

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED 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~~ an appropriation to
3 the office of management and budget; to provide for a report to the budget section; and to
4 provide legislative intent.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the department of corrections and rehabilitation for the purpose of defraying
10 the expenses of the department of corrections and rehabilitation, for the biennium beginning
11 July 1, 2011, and ending June 30, 2013, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
14 Adult services	\$143,087,868	\$19,006,466	\$162,094,334
15 <u>Adult services</u>	<u>\$143,087,868</u>	<u>\$19,479,630</u>	<u>\$162,567,498</u>
16 Youth services	<u>25,506,831</u>	<u>2,077,740</u>	<u>27,584,571</u>
17 Total all funds	\$168,594,699	\$21,084,206	\$189,678,905
18 <u>Total all funds</u>	<u>\$168,594,699</u>	<u>\$21,557,370</u>	<u>\$190,152,069</u>
19 Less estimated income	<u>25,937,693</u>	<u>4,568,457</u>	<u>30,506,150</u>
20 Total general fund	\$142,657,006	\$16,515,749	\$159,172,755
21 Full-time equivalent positions	735.29	60.00	795.29
22 <u>Total general fund</u>	<u>\$142,657,006</u>	<u>\$16,988,913</u>	<u>\$159,645,919</u>
23 <u>Full-time equivalent positions</u>	<u>735.29</u>	<u>59.00</u>	<u>794.29</u>

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

2 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
3 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
4 one-time funding items included in the appropriation in section 1 of this Act:

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

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

18 **SECTION 3. APPROPRIATION - TRANSFER - STATE PENITENTIARY LAND FUND.**

19 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise
20 appropriated, the sum of \$1,100,000, which the office of management and budget shall transfer
21 from the general fund to the state penitentiary land fund on July 1, 2011, for the purpose of
22 providing funding for the prison expansion project.

23 **SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION - HOUSING**

24 **CONTRACT.** The department of corrections and rehabilitation shall contract with an
25 organization to house women inmates sentenced to the department for the biennium beginning
26 July 1, 2011, and ending June 30, 2013, at a rate that equals the actual costs incurred by the
27 organization for providing the housing services. If, at the conclusion of the 2011-13 biennium,
28 the agreed-upon contract amount differs from the actual expenditures of the organization for the
29 biennium beginning July 1, 2011, and ending June 30, 2013, the organization shall disclose and
30 report the variance to the department of corrections and rehabilitation.

1 ~~— SECTION 4. HEART OF AMERICA CORRECTIONAL AND TREATMENT CENTER —~~

2 ~~TREATMENT SERVICES PAYMENTS.~~ The department of corrections and rehabilitation shall
3 distribute in twenty-four equal payments the sum of \$1,677,723 from the general fund
4 appropriated in the adult services line item in section 1 of this Act to the heart of America
5 correctional and treatment center for inmate-related treatment services, for the biennium
6 beginning July 1, 2011, and ending June 30, 2013. If the heart of America correctional and
7 treatment center does not accept a sufficient number of inmates to occupy at least ninety-six
8 percent of the average daily treatment program bed count provided for in the contract for the
9 first ten months of each year of the biennium, the department of corrections and rehabilitation
10 shall reduce the monthly payments for the remaining two months of each year. The total
11 reduction for the two months is the sum of the monthly calculation of the number of beds at
12 ninety-six percent occupancy less the number of beds filled multiplied by the daily rate
13 multiplied by the number of days in the month. The department of corrections and rehabilitation
14 shall refer a sufficient number of inmates to the heart of America correctional and treatment
15 center to allow for the average daily treatment program bed count provided for in the contract to
16 be fulfilled for the biennium beginning July 1, 2011, and ending June 30, 2013.

17 ~~— SECTION 5. LEGISLATIVE MANAGEMENT STUDY.~~ During the 2011-12 interim, the
18 legislative management shall consider studying the Missouri River correctional center, including
19 the feasibility and desirability of the Missouri River correctional center relocating adjacent to the
20 state penitentiary. The legislative management shall report its findings and recommendations,
21 together with any legislation required to implement the recommendations, to the sixty-third
22 legislative assembly.

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

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