

Sixty-ninth
Legislative Assembly
of North Dakota

**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 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:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14 Adult services	\$265,998,440	\$177,677,338	\$443,675,778
15 Youth services	26,853,221	9,349,903	36,203,124
16 New and vacant FTE pool	<u>0</u>	<u>15,248,196</u>	<u>15,248,196</u>
17 Total all funds	\$292,851,661	\$202,275,437	\$495,127,098
18 Less other funds	<u>45,744,746</u>	<u>105,011,978</u>	<u>150,756,724</u>
19 Total general fund	\$247,106,915	\$97,263,459	\$344,370,374
20 Full-time equivalent positions	929.79	34.50	964.29

21 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**
22 **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 temporary housing unit	121,136	8,032,757	8,153,893
Payments to county and regional jails	28,430,210	0	28,430,210
Deferred maintenance and extraordinary repairs	0	13,006,609	13,006,609
New FTE costs	40,000	0	40,000
James River correctional center study	0	750,000	750,000
Missouri River correctional center planning and design	0	20,000,000	20,000,000
Software systems and technology upgrades	0	9,750,000	9,750,000
Equipment	0	2,079,700	2,079,700
Victims of crime grants	0	7,000,000	7,000,000
Mental health assessments and services	0	550,000	550,000
Rough rider industries equipment and supplies	0	13,722,181	13,722,181
Workforce training and education	0	1,027,500	1,027,500
James River correctional center maintenance building demolition	0	570,000	570,000
Diversion and deflection center grants	<u>0</u>	<u>3,100,000</u>	<u>3,100,000</u>
Total	\$28,628,088	\$115,223,747	\$143,851,835

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The department of corrections and rehabilitation may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the adult services and

youth services line items in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

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

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

Heart River correctional center project	\$35,635,000
Missouri River correctional center temporary housing	8,032,757
Missouri River correctional center planning and design	20,000,000
James River correctional center facilities study	750,000
James River correctional center maintenance building demolition	570,000
Deferred maintenance and extraordinary repairs	13,006,609
Software and technology upgrades	9,750,000
Equipment	1,089,809
Victims of crime grants	<u>7,000,000</u>
Total	\$95,834,175

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. OTHER FUNDS - COMMUNITY HEALTH TRUST FUND - DIVERSION AND DEFLECTION CENTER GRANTS - MATCHING FUNDS - EXEMPTION. The adult services

1 line item in section 1 of this Act includes \$3,100,000 from the community health trust fund for
2 the purpose of providing diversion and deflection center grants, including \$3,000,000 for the
3 establishment of a diversion and deflection center in the city of Fargo and \$100,000 for the
4 planning of a diversion and deflection center in Burleigh County, during biennium beginning
5 July 1, 2025, and ending June 30, 2027. A grant recipient must provide no less than two dollars
6 of matching funds from nonstate sources for each dollar provided by the department of
7 corrections and rehabilitation. The requirements of chapter 54-44.4 do not apply to the selection
8 of a grant recipient, the grant award, or payments made under this section. The entities
9 awarded a grant under this section shall submit a project plan to the department of corrections
10 and rehabilitation and must receive final approval from the director of the department before any
11 state funds are distributed.

12 **SECTION 7. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING**
13 **FUND REVENUES.** Any moneys received by the department of corrections and rehabilitation
14 from correctional supervision, electronic monitoring, and detention; reimbursements from other
15 agencies; profits received from department of corrections and rehabilitation commissary;
16 miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and
17 from the youth correctional center permanent fund, may be deposited in the department of
18 corrections and rehabilitation operating fund and expended pursuant to legislative appropriation,
19 for the biennium beginning July 1, 2025, and ending June 30, 2027.

20 **SECTION 8. MISSOURI RIVER CORRECTIONAL CENTER PLANNING AND DESIGN -**
21 **STEERING COMMITTEE - LEGISLATIVE INTENT - REPORT.** The appropriation in the adult
22 services line item in section 1 of this Act includes \$20,000,000 from the strategic investment
23 and improvements fund for planning and design for a new minimum security male correctional
24 facility for the Missouri River correctional center. The department of corrections and
25 rehabilitation shall establish a Missouri River correctional center steering committee to oversee
26 the design and construction of the new Missouri River correctional center facility, including other
27 options, for the biennium beginning July 1, 2025, and ending June 30, 2027. The committee
28 must include one member of the senate appointed by the senate majority leader, one member
29 of the house appointed by the house majority leader, and one member of the minority party from
30 either the senate or the house appointed by the minority leaders of the senate and the house. It
31 is the intent of the sixty-ninth legislative assembly that the seventieth legislative assembly

1 consider supporting the completion of a new minimum security facility for the Missouri River
2 correctional center during the biennium beginning July 1, 2027, and ending June 30, 2029. The
3 department of corrections and rehabilitation shall provide a quarterly report to the legislative
4 management regarding the planning and design of a new minimum security facility.

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;

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

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

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

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

- 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.