

Sixty-ninth
Legislative Assembly
of North Dakota**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT****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 a contingent appropriation; to create and enact a new
3 section to chapter 54-23.3 of the North Dakota Century Code, relating to a Native American
4 re-entry program; to provide for a report; to provide for a legislative management study; and to
5 provide an exemption.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from other funds derived from special funds and
10 federal funds, to the department of corrections and rehabilitation for the purpose of defraying
11 the expenses of the department of corrections and rehabilitation, for the biennium beginning
12 July 1, 2025, and ending June 30, 2027, as follows:

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

1	Total general fund	\$247,106,915	\$77,382,494	\$324,489,409
2	Full-time equivalent positions	929.79	51.00	980.79
3	Adult services	\$265,998,440	\$185,051,662	\$451,050,102
4	Youth services	26,853,221	10,924,715	37,777,936
5	New and vacant FTE pool	0	15,248,196	15,248,196
6	Total all funds	\$292,851,661	\$211,224,573	\$504,076,234
7	Less other funds	45,744,746	111,490,609	157,235,355
8	Total general fund	\$247,106,915	\$99,733,964	\$346,840,879
9	Full-time equivalent positions	929.79	42.00	971.79

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			
Payments to county and regional jails	17,500,000	0	17,500,000
Deferred maintenance and extraordinary	0	15,000,000	15,000,000
repairs			
Payments to county and regional jails	28,930,210	0	28,930,210
Deferred maintenance and extraordinary	0	16,056,609	16,056,609
repairs			
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			
Software systems and technology	0	11,278,631	11,278,631
upgrades			
Equipment	0	2,079,700	2,079,700

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1	Victims of crime grants	0	7,000,000	7,000,000
2	Mental health assessments and services	0	550,000	550,000
3	Rough rider industries equipment and	0	13,722,181	13,722,181
4	supplies			
5	Workforce training and education	0	1,027,500	1,027,500
6	James River correctional center	0	570,000	570,000
7	maintenance building demolition			
8	County and regional correctional centers	0	3,000,000	3,000,000
9	—contracted operations			
10	Total	\$17,697,878	\$118,645,769	\$136,343,647
11	<u>Diversion and deflection center grant</u>	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
12	<u>Total</u>	<u>\$29,128,088</u>	<u>\$121,702,378</u>	<u>\$150,830,466</u>
13	SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The			
14	department of corrections and rehabilitation may not spend funds appropriated in the new and			
15	vacant FTE pool line item in section 1 of this Act, but may request the office of management and			
16	budget to transfer funds from the new and vacant FTE pool line item to the adult services and			
17	youth services line items in accordance with the guidelines and reporting provisions included in			
18	House Bill No. 1015, as approved by the sixty-ninth legislative assembly.			
19	SECTION 4. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.			
20	The other funds line item in section 1 of this Act includes the sum of \$102,356,197 <u>\$100,412,806</u>			
21	from the strategic investment and improvements fund for one-time projects and programs as			
22	follows:			
23	Heart River correctional center project		\$35,635,000	
24	Missouri River correctional center temporary housing		8,032,757	
25	Missouri River correctional center planning and design		20,000,000	
26	James River correctional center facilities study		750,000	
27	James River correctional center maintenance building demolition		570,000	
28	County and regional correctional center contracted operations		3,000,000	
29	Deferred maintenance and extraordinary repairs		15,000,000	
30	<u>Deferred maintenance and extraordinary repairs</u>		<u>16,056,609</u>	
31	Software and technology upgrades		11,278,631	

1	Equipment	1,089,809
2	Victims of crime grants	<u>7,000,000</u>
3	Total	\$102,356,197
4	Total	<u>\$100,412,806</u>

SECTION 5. CONTINGENT APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - FEDERAL FUNDS - DEPARTMENT OF CORRECTIONS AND REHABILITATION.

1. Subject to the provisions of this section, there is appropriated from the strategic investment and improvements fund, not otherwise appropriated, the sum of \$989,891, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of purchasing tasers, body cameras, and ballistic vests, for the biennium beginning July 1, 2025, and ending June 30, 2027.
2. The funding appropriated in this section is contingent upon the department of corrections and rehabilitation notifying the office of management and budget that the department will not receive \$989,891 from federal funds for the purchase of tasers, body cameras, and ballistic vests during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. OTHER FUNDS - COMMUNITY HEALTH TRUST FUND - DIVERSION AND DEFLECTION CENTER GRANT - MATCHING FUNDS - EXEMPTION. The adult services line item in section 1 of this Act includes \$5,000,000 from the community health trust fund for the purpose of providing a grant for the establishment of a diversion and deflection center in the city of Fargo, for the biennium beginning July 1, 2025, and ending June 30, 2027. A grant recipient must provide two dollars of matching funds from nonstate sources for each dollar provided by the department of corrections and rehabilitation. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section. The entity awarded a grant under this section shall submit a project plan to the department of corrections and rehabilitation and must receive final approval from the director of the department before any state funds are distributed.

SECTION 7. 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

1 agencies; profits received from department of corrections and rehabilitation commissary;
2 miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and
3 from the youth correctional center permanent fund, may be deposited in the department of
4 corrections and rehabilitation operating fund and expended pursuant to legislative appropriation,
5 for the biennium beginning July 1, 2025, and ending June 30, 2027.

6 **SECTION 8.** A new section to chapter 54-23.3 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Native American re-entry program - Report to legislative management.**

9 1. The department of corrections and rehabilitation, in cooperation with representatives
10 from each federally recognized American Indian tribe in the state, and the Indian
11 affairs commission, shall establish and administer a re-entry program to provide
12 re-entry services and support tailored to the needs of Native Americans.

13 2. The Native American re-entry program shall:

14 a. Assess the needs of Native American adult offenders with the goal of reducing
15 recidivism;

16 b. Identify culturally responsive training opportunities and provide training to
17 department staff;

18 c. Designate a Native American liaison to operate within the department regarding
19 parole and probation services for adult offenders; and

20 d. Develop oversight and evaluation processes, including outcome-based metrics
21 related to recidivism reduction.

22 3. The department of correction and rehabilitation shall provide an annual report to the
23 legislative management regarding the status of the Native American re-entry program.

24 **SECTION 9. MISSOURI RIVER CORRECTIONAL CENTER PLANNING AND DESIGN -**

25 **STEERING COMMITTEE - REPORT.** The appropriation in the adult services line item in
26 section 1 of this Act includes \$20,000,000 from the strategic investment and improvements fund
27 for planning and design for a new ~~six hundred bed~~ minimum security male correctional facility
28 for the Missouri River correctional center. The department of corrections and rehabilitation shall
29 establish a Missouri River correctional center steering committee to oversee the design and
30 construction of the new Missouri River correctional center facility, for the biennium beginning
31 July 1, 2025, and ending June 30, 2027. The committee must include one member of the

senate appointed by the senate majority leader, one member of the house appointed by the house majority leader, and one member of the minority party from either the senate or the house appointed by the minority leaders of the senate and the house. The department of corrections and rehabilitation shall provide a quarterly report to the legislative management regarding the planning and design of a new minimum security facility.

SECTION 10. LEGISLATIVE MANAGEMENT STUDY - SENTENCING, CORRECTIONS, AND PAROLE OVERSIGHT. During the 2025-26 interim, the legislative management shall study the sentencing, correctional, and parole systems within the state, with a focus on improving transparency, consistency, and outcomes in the administration of justice. The study must include a comprehensive review of:

1. Sentencing requirements and incarceration impacts, including an evaluation of the potential impacts of requiring offenders sentenced to the custody of the department of corrections and rehabilitation to serve eighty-five percent of their terms in secured facilities. The study must include:
 - a. Cost analyses;
 - b. Consideration of recidivism trends;
 - c. Consideration of rehabilitation and re-entry opportunities; and
 - d. Input from:
 - (1) 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; and
 - (4) The parole board regarding parole eligibility and release decisions.
2. The structure and function of the parole board, including chapter 12-59 and any rules adopted by the parole board. The study must include:
 - a. Membership structure, appointment process, terms, quorum, and meeting transparency;
 - b. Parole eligibility requirements and determinations;
 - c. Victim rights and notification systems; and

- d. The role and input of the department of corrections and rehabilitation in parole-related matters.

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

SECTION 11. 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.

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2015 - Department of Corrections and Rehab. - House Action**

	Base Budget	Senate Version	House Changes	House Version
New and vacant FTE pool		\$15,246,375	\$1,821	\$15,248,196
Adult services	\$265,998,440	427,088,139	24,951,854	452,039,993
Youth services	26,853,221	36,333,641	1,444,295	37,777,936
Total all funds	\$292,851,661	\$478,668,155	\$26,397,970	\$505,066,125
Less estimated income	45,744,746	154,178,746	4,046,500	158,225,246
General fund	\$247,106,915	\$324,489,409	\$22,351,470	\$346,840,879
FTE	929.79	980.79	(9.00)	971.79

Department 530 - Department of Corrections and Rehab. - Detail of House Changes

	Adjusts FTE Positions ¹	Adds Funding for Salary Equity ²	Adds Funding for Other Operations ³	Adds Funding for Grants ⁴	Increases One-Time Funding for Overflow Housing ⁵	Increases One-Time Funding for Deferred Maintenance ⁶
New and vacant FTE pool	\$1,821					
Adult services	925,387	\$5,744,805	\$1,743,321	\$6,500,000	\$11,430,210	\$618,240
Youth services	182,358	783,382	40,186			438,369
Total all funds	\$1,109,566	\$6,528,187	\$1,783,507	\$6,500,000	\$11,430,210	\$1,056,609
Less estimated income	0	0	0	5,000,000	0	1,056,609
General fund	\$1,109,566	\$6,528,187	\$1,783,507	\$1,500,000	\$11,430,210	\$0
FTE	(9.00)	0.00	0.00	0.00	0.00	0.00

	Adds One- Time Contingent Funding for Equipment ⁷	Removes One- Time Funding for Local Correctional Center Operations ⁸	Total House Changes
New and vacant FTE pool			\$1,821
Adult services	\$989,891	(\$3,000,000)	24,951,854
Youth services			1,444,295
Total all funds	\$989,891	(\$3,000,000)	\$26,397,970
Less estimated income	989,891	(3,000,000)	4,046,500
General fund	\$0	\$0	\$22,351,470
FTE	0.00	0.00	(9.00)

¹ Funding is adjusted for FTE positions and related operating costs as follows:

Description	FTE Positions	General Fund
Heart River Correctional Center	(19.00)	(\$1,336,120)
Missouri River Correctional Center temporary housing unit	5.50	1,000,761
Pretrial services	1.00	238,255
Youth Correctional Center security officer	1.00	182,358
Operations in county and regional correctional centers	2.50	1,108,046
Related salary increase adjustment		(29,487)
Related health insurance increase adjustment		(54,045)
Removal of net new FTE positions salaries		(2,023)
New and vacant FTE pool line item		1,821
Total	(9.00)	\$1,109,566

² Funding of \$6,528,187 from the general fund is added by the House for competitive market salary equity for

correctional officers and parole and probation officers. The Senate did not include funding for competitive market salary equity.

³ Funding of \$1,783,507 is added from the general fund by the House for operations as follows:

<u>Description</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Transitional facility costs	\$8,127,182	\$274,360	\$8,401,542
IT data processing costs	2,500,000	334,884	2,834,884
Medical IT modules	400,000	33,000	433,000
Northwest region 25-bed re-entry center	1,500,000	100,000	1,600,000
Native American re-entry program	0	25,000	25,000
Contingency funding	0	<u>1,016,263</u>	<u>1,016,263</u>
Total	\$12,527,182	\$1,783,507	\$14,310,689

⁴ Funding is added for grants, including \$1.5 million of ongoing funding from the general fund for correctional facility program grants and \$5 million of one-time funding from the community health trust fund for a grant to establish a diversion and deflection center in the city of Fargo.

⁵ One-time funding is increased by \$11,430,210 from the general fund to provide \$28,930,210 for payments to county and regional jails for overflow housing, including programming needs. The Senate provided \$17.5 million of one-time funding from the general fund for payments to county and regional jails for overflow housing, including programming needs.

⁶ One-time funding is increased by \$1,056,609 from the strategic investment and improvements fund (SIIF), to provide a total of \$16,056,609 from SIIF for deferred maintenance and extraordinary repairs. The Senate provided \$15 million from SIIF for deferred maintenance and extraordinary repairs.

⁷ One-time funding of \$989,891 is added from SIIF for tasers, body cameras, and ballistic vests. This funding is contingent upon the Department of Corrections and Rehabilitation not receiving federal funds for the purchase of this equipment.

⁸ One-time funding of \$3 million from SIIF added by the Senate for county and regional correctional centers contracted operations is removed by the House.

This amendment also:

- Adjusts a section to identify \$100,412,806 of the appropriation in Section 1 of the bill is from SIIF.
- Adds a section to provide a contingent appropriation of \$989,891 from SIIF for the purchase of equipment.
- Adds a section to identify \$5 million of the appropriation in Section 1 of the bill is from the community health trust fund for a grant to establish a diversion and deflection center in the city of Fargo.
- Adds a section to direct the Department of Corrections and Rehabilitation to establish and administer a Native American re-entry program.
- Adjusts a section to provide for a steering committee to oversee the design and construction of a new Missouri River Correctional Center facility.
- Adds a section to provide for a Legislative Management comprehensive study of offender sentencing, use of transitional facilities, and parole.
- Removes a section added by the Senate to provide for a Legislative Management study of offender sentencing, use of transitional facilities, and parole.