. The judicial branch, including district court judges regarding sentencing decisions;

- 1        2. State's attorney and defense attorneys regarding charging practices, plea
- 2                negotiations, and trial resources;
- 3        3. The department of corrections and rehabilitation regarding inmate classification,
- 4                housing, placement authority, and transitional services, including work or educational
- 5                release;
- 6        4. The parole board regarding parole eligibility and release decisions;
- 7        5. Law enforcement representatives, including the chiefs of police association, sheriff's
- 8                association, and attorney general's office, regarding impacts to public safety and local
- 9                and regional jails;
- 10       6. The league of cities and association of counties regarding impacts to public safety and
- 11               local and regional jails;
- 12       7. Justice-involved individuals regarding the impact of current and potential sentencing
- 13               and parole practices; and
- 14       8. Crime victims regarding the impact of sentencing.

15 The legislative management shall report its findings and recommendations, together with any  
16 legislation required to implement the recommendations, to the seventieth legislative assembly.

17        **SECTION 10. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following  
18 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into  
19 the biennium beginning July 1, 2025, and ending June 30, 2027:

- 20       1. Any amounts remaining from funds transferred to the department of corrections and
- 21                rehabilitation for deferred maintenance and extraordinary repairs from funding
- 22                appropriated from the strategic investment and improvements fund to the office of
- 23                management and budget in section 1 of chapter 640 of the 2023 Special Session
- 24                Session Laws.
- 25       2. Any amounts remaining from funds transferred to the department of corrections and
- 26                rehabilitation for deferred maintenance and extraordinary repairs from funding
- 27                appropriated from federal funds derived from the state fiscal recovery fund to the office
- 28                of management and budget in subsection 10 of section 1 of chapter 550 of the 2021
- 29                Special Session Session Laws and continued pursuant to section 9 of chapter 15 of
- 30                the 2023 Session Laws.

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- 1        3.    The sum of \$131,200,000 appropriated from the strategic investment and  
2                    improvements fund for the construction of a new Heart River correctional center in  
3                    section 1 of chapter 15 of the 2023 Session Laws.
- 4        4.    The sum of \$307,000 appropriated from the strategic investment and improvements  
5                    fund for DOCSTARS maintenance in section 1 of chapter 15 of the 2023 Session  
6                    Laws.
- 7        5.    The sum of \$2,000,000 appropriated from the strategic investment and improvements  
8                    fund for information technology needs in section 1 of chapter 15 of the 2023 Session  
9                    Laws.