

**SECOND ENGROSSMENT
with Senate Amendments
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 authorize the issuance of bonds; to provide a statement of
3 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 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 Enhancements</u>	<u>Appropriation</u>
13 Adult services	\$258,140,591	\$170,778,154	\$428,918,745
14 Youth services	<u>24,584,845</u>	<u>1,555,722</u>	<u>26,140,567</u>
15 Total all funds	\$282,725,436	\$172,333,876	\$455,059,312
16 Less estimated income	<u>64,865,627</u>	<u>125,451,497</u>	<u>190,317,124</u>
17 Total general fund	\$217,859,809	\$46,882,379	\$264,742,188
18 Full-time equivalent positions	907.79	16.00	923.79

19 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**
20 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding
21 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
22 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
24 Equipment		\$191,000	\$1,022,800

Sixty-eighth
Legislative Assembly

1	Kitchen equipment	115,000	0
2	Roughrider industries equipment	1,281,988	2,019,000
3	Roughrider industries storage warehouse	500,000	0
4	Federal payroll expenses	7,000,000	0
5	Radios	2,057,384	0
6	County jail stipends	4,800,000	0
7	Free through recovery program	2,995,200	0
8	Heart River correctional center facility	0	131,200,000
9	Inflationary costs	0	3,478,998
10	Transitional facility contract inflation	0	2,759,222
11	Dakota women's correctional and rehabilitation center	0	2,450,000
12	contract		
13	Dickinson adult detention center contract	0	1,003,434
14	Staff and resident development and training	0	100,000
15	Offender management system review	0	500,000
16	Maintenance and extraordinary repairs	0	1,000,000
17	James River correctional center remodel	0	255,500
18	DOCSTARS maintenance	0	307,000
19	James River correctional center maintenance shop	0	1,550,000
20	Information technology needs	0	2,000,000
21	Roughrider industries supplies	0	4,083,681
22	Roughrider industries information technology costs	0	642,080
23	Roughrider industries cold storage	0	200,000
24	Roughrider industries paint line replacement	0	<u>2,300,000</u>
25	Total all funds	\$18,940,572	\$156,871,715
26	Less estimated income	<u>18,634,572</u>	<u>144,632,261</u>
27	Total general fund	\$306,000	\$12,239,454

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

1 **SECTION 3. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING**

2 **FUND REVENUES.** Any moneys received by the department of corrections and rehabilitation
3 from correctional supervision, electronic monitoring, and detention; reimbursements from other
4 agencies; profits received from department of corrections and rehabilitation commissary;
5 miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and
6 from the youth correctional center permanent fund, may be deposited in the department of
7 corrections and rehabilitation operating fund and expended pursuant to legislative appropriation
8 for the biennium beginning July 1, 2023, and ending June 30, 2025.

9 **SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**

10 **FUND.** The estimated income line item in section 1 of this Act includes \$35,057,000 from the
11 strategic investment and improvements fund, including \$31,200,000 for a new Heart River
12 correctional center facility, \$1,550,000 for a new James River correctional center maintenance
13 shop, and \$2,307,000 for information technology needs.

14 **SECTION 5. WOMEN'S PRISON CONSTRUCTION PROJECT - BOND ISSUANCE**

15 **AUTHORIZATION.** The industrial commission, acting as the North Dakota building authority,
16 shall arrange through the issuance of evidences of indebtedness under chapter 54-17.2 for the
17 biennium beginning July 1, 2023, and ending June 30, 2025, for project costs associated with
18 the department of corrections and rehabilitation women's prison construction project declared to
19 be in the public interest, for which \$100,000,000 is appropriated from bond proceeds in
20 section 1 of this Act. The industrial commission shall issue evidences of indebtedness under this
21 section with the condition that repayments need not begin until July 1, 2025. The authority of
22 the industrial commission to issue evidences of indebtedness under this section ends June 30,
23 2025, but the industrial commission may continue to exercise all other powers granted to it
24 under chapter 54-17.2 and this Act and comply with any covenants entered into before that
25 date.

26 **SECTION 6. HEART RIVER CORRECTIONAL CENTER FACILITY - LEGISLATIVE**

27 **INTENT.** It is the intent of the sixty-eighth legislative assembly that the sixty-ninth legislative
28 assembly appropriate \$30,000,000 to complete the construction of the new women's prison
29 facility at the Heart River correctional center, for the biennium beginning July 1, 2025, and
30 ending June 30, 2027.

1 **SECTION 7. HEART RIVER CORRECTIONAL CENTER FACILITY - STEERING**

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

9 **SECTION 8. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM.** The
10 amount of \$8,000,000 from the general fund appropriated for the community behavioral health
11 program in section 1 of chapter 43 of the 2021 Session Laws is not subject to section
12 54-44.1-11, and any unexpended funds from this appropriation may be used for the community
13 behavioral health program during the biennium beginning July 1, 2023, and ending June 30,
14 2025.

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

23 **SECTION 10. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** Section
24 54-44.1-11 does not apply to the appropriation authority transferred from the office of
25 management and budget to the department of corrections and rehabilitation from the amounts
26 appropriated from federal funds derived from the state fiscal recovery fund in subsection 10 of
27 section 1 of chapter 550 of the 2021 Special Session Session Laws, and any unexpended funds
28 from this transferred appropriation authority may be used for the purpose of deferred
29 maintenance and extraordinary repairs projects during the biennium beginning July 1, 2023,
30 and ending June 30, 2025.

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