

**SECOND ENGROSSMENT**

Sixty-eighth  
Legislative Assembly  
of North Dakota

**REENGROSSED HOUSE BILL NO. 1015**

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~~provide a statement of legislative intent; and  
3 to provide an exemption.

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

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
6 as may be necessary, are appropriated out of any moneys in the general fund in the state  
7 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
8 other income, to the department of corrections and rehabilitation for the purpose of defraying  
9 the expenses of the department of corrections and rehabilitation, for the biennium beginning  
10 July 1, 2023, and ending June 30, 2025, as follows:

|  | <u>Base Level</u>        | <u>Adjustments or<br/>Enhancements</u> | <u>Appropriation</u>     |
|--|--------------------------|--|--------------------------|
| 13 <del>Adult services</del>                 | <del>\$258,140,591</del> | <del>\$217,522,126</del>               | <del>\$475,662,717</del> |
| 14 <del>Youth services</del>                 | <del>24,584,845</del>    | <del>2,998,878</del>                   | <del>27,583,723</del>    |
| 15 <del>Total all funds</del>                | <del>\$282,725,436</del> | <del>\$220,521,004</del>               | <del>\$503,246,440</del> |
| 16 <del>Less estimated income</del>          | <del>64,865,627</del>    | <del>153,138,764</del>                 | <del>218,004,391</del>   |
| 17 <del>Total general fund</del>             | <del>\$217,859,809</del> | <del>\$67,382,240</del>                | <del>\$285,242,049</del> |
| 18 <del>Full-time equivalent positions</del> | <del>907.79</del>        | <del>24.00</del>                       | <del>931.79</del>        |
| 19 <u>Adult services</u>                     | <u>\$258,140,591</u>     | <u>\$161,033,061</u>                   | <u>\$419,173,652</u>     |
| 20 <u>Youth services</u>                     | <u>24,584,845</u>        | <u>2,026,590</u>                       | <u>26,611,435</u>        |
| 21 <u>Total all funds</u>                    | <u>\$282,725,436</u>     | <u>\$163,059,651</u>                   | <u>\$445,785,087</u>     |
| 22 <u>Less estimated income</u>              | <u>64,865,627</u>        | <u>125,451,497</u>                     | <u>190,317,124</u>       |
| 23 <u>Total general fund</u>                 | <u>\$217,859,809</u>     | <u>\$37,608,154</u>                    | <u>\$255,467,963</u>     |
| 24 <u>Full-time equivalent positions</u>     | <u>907.79</u>            | <u>22.00</u>                           | <u>929.79</u>            |

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

2       **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding  
3 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the  
4 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

| 5  | <u>One-Time Funding Description</u>                   | <u>2021-23</u>       | <u>2023-25</u>         |
|----|---|----------------------|------------------------|
| 6  | <del>Equipment</del>                                  | <del>\$191,000</del> | <del>\$1,720,800</del> |
| 7  | <u>Equipment</u>                                      | <u>\$191,000</u>     | <u>\$1,220,800</u>     |
| 8  | Kitchen equipment                                     | 115,000              | 0                      |
| 9  | Roughrider industries equipment                       | 1,281,988            | 2,019,000              |
| 10 | Roughrider industries storage warehouse               | 500,000              | 0                      |
| 11 | Federal payroll expenses                              | 7,000,000            | 0                      |
| 12 | Radios  | 2,057,384            | 0                      |
| 13 | County jail stipends                                  | 4,800,000            | 0                      |
| 14 | Free through recovery program                         | 2,995,200            | 0                      |
| 15 | <del>Heart River correctional center facility</del>   | <del>0</del>         | <del>161,200,000</del> |
| 16 | <u>Heart River correctional center facility</u>       | <u>0</u>             | <u>131,200,000</u>     |
| 17 | Inflationary costs                                    | 0                    | 3,478,998              |
| 18 | Transitional facility contract inflation              | 0                    | 2,759,222              |
| 19 | Dakota women's correctional and rehabilitation center | 0                    | 2,450,000              |
| 20 | contract  |                      |                        |
| 21 | Dickinson adult detention center contract             | 0                    | 1,003,434              |
| 22 | Staff and resident development and training           | 0                    | 100,000                |
| 23 | <del>Offender management system review</del>          | <del>0</del>         | <del>757,000</del>     |
| 24 | <del>New cameras</del>                                | <del>0</del>         | <del>275,000</del>     |
| 25 | <del>Maintenance and extraordinary repairs</del>      | <del>0</del>         | <del>4,000,000</del>   |
| 26 | <u>Offender management system review</u>              | <u>0</u>             | <u>500,000</u>         |
| 27 | <u>New cameras</u>                                    | <u>0</u>             | <u>275,000</u>         |
| 28 | <u>Maintenance and extraordinary repairs</u>          | <u>0</u>             | <u>2,000,000</u>       |
| 29 | <u>James River correctional center remodel</u>        | <u>0</u>             | <u>255,500</u>         |
| 30 | DOCSTARS maintenance                                  | 0                    | 307,000                |
| 31 | James River correctional center maintenance shop      | 0                    | 1,550,000              |

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|    |   |                         |                          |
|----|---|-------------------------|--------------------------|
| 1  | Information technology needs                        | 0                       | 2,000,000                |
| 2  | Roughrider industries supplies                      | 0                       | 4,083,681                |
| 3  | Roughrider industries information technology costs  | 0                       | 642,080                  |
| 4  | <del>Total all funds</del>                          | <del>\$18,940,572</del> | <del>\$188,346,215</del> |
| 5  | <del>Less estimated income</del>                    | <del>18,634,572</del>   | <del>171,876,761</del>   |
| 6  | <del>Total general fund</del>                       | <del>\$306,000</del>    | <del>\$16,469,454</del>  |
| 7  | <u>Roughrider industries cold storage</u>           | <u>0</u>                | <u>200,000</u>           |
| 8  | <u>Roughrider industries paint line replacement</u> | <u>0</u>                | <u>2,300,000</u>         |
| 9  | <u>Total all funds</u>                              | <u>\$18,940,572</u>     | <u>\$158,344,715</u>     |
| 10 | <u>Less estimated income</u>                        | <u>18,634,572</u>       | <u>144,632,261</u>       |
| 11 | <u>Total general fund</u>                           | <u>\$306,000</u>        | <u>\$13,712,454</u>      |

12 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget  
 13 for the 2025-27 biennium. The department of corrections and rehabilitation shall report to the  
 14 appropriations committees of the sixty-ninth legislative assembly on the use of this one-time  
 15 funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

16 **SECTION 3. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING**  
 17 **FUND REVENUES.** Any moneys received by the department of corrections and rehabilitation  
 18 from correctional supervision, electronic monitoring, and detention; reimbursements from other  
 19 agencies; profits received from department of corrections and rehabilitation commissary;  
 20 miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and  
 21 from the youth correctional center permanent fund, may be deposited in the department of  
 22 corrections and rehabilitation operating fund and expended pursuant to legislative appropriation  
 23 for the biennium beginning July 1, 2023, and ending June 30, 2025.

24 **SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**  
 25 **FUND.** The estimated income line item in section 1 of this Act includes  
 26 ~~\$165,057,000~~\$135,057,000 from the strategic investment and improvements fund, including  
 27 ~~\$161,200,000~~\$131,200,000 for a new Heart River correctional center facility, \$1,550,000 for a  
 28 new James River correctional center maintenance shop, and \$2,307,000 for information  
 29 technology needs.

30 **SECTION 5. HEART RIVER CORRECTIONAL CENTER FACILITY - LEGISLATIVE**  
 31 **INTENT.** It is the intent of the sixty-eighth legislative assembly that the sixty-ninth legislative

1 assembly appropriate \$30,000,000 to complete the construction of the new women's prison  
2 facility at the Heart River correctional center, for the biennium beginning July 1, 2025, and  
3 ending June 30, 2027.

4 **SECTION 6. HEART RIVER CORRECTIONAL CENTER FACILITY - STEERING**

5 **COMMITTEE.** The department of corrections and rehabilitation shall establish a Heart River  
6 correctional center facility steering committee to oversee the design and construction of the new  
7 Heart River correctional center facility for the biennium beginning July 1, 2023, and ending  
8 June 30, 2025. The committee must include one member of the senate appointed by the senate  
9 majority leader, one member of the house appointed by the house majority leader, and one  
10 member of the minority party from either the senate or the house appointed by the minority  
11 leaders of the senate and the house.

12 **SECTION 7. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The

13 amount of \$8,000,000 from the general fund appropriated for the community behavioral health  
14 program in section 1 of chapter 43 of the 2021 Session Laws is not subject to section  
15 54-44.1-11, and any unexpended funds from this appropriation may be used for the community  
16 behavioral health program during the biennium beginning July 1, 2023, and ending June 30,  
17 2025.

18 **SECTION 8. EXEMPTION - DEFERRED MAINTENANCE AND EXTRAORDINARY**

19 **REPAIRS.** The amount of \$6,000,000 from the general fund appropriated to the department of  
20 corrections and rehabilitation in section 1 of chapter 15 of the 2019 Session Laws and  
21 continued in section 9 of chapter 43 of the 2021 Session Laws is not subject to section  
22 54-44.1-11, and any unexpended funds from this appropriation may be used for deferred  
23 maintenance, capital planning, and extraordinary repairs projects by the department of  
24 corrections and rehabilitation during the biennium beginning July 1, 2023, and ending June 30,  
25 2025.

26 **SECTION 9. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** Section

27 54-44.1-11 does not apply to the appropriation authority transferred from the office of  
28 management and budget to the department of corrections and rehabilitation from the amounts  
29 appropriated from federal funds derived from the state fiscal recovery fund in subsection 10 of  
30 section 1 of chapter 550 of the 2021 Special Session Session Laws, and any unexpended funds  
31 from this transferred appropriation authority may be used for the purpose of deferred

1 maintenance and extraordinary repairs projects during the biennium beginning July 1, 2023,  
2 and ending June 30, 2025.

3 **SECTION 10. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** The amount  
4 of \$990,000 from federal funds derived from the state fiscal recovery fund appropriated to the  
5 department of corrections and rehabilitation for stipends to county jails for deferred admissions  
6 in subsection 4 of section 1 of chapter 550 of the 2021 Special Session Session Laws is not  
7 subject to section 54-44.1-11, and any unexpended funds from this appropriation may be  
8 continued and used for payments for deferred admissions during the biennium beginning July 1,  
9 2023, and ending June 30, 2025.