

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

| <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 | | | |
| <u>Payments to county and regional jails</u> | <u>28,930,210</u> | <u>0</u> | <u>28,930,210</u> |
| <u>Deferred maintenance and extraordinary</u> | <u>0</u> | <u>16,056,609</u> | <u>16,056,609</u> |
| <u>repairs</u> | | | |
| 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 |

Sixty-ninth
Legislative Assembly

| | | | | |
|----|---|-------------------------|--------------------------|--------------------------|
| 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> | 0 | 5,000,000 | 5,000,000 |
| 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~~\$100,412,806
 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 | 7,000,000 |
| 3 | Total | \$102,356,197 |
| 4 | Total | \$100,412,806 |

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.

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 agencies; profits received from department of corrections and rehabilitation commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and

1 from the youth correctional center permanent fund, may be deposited in the department of
2 corrections and rehabilitation operating fund and expended pursuant to legislative appropriation
3 for the biennium beginning July 1, 2025, and ending June 30, 2027.

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

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

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

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

12 a. Assess the needs of Native American adult offenders with the goal of reducing
13 recidivism;

14 b. Identify culturally responsive training opportunities and provide training to
15 department staff;

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

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

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

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

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

1 [house appointed by the minority leaders of the senate and the house.](#) The department of
2 corrections and rehabilitation shall provide a quarterly report to the legislative management
3 regarding the planning and design of a new minimum security facility.

4 **SECTION 10. LEGISLATIVE MANAGEMENT STUDY - DEPARTMENT OF**
5 **CORRECTIONS AND REHABILITATION.** During the 2025-26 interim, the legislative
6 management shall consider studying the impacts of providing requirements for offenders
7 sentenced to the supervision and custody of the department of corrections and rehabilitation.
8 The study must include a thorough review of the impacts of requiring an offender to serve
9 eighty-five percent of an offender's term of imprisonment in a secured facility, together with input
10 from district court judges regarding sentencing decisions, state's attorneys regarding charging
11 decisions, the department of corrections and rehabilitation regarding early release and use of
12 transitional facilities to provide outside services to inmates, and the parole board regarding
13 decisions to parole an inmate. The legislative management shall report its findings and
14 recommendations, together with any legislation required to implement the recommendations, to
15 the seventieth legislative assembly.

16 **SECTION 11. LEGISLATIVE MANAGEMENT STUDY - STATE PAROLE BOARD.**

- 17 1. During the 2025-26 interim, the legislative management shall consider studying the
18 state parole board. The study must include a comprehensive review of chapter 12-59
19 of the North Dakota Century Code and any rules and regulations adopted by the state
20 parole board relating to:
- 21 a. Members of the board, the appointment process by the governor, terms of board
22 members, quorum requirements, scheduling, and meeting minutes;
 - 23 b. Inmate eligibility, including an analysis of the board's activities relating to eligibility
24 requirements for parole, conditions, board determinations, victim rights and victim
25 assistance, automated victim information and notification, and the board's action
26 to grant, deny, revoke, or rescind parole; and
 - 27 c. The department of corrections and rehabilitation, including participation in the
28 parole board process and recommendations to the parole board, if any.
- 29 2. The legislative management shall report its findings and recommendations, together
30 with any legislation required to implement the recommendations, to the seventieth
31 legislative assembly.

1 **SECTION 12. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
2 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into
3 the biennium beginning July 1, 2025, and ending June 30, 2027:

- 4 1. Any amounts remaining from funds transferred to the department of corrections and
5 rehabilitation for deferred maintenance and extraordinary repairs from funding
6 appropriated from the strategic investment and improvements fund to the office of
7 management and budget in section 1 of chapter 640 of the 2023 Special Session
8 Session Laws.
- 9 2. Any amounts remaining from funds transferred to the department of corrections and
10 rehabilitation for deferred maintenance and extraordinary repairs from funding
11 appropriated from federal funds derived from the state fiscal recovery fund to the office
12 of management and budget in subsection 10 of section 1 of chapter 550 of the 2021
13 Special Session Session Laws and continued pursuant to section 9 of chapter 15 of
14 the 2023 Session Laws.
- 15 3. The sum of \$131,200,000 appropriated from the strategic investment and
16 improvements fund for the construction of a new Heart River correctional center in
17 section 1 of chapter 15 of the 2023 Session Laws.
- 18 4. The sum of \$307,000 appropriated from the strategic investment and improvements
19 fund for DOCSTARS maintenance in section 1 of chapter 15 of the 2023 Session
20 Laws.
- 21 5. The sum of \$2,000,000 appropriated from the strategic investment and improvements
22 fund for information technology needs in section 1 of chapter 15 of the 2023 Session
23 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 |
| | (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 increases for correctional officers and parole and probation officers. The Senate did not include funding for competitive market salary equity increases.

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 | <u>0</u> | <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 a total of \$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 study of the state parole board.