

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1015
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide for a report to the budget section; to provide for borrowing authority; and to provide legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-THIRD LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13 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>
Deferred maintenance	\$1,372,519	\$0
Federal fiscal stimulus - 2009	1,039,856	0
Equipment	595,500	437,300
Capital projects	64,000,000	617,968
Extraordinary repairs	0	<u>741,490</u>
Total all funds	\$67,007,875	\$1,796,758
Less estimated income	<u>45,574,052</u>	0
Total general fund	\$21,433,823	\$1,796,758

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

SECTION 3. BORROWING AUTHORITY - BANK OF NORTH DAKOTA - APPROPRIATION. The department of corrections and rehabilitation may borrow the sum of \$1,100,000, or so much of the sum as may be necessary, from the Bank of North Dakota, which is appropriated to the department of corrections and rehabilitation for the purpose of defraying the expenses of the penitentiary expansion project, for the period beginning July 1, 2011, and ending June 30, 2013.

SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION - HOUSING CONTRACT. The department of corrections and rehabilitation shall contract with an organization to house women inmates sentenced to the department for the biennium beginning July 1, 2011, and ending June 30, 2013. At the conclusion of the 2011-13 biennium, if the agreed-upon contract amount differs from the actual expenditures of the organization for the biennium beginning July 1, 2011, and ending June 30, 2013, the variance must be disclosed and reported to the department of corrections and rehabilitation.

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1015.

House Vote: Yeas 90 Nays 3 Absent 1

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State