

**FIRST ENGROSSMENT
with Conference Committee Amendments
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 report to the budget section; to provide for
3 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:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
11			
12			
13 Adult services	\$143,087,868	\$19,399,630	\$162,487,498
14 Youth services	<u>25,506,831</u>	<u>2,077,740</u>	<u>27,584,571</u>
15 Total all funds	\$168,594,699	\$21,477,370	\$190,072,069
16 Less estimated income	<u>25,937,693</u>	<u>4,568,457</u>	<u>30,506,150</u>
17 Total general fund	\$142,657,006	\$16,908,913	\$159,565,919
18 Full-time equivalent positions	735.29	59.00	794.29

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. BORROWING AUTHORITY - BANK OF NORTH DAKOTA -**

13 **APPROPRIATION.** The department of corrections and rehabilitation may borrow the sum of
14 \$1,100,000, or so much of the sum as may be necessary, from the Bank of North Dakota, which
15 is appropriated to the department of corrections and rehabilitation for the purpose of defraying
16 the expenses of the penitentiary expansion project, for the period beginning July 1, 2011, and
17 ending June 30, 2013.

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

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

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

29 **SECTION 6. LEGISLATIVE INTENT - NEW FULL-TIME EQUIVALENT POSITIONS.** It is
30 the intent of the sixty-second legislative assembly that the department of corrections and
31 rehabilitation not fill any of the forty-seven new full-time equivalent positions for the state

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- 1 penitentiary expansion project prior to ninety days before the estimated completion date of the
- 2 project.