

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; to provide for a
3 report to the budget section; and to provide 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>
11			
12			
13	Adult services	\$143,087,868	\$19,006,466
14	Youth services	<u>25,506,831</u>	<u>2,077,740</u>
15	Total all funds	\$168,594,699	\$189,678,905
16	Less estimated income	<u>25,937,693</u>	<u>30,506,150</u>
17	Total general fund	\$142,657,006	\$159,172,755
18	Full-time equivalent positions	735.29	60.00
			795.29

19 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
20 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
21 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
22 one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
23			
24	Deferred maintenance	\$1,372,519	\$0

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1	Federal fiscal stimulus - 2009	1,039,856	0
2	Equipment	595,500	437,300
3	Capital projects	64,000,000	617,968
4	Extraordinary repairs	<u>0</u>	<u>741,490</u>
5	Total all funds	\$67,007,875	\$1,796,758
6	Less estimated income	<u>45,574,052</u>	<u>0</u>
7	Total general fund	\$21,433,823	\$1,796,758

8 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the
9 2013-15 biennium. The department of corrections and rehabilitation shall report to the
10 appropriations committees of the sixty-third legislative assembly on the use of this one-time
11 funding for the biennium beginning July 1, 2011, and ending June 30, 2013.

12 **SECTION 3. HEART OF AMERICA CORRECTIONAL AND TREATMENT CENTER -**

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

28 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY.** During the 2011-12 interim, the
29 legislative management shall consider studying the Missouri River correctional center, including
30 the feasibility and desirability of the Missouri River correctional center relocating adjacent to the
31 state penitentiary. The legislative management shall report its findings and recommendations,

1 together with any legislation required to implement the recommendations, to the sixty-third
2 legislative assembly.

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

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