

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; to provide for borrowing authority; 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:

	Base Level	Adjustments or Enhancements	Appropriation
13 Adult services	\$143,087,868	\$19,006,466	\$162,094,334
14 <u>Adult services</u>	<u>\$143,087,868</u>	<u>\$19,399,630</u>	<u>\$162,487,498</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	\$21,084,206	\$189,678,905
17 <u>Total all funds</u>	<u>\$168,594,699</u>	<u>\$21,477,370</u>	<u>\$190,072,069</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	\$16,515,749	\$159,172,755
20 Full-time equivalent positions	735.29	60.00	795.29
21 <u>Total general fund</u>	<u>\$142,657,006</u>	<u>\$16,908,913</u>	<u>\$159,565,919</u>
22 <u>Full-time equivalent positions</u>	<u>735.29</u>	<u>59.00</u>	<u>794.29</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	437,300
7	Capital projects	64,000,000	617,968
8	Extraordinary repairs	<u>0</u>	<u>741,490</u>
9	Total all funds	\$67,007,875	\$1,796,758
10	Less estimated income	<u>45,574,052</u>	<u>0</u>
11	Total general fund	\$21,433,823	\$1,796,758

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

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

1 ~~—SECTION 4. LEGISLATIVE MANAGEMENT STUDY. During the 2011-12 interim, the~~
2 ~~legislative management shall consider studying the Missouri River correctional center, including~~
3 ~~the feasibility and desirability of the Missouri River correctional center relocating adjacent to the~~
4 ~~state penitentiary. The legislative management shall report its findings and recommendations,~~
5 ~~together with any legislation required to implement the recommendations, to the sixty-third~~
6 ~~legislative assembly.~~

7 **SECTION 3. BORROWING AUTHORITY - BANK OF NORTH DAKOTA -**

8 **APPROPRIATION.** The department of corrections and rehabilitation may borrow the sum of
9 \$1,100,000, or so much of the sum as may be necessary, from the Bank of North Dakota, which
10 is appropriated to the department of corrections and rehabilitation for the purpose of defraying
11 the expenses of the penitentiary expansion project, for the period beginning July 1, 2011, and
12 ending June 30, 2013.

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

14 **CONTRACT.** The department of corrections and rehabilitation shall contract with an
15 organization to house women inmates sentenced to the department for the biennium beginning
16 July 1, 2011, and ending June 30, 2013. At the conclusion of the 2011-13 biennium, if the
17 agreed-upon contract amount differs from the actual expenditures of the organization for the
18 biennium beginning July 1, 2011, and ending June 30, 2013, the variance must be disclosed
19 and reported to the department of corrections and rehabilitation.

20 **SECTION 5. REPORT TO BUDGET SECTION.** The department of corrections and
21 rehabilitation shall, during the 2011-12 interim, report quarterly to the budget section regarding
22 the progress of the prison expansion project. Reports to the budget section must include any
23 amounts borrowed under the provisions of section 3 of this Act and the purpose of the loan.

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