

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1015
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide a statement of legislative intent; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Adult services	\$258,140,591	\$161,033,061	\$419,173,652
Youth services	24,584,845	2,026,590	26,611,435
Total all funds	\$282,725,436	\$163,059,651	\$445,785,087
Less estimated income	64,865,627	125,451,497	190,317,124
Total general fund	\$217,859,809	\$37,608,154	\$255,467,963
Full-time equivalent positions	907.79	22.00	929.79

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 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>
Equipment	\$191,000	\$1,220,800
Kitchen equipment	115,000	0
Roughrider industries equipment	1,281,988	2,019,000
Roughrider industries storage warehouse	500,000	0
Federal payroll expenses	7,000,000	0
Radios	2,057,384	0
County jail stipends	4,800,000	0
Free through recovery program	2,995,200	0
Heart River correctional center facility	0	131,200,000
Inflationary costs	0	3,478,998
Transitional facility contract inflation	0	2,759,222
Dakota women's correctional and rehabilitation center contract	0	2,450,000
Dickinson adult detention center contract	0	1,003,434
Staff and resident development and training	0	100,000
Offender management system review	0	500,000
New cameras	0	275,000
Maintenance and extraordinary repairs	0	2,000,000
James River correctional center remodel	0	255,500
DOCSTARS maintenance	0	307,000
James River correctional center maintenance shop	0	1,550,000
Information technology needs	0	2,000,000
Roughrider industries supplies	0	4,083,681

Roughrider industries information technology costs	0	642,080
Roughrider industries cold storage	0	200,000
Roughrider industries paint line replacement	0	2,300,000
Total all funds	\$18,940,572	\$158,344,715
Less estimated income	<u>18,634,572</u>	<u>144,632,261</u>
Total general fund	\$306,000	\$13,712,454

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

SECTION 3. 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 from the youth correctional center permanent fund, may be deposited in the department of corrections and rehabilitation operating fund and expended pursuant to legislative appropriation for the biennium beginning July 1, 2023, and ending June 30, 2025.

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

SECTION 5. HEART RIVER CORRECTIONAL CENTER FACILITY - LEGISLATIVE INTENT. It is the intent of the sixty-eighth legislative assembly that the sixty-ninth legislative assembly appropriate \$30,000,000 to complete the construction of the new women's prison facility at the Heart River correctional center, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. HEART RIVER CORRECTIONAL CENTER FACILITY - STEERING COMMITTEE. The department of corrections and rehabilitation shall establish a Heart River correctional center facility steering committee to oversee the design and construction of the new Heart River correctional center facility for the biennium beginning July 1, 2023, and ending June 30, 2025. The committee must include one member of the senate appointed by the senate majority leader, one member of the house appointed by the house majority leader, and one member of the minority party from either the senate or the house appointed by the minority leaders of the senate and the house.

SECTION 7. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM. The amount of \$8,000,000 from the general fund appropriated for the community behavioral health program in section 1 of chapter 43 of the 2021 Session Laws is not subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used for the community behavioral health program during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 8. EXEMPTION - DEFERRED MAINTENANCE AND EXTRAORDINARY REPAIRS. The amount of \$6,000,000 from the general fund appropriated to the department of corrections and rehabilitation in section 1 of chapter 15 of the 2019 Session Laws and continued in section 9 of chapter 43 of the 2021 Session Laws is not subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used for deferred maintenance, capital planning, and extraordinary repairs projects by the department of corrections and rehabilitation during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 9. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND. Section 54-44.1-11 does not apply to the appropriation authority transferred from the office of management and budget to the department of corrections and rehabilitation from the amounts appropriated from federal funds

derived from the state fiscal recovery fund in subsection 10 of section 1 of chapter 550 of the 2021 Special Session Session Laws, and any unexpended funds from this transferred appropriation authority may be used for the purpose of deferred maintenance and extraordinary repairs projects during the biennium beginning July 1, 2023, and ending June 30, 2025.

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

Dennis E. Johnson
Speaker of the House

Tammy Miller
President of the Senate

Buell J. Reick
Chief Clerk of the House

Sharon Morgan
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1015.

House Vote: Yeas 73 Nays 18 Absent 3

Senate Vote: Yeas 44 Nays 2 Absent 1

Buell J. Reick
Chief Clerk of the House

Received by the Governor at 4:38 PM. on April 28, 2023.

Approved at 1:40 PM. on May 5, 2023.

Doug Burgin
Governor

Filed in this office this 9 day of May, 2023,
at 1:07 o'clock P M.

Michael Howe
Secretary of State