

SB 2015
2-20-25

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Title.
Fiscal No. 1

Prepared by the Legislative Council
staff for Senate Appropriations - Human
Resources Division Committee
February 19, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 for a report; and to provide an exemption.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
12 Adult services	\$265,998,440	\$0	\$265,998,440
13 Youth services	26,853,221	0	26,853,221
14 Total all funds	\$292,851,661	\$0	\$292,851,661
15 Less other funds	45,744,746	0	45,744,746
16 Total general fund	\$247,106,915	\$0	\$247,106,915
17 Full time equivalent positions	929.79	0.00	929.79
18 <u>Adult services</u>	<u>\$265,998,440</u>	<u>\$163,115,706</u>	<u>\$429,114,146</u>
19 <u>Youth services</u>	<u>26,853,221</u>	<u>9,480,420</u>	<u>36,333,641</u>
20 <u>New and vacant FTE pool</u>	<u>0</u>	<u>16,177,246</u>	<u>16,177,246</u>

Sixty-ninth
Legislative Assembly

1	<u>Total all funds</u>	<u>\$292,851,661</u>	<u>\$188,773,372</u>	<u>\$481,625,033</u>
2	<u>Less other funds</u>	<u>45,744,746</u>	<u>109,912,100</u>	<u>155,656,846</u>
3	<u>Total general fund</u>	<u>\$247,106,915</u>	<u>\$78,861,272</u>	<u>\$325,968,187</u>
4	<u>Full-time equivalent positions</u>	<u>929.79</u>	<u>56.00</u>	<u>985.79</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:

10	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
11	Heart River correctional center	\$36,742	\$35,635,000	\$35,671,742
12	Missouri River correctional center	121,136	8,032,757	8,153,893
13	temporary housing unit			
14	Payments to county and regional jails	17,500,000	0	17,500,000
15	Deferred maintenance and extraordinary	0	15,000,000	15,000,000
16	repairs			
17	New FTE costs	40,000	0	40,000
18	James River correctional center study	0	750,000	750,000
19	Missouri River correctional center planning	0	20,000,000	20,000,000
20	and design			
21	Software systems and technology	0	11,278,631	11,278,631
22	upgrades			
23	Equipment	0	2,079,700	2,079,700
24	Victims of crime grants	0	5,000,000	5,000,000
25	Mental health assessments and services	0	550,000	550,000
26	Rough rider industries equipment and	0	13,722,181	13,722,181
27	supplies			
28	Workforce training and education	0	1,027,500	1,027,500
29	James River correctional center	0	570,000	570,000
30	maintenance building demolition			
31	County and regional correctional centers	<u>0</u>	<u>6,478,100</u>	<u>6,478,100</u>

1 contracted operations
2 Total \$17,697,878 \$120,123,869 \$137,821,747

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

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

10 The other funds line item in section 1 of this Act includes the sum of \$103,834,297 from the
11 strategic investment and improvements fund for one-time projects and programs as follows:

12 Heart River correctional center project	\$35,635,000
13 Missouri River correctional center temporary housing	8,032,757
14 Missouri River correctional center planning and design	20,000,000
15 James River correctional center facilities study	750,000
16 James River correctional center maintenance building demolition	570,000
17 County and regional correctional center contracted operations	6,478,100
18 Deferred maintenance and extraordinary repairs	15,000,000
19 Software and technology upgrades	11,278,631
20 Equipment	1,089,809
21 Victims of crime grants	<u>5,000,000</u>
22 Total	\$103,834,297

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

1 **SECTION 6. MISSOURI RIVER CORRECTIONAL CENTER PLANNING AND DESIGN -**

2 **REPORT.** The appropriation in the adult services line item in section 1 of this Act includes
3 \$20,000,000 from the strategic investment and improvements fund for planning and design for a
4 new six-hundred-bed minimum security male correctional facility for the Missouri River
5 correctional center. The department of corrections and rehabilitation shall provide a quarterly
6 report to the legislative management regarding the planning and design of a new minimum
7 security facility.

8 **SECTION 7. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
9 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into
10 the biennium beginning July 1, 2025, and ending June 30, 2027:

- 11 1. Any amounts remaining from funds transferred to the department of corrections and
12 rehabilitation for deferred maintenance and extraordinary repairs from funding
13 appropriated from the strategic investment and improvements fund to the office of
14 management and budget in section 1 of chapter 640 of the 2023 Special Session
15 Session Laws.
- 16 2. Any amounts remaining from funds transferred to the department of corrections and
17 rehabilitation for deferred maintenance and extraordinary repairs from funding
18 appropriated from federal funds derived from the state fiscal recovery fund to the office
19 of management and budget in subsection 10 of section 1 of chapter 550 of the 2021
20 Special Session Session Laws and continued pursuant to section 9 of chapter 15 of
21 the 2023 Session Laws.
- 22 3. The sum of \$131,200,000 appropriated from the strategic investment and
23 improvements fund for the construction of a new Heart River correctional center in
24 section 1 of chapter 15 of the 2023 Session Laws.
- 25 4. The sum of \$307,000 appropriated from the strategic investment and improvements
26 fund for DOCSTARS maintenance in section 1 of chapter 15 of the 2023 Session
27 Laws.
- 28 5. The sum of \$2,000,000 appropriated from the strategic investment and improvements
29 fund for information technology needs in section 1 of chapter 15 of the 2023 Session
30 Laws.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2015 - Department of Corrections and Rehab. - Senate Action

	Base Budget	Senate Changes	Senate Version
New and vacant FTE pool		\$16,177,246	\$16,177,246
Adult services	\$265,998,440	163,115,706	429,114,146
Youth services	26,853,221	9,480,420	36,333,641
Total all funds	\$292,851,661	\$188,773,372	\$481,625,033
Less estimated income	45,744,746	109,912,100	155,656,846
General fund	\$247,106,915	\$78,861,272	\$325,968,187
FTE	929.79	56.00	985.79

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

	Adds Funding for Salary and Benefit Increases¹	Adds Funding to Replace 2023-25 New and Vacant FTE Pool²	Transfers Funding for 2025-27 New and Vacant FTE Pool³	Adds FTE Positions⁴	Adds Funding for Other Salaries and Wages⁵	Adjusts Other Operations Funding⁶
New and vacant FTE pool			\$16,177,246			
Adult services	\$11,330,910	\$12,835,989	(19,907,923)	\$8,068,001	\$1,277,834	\$18,622,324
Youth services	1,186,161	1,169,113	(1,532,028)	(124,877)	130,101	1,718,774
Total all funds	\$12,517,071	\$14,005,102	(\$5,262,705)	\$7,943,124	\$1,407,935	\$20,341,098
Less estimated income	503,370	569,031	(181,865)	0	0	(11,102,305)
General fund	\$12,013,701	\$13,436,071	(\$5,080,840)	\$7,943,124	\$1,407,935	\$31,443,403
FTE	0.00	0.00	0.00	56.00	0.00	0.00

	Adds One-Time Funding for Overflow Housing⁷	Adds One-Time Funding for Rough Rider Industries⁸	Adds Other One-Time Funding⁹	Total Senate Changes
New and vacant FTE pool				\$16,177,246
Adult services	\$17,500,000	\$13,722,181	\$99,666,390	163,115,706
Youth services			6,933,176	9,480,420
Total all funds	\$17,500,000	\$13,722,181	\$106,599,566	\$188,773,372
Less estimated income	0	13,722,181	106,401,688	109,912,100
General fund	\$17,500,000	\$0	\$197,878	\$78,861,272
FTE	0.00	0.00	0.00	56.00

¹ The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total Funds
Salary increase	\$6,645,142	\$273,756	\$6,918,898
Health insurance increase	5,368,559	229,614	5,598,173
Total	\$12,013,701	\$503,370	\$12,517,071

² Funding is added to replace 2023-25 biennium new and vacant FTE pool funding as follows:

	General Fund	Other Funds	Total Funds
Vacant FTE positions	\$10,831,794	\$569,031	\$11,400,825
New FTE positions	2,604,277	0	2,604,277
Total	\$13,436,071	\$569,031	\$14,005,102

³ Funding of \$21,439,951 for new FTE positions and estimated savings from vacant FTE positions is removed and funding of \$16,177,246 is added for a 2025-27 new and vacant FTE pool line item as follows:

	General Fund	Other Funds	Total Funds
New FTE positions	(\$5,846,397)		(\$5,846,397)
Vacant FTE positions	(14,987,334)	(\$606,220)	(15,593,554)
Total	(\$20,833,731)	(\$606,220)	(\$21,439,951)
Funding pool line item	<u>15,752,891</u>	<u>424,355</u>	<u>16,177,246</u>
Net savings	(\$5,080,840)	(\$181,865)	(\$5,262,705)

⁴ The following FTE positions and related funding are added:

	FTE Positions	General Fund
Heart River Correctional Center (HRCC)	26.00	\$1,755,593
Missouri River Correctional Center (MRCC)	7.00	1,150,364
Pretrial services	2.00	476,510
Community corrections conversion of temporary employees	2.00	69,598
Education services conversion of temporary employees	3.00	61,732
HRCC maintenance supervisor conversion from temporary employee	1.00	61,019
County and regional correctional center - Contract operations	<u>15.00</u>	<u>4,368,308</u>
Total	56.00	\$7,943,124

⁵ Funding is added for other salaries and wages as follows:

	General Fund
Teacher composite schedule	\$358,463
Correctional officer participation in public safety retirement plan	645,000
Inmate wages	<u>404,472</u>
Total	\$1,407,935

⁶ Operations funding is adjusted as follows:

	General Fund	Other Funds	Total Funds
Inflation costs, including utilities, food, clothing, medications, and medical costs	\$8,206,230	\$0	\$8,206,230
Dakota Women's Correctional and Rehabilitation Center contract	2,450,000	0	2,450,000
Increased transitional facility costs	8,127,182	0	8,127,182
Women's treatment unit	2,087,800	0	2,087,800
Payments to county and regional correctional centers for overflow housing	1,046,438	0	1,046,438
Information technology data processing costs	2,500,000	0	2,500,000
Medical information technology modules	400,000	0	400,000
Elimination of supervision fees	1,500,000	(1,500,000)	0
Northwest regional reentry center	1,500,000	0	1,500,000
Various operations adjustments, including base payroll changes	<u>3,625,753</u>	<u>(9,602,305)</u>	<u>(5,976,552)</u>
Total	\$31,443,403	(\$11,102,305)	\$20,341,098

⁷ One-time funding of \$17.5 million from the general fund is added for payments to county and regional correctional facilities for overflow inmate housing.

⁸ One-time funding of \$13,722,181 from Rough Rider Industries special funds is added for equipment and supplies.

⁹ Other one-time funding is added as follows:

	General Fund	SIIF	Federal Funds	Total Funds
HRCC completion and start-up costs	\$36,742	\$35,635,000	\$0	\$35,671,742
MRCC temporary housing unit	121,136	8,032,757	0	8,153,893
Deferred maintenance and extraordinary repairs	0	15,000,000	0	15,000,000
New FTE costs	40,000	0	0	40,000
James River Correctional Center (JRCC) facility study	0	750,000	0	750,000
MRCC new facility planning and design	0	20,000,000	0	20,000,000
Software systems and technology upgrades	0	11,278,631	0	11,278,631
Equipment, including kitchen, laundry, safety, and medical equipment	0	1,089,809	989,891	2,079,700
Victims of crime grants federal funding replacement	0	5,000,000	0	5,000,000
Mental health assessments and services	0	0	550,000	550,000
Workforce training and education	0	0	1,027,500	1,027,500
JRCC maintenance building demolition	0	570,000	0	570,000
County and regional correctional centers contracted operations	<u>0</u>	<u>6,478,100</u>	<u>0</u>	<u>6,478,100</u>
Total	\$197,878	\$103,834,297	\$2,567,391	\$106,599,566

This amendment also adds sections to:

- Provide language regarding the use of funding in the new and vacant FTE pool line item.
- Identify \$103,834,297 from the strategic investment and improvements fund.
- Require the Department of Corrections and Rehabilitation to provide quarterly reports to the Legislative Management regarding planning and design for a new Missouri River Correctional Center facility.
- Provide exemptions for the Department of Corrections and Rehabilitation to continue unspent funds appropriated in prior bienniums for the HRCC facility, deferred maintenance and extraordinary repairs, DOCSTARS maintenance, and information technology needs into the 2025-27 biennium.

