

HOUSE BILL NO. 1015

Introduced by

Appropriations Committee

(At the request of the Governor)

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 legislative management study; to provide for a
3 report to the budget section; and to provide ~~an exemption~~legislative intent.

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, 2011, and ending June 30, 2013, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
13 Adult services	\$143,087,868	\$21,437,984	\$164,525,852
14 <u>Adult services</u>	<u>\$143,087,868</u>	<u>\$19,006,466</u>	<u>\$162,094,334</u>
15 Youth services	<u>25,506,831</u>	<u>2,077,740</u>	<u>27,584,571</u>
16 Total all funds	\$168,594,699	\$23,515,724	\$192,110,423
17 <u>Total all funds</u>	<u>\$168,594,699</u>	<u>\$21,084,206</u>	<u>\$189,678,905</u>
18 Less estimated income	<u>25,937,693</u>	<u>4,568,457</u>	<u>30,506,150</u>
19 Total general fund	\$142,657,006	\$18,947,267	\$161,604,273
20 Full-time equivalent positions	735.29	67.00	802.29
21 <u>Total general fund</u>	<u>\$142,657,006</u>	<u>\$16,515,749</u>	<u>\$159,172,755</u>
22 <u>Full-time equivalent positions</u>	<u>735.29</u>	<u>60.00</u>	<u>795.29</u>

23 SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO

24 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding

1 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
2 one-time funding items included in the appropriation in section 1 of this Act:

3	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
4	Deferred maintenance	\$1,372,519	\$0
5	Federal fiscal stimulus - 2009	1,039,856	0
6	Equipment	595,500	462,800
7	<u>Equipment</u>	<u>595,500</u>	<u>437,300</u>
8	Capital projects	64,000,000	617,968
9	Extraordinary repairs	0	984,740
10	Total all funds	\$67,007,875	\$2,065,508
11	<u>Extraordinary repairs</u>	<u>0</u>	<u>741,490</u>
12	<u>Total all funds</u>	<u>\$67,007,875</u>	<u>\$1,796,758</u>
13	Less estimated income	45,574,052	0
14	Total general fund	\$21,433,823	\$2,065,508
15	<u>Total general fund</u>	<u>\$21,433,823</u>	<u>\$1,796,758</u>

16 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the
17 2013-15 biennium. The department of corrections and rehabilitation shall report to the
18 appropriations committees of the sixty-third legislative assembly on the use of this one-time
19 funding for the biennium beginning July 1, 2011, and ending June 30, 2013.

20 **SECTION 3. HEART OF AMERICA CORRECTIONAL AND TREATMENT CENTER -**
21 **TREATMENT SERVICES PAYMENTS.** The department of corrections and rehabilitation shall
22 distribute in twenty-four equal payments the sum of \$1,677,723 from the general fund
23 appropriated in the adult services line item in section 1 of this Act to the heart of America
24 correctional and treatment center for inmate-related treatment services, for the biennium
25 beginning July 1, 2011, and ending June 30, 2013. If the heart of America correctional and
26 treatment center does not accept a sufficient number of inmates to occupy at least ninety-six
27 percent of the average daily treatment program bed count provided for in the contract for the
28 first ten months of each year of the biennium, the department of corrections and rehabilitation
29 shall reduce the monthly payments for the remaining two months of each year. The total
30 reduction for the two months is the sum of the monthly calculation of the number of beds at
31 ninety-six percent occupancy less the number of beds filled multiplied by the daily rate

1 multiplied by the number of days in the month. The department of corrections and rehabilitation
2 shall refer a sufficient number of inmates to the heart of America correctional and treatment
3 center to allow for the average daily treatment program bed count provided for in the contract to
4 be fulfilled for the biennium beginning July 1, 2011, and ending June 30, 2013.

5 ~~**SECTION 4. EXEMPTION - TRANSFER TO PENITENTIARY LAND FUND.** Any amount
6 appropriated to the department of corrections and rehabilitation from the general fund, as
7 provided in chapter 43 of the 2009 Session Laws, not spent or obligated as of June 30, 2011, is
8 not subject to the provisions of section 54-44.1-11 and shall be transferred by the director of the
9 office of management and budget to the penitentiary land fund during the biennium beginning
10 July 1, 2011, and ending June 30, 2013.~~

11 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY.** During the 2011-12 interim, the
12 legislative management shall consider studying the Missouri River correctional center, including
13 the feasibility and desirability of the Missouri River correctional center relocating adjacent to the
14 state penitentiary. The legislative management shall report its findings and recommendations,
15 together with any legislation required to implement the recommendations, to the sixty-third
16 legislative assembly.

17 **SECTION 5. REPORT TO BUDGET SECTION.** The department of corrections and
18 rehabilitation shall, during the 2011-12 interim, report quarterly to the budget section regarding
19 the progress of the prison expansion project.

20 **SECTION 6. LEGISLATIVE INTENT - NEW FULL-TIME EQUIVALENT POSITIONS.** It is
21 the intent of the sixty-second legislative assembly that the department of corrections and
22 rehabilitation not fill any of the forty-nine new full-time equivalent positions for the state
23 penitentiary expansion project prior to ninety days before the estimated completion date of the
24 project.