

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; and to provide an exemption.

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

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

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

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

19 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
20 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
21 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	Deferred maintenance	\$1,372,519	\$0
24	Federal fiscal stimulus - 2009	1,039,856	0

1	Equipment	595,500	462,800
2	Capital projects	64,000,000	617,968
3	Extraordinary repairs	<u>0</u>	<u>984,740</u>
4	Total all funds	\$67,007,875	\$2,065,508
5	Less estimated income	<u>45,574,052</u>	<u>0</u>
6	Total general fund	\$21,433,823	\$2,065,508

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

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

27 **SECTION 4. EXEMPTION - TRANSFER TO PENITENTIARY LAND FUND.** Any amount
28 appropriated to the department of corrections and rehabilitation from the general fund, as
29 provided in chapter 43 of the 2009 Session Laws, not spent or obligated as of June 30, 2011, is
30 not subject to the provisions of section 54-44.1-11 and shall be transferred by the director of the

Sixty-second
Legislative Assembly

- 1 office of management and budget to the penitentiary land fund during the biennium beginning
- 2 July 1, 2011, and ending June 30, 2013.