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Magnum

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Title.
Fiscal No. 3

Prepared by the Legislative Council
staff for Senator Magnum

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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; to provide for a legislative management
3 study; to provide legislative intent; and 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 other funds derived from special funds and
8 federal funds, 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, 2025, and ending June 30, 2027, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
13 Adult services	\$265,998,440	\$0	\$265,998,440
14 Youth services	26,853,221	0	26,853,221
15 Total all funds	\$292,851,661	\$0	\$292,851,661
16 Less other funds	45,744,746	0	45,744,746
17 Total general fund	\$247,106,915	\$0	\$247,106,915
18 Full-time equivalent positions	929.79	0.00	929.79
19 <u>Adult services</u>	<u>\$265,998,440</u>	<u>\$159,089,699</u>	<u>\$425,088,139</u>
20 <u>Youth services</u>	<u>26,853,221</u>	<u>9,480,420</u>	<u>36,333,641</u>

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1	<u>New and vacant FTE pool</u>	0	15,246,375	15,246,375
2	<u>Total all funds</u>	\$292,851,661	\$183,816,494	\$476,668,155
3	<u>Less other funds</u>	45,744,746	106,434,000	152,178,746
4	<u>Total general fund</u>	\$247,106,915	\$77,382,494	\$324,489,409
5	<u>Full-time equivalent positions</u>	929.79	51.00	980.79

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:

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

1	County and regional correctional centers	<u>0</u>	<u>3,000,000</u>	<u>3,000,000</u>
2	contracted operations			
3	Total	\$17,697,878	\$116,645,769	\$134,343,647

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

10 **SECTION 4. APPROPRIATION - DEPARTMENT OF CORRECTIONS AND**
11 **REHABILITATION - GENERAL FUND - STATE PENITENTIARY PROJECT - ONE-TIME**
12 **FUNDING - LEGISLATIVE INTENT.** There is appropriated out of any moneys in the general
13 fund in the state treasury, not otherwise appropriated, the sum of \$55,640,000, or so much of
14 the sum as may be necessary, to the department of corrections and rehabilitation for the
15 purpose of constructing an addition to the state penitentiary, for the biennium beginning July 1,
16 2025, and ending June 30, 2027. The funding in this section is considered a one-time funding
17 item. It is the intent of the sixty-ninth legislative assembly that the sum of \$55,640,000
18 appropriated from the general fund to the university of North Dakota in Senate Bill No. 2003 for
19 a science, technology, engineering, and mathematics building project be reallocated to the
20 department of corrections and rehabilitation for this project.

21 **SECTION 5. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.**

22 The other funds line item in section 1 of this Act includes the sum of \$100,356,197 from the
23 strategic investment and improvements fund for one-time projects and programs as follows:

24	Heart River correctional center project	\$35,635,000
25	Missouri River correctional center temporary housing	8,032,757
26	Missouri River correctional center planning and design	20,000,000
27	James River correctional center facilities study	750,000
28	James River correctional center maintenance building demolition	570,000
29	County and regional correctional center contracted operations	3,000,000
30	Deferred maintenance and extraordinary repairs	15,000,000
31	Software and technology upgrades	11,278,631

1	Equipment	1,089,809
2	Victims of crime grants	<u>5,000,000</u>
3	Total	\$100,356,197

4 **SECTION 6. 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 7. MISSOURI RIVER CORRECTIONAL CENTER PLANNING AND DESIGN -**
13 **REPORT.** The appropriation in the adult services line item in section 1 of this Act includes
14 \$20,000,000 from the strategic investment and improvements fund for planning and design for a
15 new six hundred bed minimum security male correctional facility for the Missouri River
16 correctional center. The department of corrections and rehabilitation shall provide a quarterly
17 report to the legislative management regarding the planning and design of a new minimum
18 security facility.

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

1 **SECTION 9. 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 - Summary of Senate Action

This amendment appropriates \$55,640,000 from the general fund to the Department of Corrections and Rehabilitation to construct an addition to the State Penitentiary. The amendment also provides legislative intent that the funding be derived from funds appropriated in Senate Bill No. 2003 for a science, technology, engineering, and mathematics building project at the University of North Dakota.