

April 28, 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 (25.0182.03016) 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:

	Base Level	Adjustments or Enhancements	Appropriation
14 Adult services	\$265,998,440	\$161,089,699	\$427,088,139
15 Youth services	26,853,221	9,480,420	36,333,641
16 New and vacant FTE pool	0	15,246,375	15,246,375
17 Total all funds	\$292,851,661	\$185,816,494	\$478,668,155
18 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	\$177,677,338	\$443,675,778
4	Youth services	26,853,221	9,349,903	36,203,124
5	New and vacant FTE pool	0	15,248,196	15,248,196
6	Total all funds	\$292,851,661	\$202,275,437	\$495,127,098
7	Less other funds	45,744,746	105,011,978	150,756,724
8	Total general fund	\$247,106,915	\$97,263,459	\$344,370,374
9	Full-time equivalent positions	929.79	34.50	964.29

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	28,430,210	0	28,430,210
Deferred maintenance and extraordinary	0	13,006,609	13,006,609
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			
Software systems and technology	0	9,750,000	9,750,000

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	James River correctional center	0	570,000	570,000
9	maintenance building demolition			
10	County and regional correctional centers	0	3,000,000	3,000,000
11	—contracted operations			
12	Total	\$17,697,878	\$118,645,769	\$136,343,647
13	<u>Diversion and deflection center grants</u>	<u>0</u>	<u>3,100,000</u>	<u>3,100,000</u>
14	<u>Total</u>	<u>\$28,628,088</u>	<u>\$115,223,747</u>	<u>\$143,851,835</u>

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 ~~\$102,356,197~~ \$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
County and regional correctional center contracted operations	3,000,000
Deferred maintenance and extraordinary repairs	15,000,000

1	Software and technology upgrades	11,278,631
2	<u>Deferred maintenance and extraordinary repairs</u>	<u>13,006,609</u>
3	<u>Software and technology upgrades</u>	<u>9,750,000</u>
4	Equipment	1,089,809
5	Victims of crime grants	<u>7,000,000</u>
6	Total	\$102,356,197
7	<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. OTHER FUNDS - COMMUNITY HEALTH TRUST FUND - DIVERSION AND
DEFLECTION CENTER GRANTS - MATCHING FUNDS - EXEMPTION.** The adult services line item in section 1 of this Act includes \$3,100,000 from the community health trust fund for the purpose of providing diversion and deflection center grants, including \$3,000,000 for the establishment of a diversion and deflection center in the city of Fargo and \$100,000 for the planning of a diversion and deflection center in Burleigh County, during biennium beginning July 1, 2025, and ending June 30, 2027. A grant recipient must provide no less than 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 entities

1 awarded a grant under this section shall submit a project plan to the department of corrections
2 and rehabilitation and must receive final approval from the director of the department before any
3 state funds are distributed.

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

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

29 ~~—SECTION 10. LEGISLATIVE MANAGEMENT STUDY - DEPARTMENT OF~~
30 ~~CORRECTIONS AND REHABILITATION. During the 2025-26 interim, the legislative~~
31 ~~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 9. 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 data and trends relating to criminal offenses and sentencing;
 - c. Consideration of recidivism trends;
 - d. Consideration of rehabilitation and re-entry opportunities;
 - e. Definitions of terms related to sentencing and incarceration; and
 - f. Safety and accountability measures for minimum security facilities and transitional facilities.
2. The structure and function of the parole board, including provisions of 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 study may include input from:

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

1 of management and budget in subsection 10 of section 1 of chapter 550 of the 2021
2 Special Session Session Laws and continued pursuant to section 9 of chapter 15 of
3 the 2023 Session Laws.

4 3. The sum of \$131,200,000 appropriated from the strategic investment and
5 improvements fund for the construction of a new Heart River correctional center in
6 section 1 of chapter 15 of the 2023 Session Laws.

7 4. The sum of \$307,000 appropriated from the strategic investment and improvements
8 fund for DOCSTARS maintenance in section 1 of chapter 15 of the 2023 Session
9 Laws.

10 5. The sum of \$2,000,000 appropriated from the strategic investment and improvements
11 fund for information technology needs in section 1 of chapter 15 of the 2023 Session
12 Laws.