

**Department of Corrections and Rehabilitation  
Budget No. 530  
Senate Bill No. 2015 and House Bill No. 1024**

|  | <b>FTE Positions</b> | <b>General Fund</b>  | <b>Other Funds</b>  | <b>Total</b>         |
|--|----------------------|----------------------|---------------------|----------------------|
| <b>2017-19 legislative appropriations</b>      | <b>845.29</b>        | <b>\$214,336,704</b> | <b>\$39,264,160</b> | <b>\$253,600,864</b> |
| 2017-19 base budget                            | 836.29               | 203,044,020          | 33,236,706          | 236,280,726          |
| Legislative increase (decrease) to base budget | 9.00                 | \$11,292,684         | \$6,027,454         | \$17,320,138         |

**ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS**

|  | <b>Ongoing<br/>General Fund<br/>Appropriation</b> | <b>One-Time<br/>General Fund<br/>Appropriation</b> | <b>Total<br/>General Fund<br/>Appropriation</b> |
|--|---|--|---|
| <b>2017-19 legislative appropriations</b>                                  | <b>\$214,336,704</b>                              | <b>\$0</b>   | <b>\$214,336,704</b>                            |
| 2015-17 adjusted legislative appropriations                                | 203,044,020                                       | 1,466,167  | 204,510,187                                     |
| 2017-19 legislative increase (decrease) to 2015-17 adjusted appropriations | \$11,292,684                                      | (\$1,466,167)                                      | \$9,826,517                                     |
| Percentage increase (decrease) to 2015-17 adjusted appropriations          | 5.6%  | (100.0%)   | 4.8%  |

**SUMMARY OF LEGISLATIVE CHANGES TO THE BASE BUDGET AND MAJOR FUNDING ITEMS**

**Salaries and Wages**

The Legislative Assembly did not include funding for employee salary increases.

**Changes to Base Budget**

|   | <b>FTE Positions</b> | <b>General Fund</b> | <b>Other Funds</b> | <b>Total</b> |
|---|----------------------|---------------------|--------------------|--------------|
| The legislative action:   |                      |                     |                    |              |
| Added funding for base payroll changes for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes. |                      | \$843,274           | \$1,296,984        | \$2,140,258  |
| Added funding for employee health insurance premiums to reflect a revised premium rate of \$1,240.83 per month.                                 |                      | 2,016,105           | 139,467            | 2,155,572    |
| Added 8 FTE new Youth Correctional Center positions to maintain compliance with the federal Prison Rape Elimination Act.                        | 8.00                 | 1,006,461           |                    | 1,006,461    |
| Added funding for a community behavioral health program, including 1 FTE position.  | 1.00                 | 7,000,000           |                    | 7,000,000    |

|  |             |                     |                     |
|--|-------------|---------------------|---------------------|
| Reduced funding for salaries and wages and contract housing and programming, including \$348,812 for the Dakota Women's Correctional and Rehabilitation Center contract.   | (7,000,000) |                     | (7,000,000)         |
| Restored funding for salaries and wages reduced due to budget reductions made during the August 2016 special legislative session.  | 461,935     |                     | 461,935             |
| Restored funding for contract housing and programming reduced due to budget reductions made during the August 2016 special legislative session.  | 4,715,073   |                     | 4,715,073           |
| Restored funding for the Dakota Women's Correctional and Rehabilitation Center contract reduced due to budget reductions made during the August 2016 special legislative session to provide a total of \$10,761,951. | 348,815     |                     | 348,815             |
| Reduced funding for temporary employee operating expenses.   | (31,100)    |                     | (31,100)            |
| Increased funding to provide a total of \$27,224,642 for contract housing and programming.   | 105,441     |                     | 105,441             |
| Adjusted funding for various expenses, including food and clothing, medical, travel, utilities, repairs, maintenance, information technology, and professional services.   | 2,364,585   | (359,501)           | 2,005,084           |
| Adjusted funding relating to federal grants, including federal Victims of Crime Act funding.   |             | 3,017,597           | 3,017,597           |
| Reduced funding for extraordinary repairs.   | (417,060)   | (170,000)           | (587,060)           |
| Reduced funding for bond payments.   | (120,845)   |                     | (120,845)           |
| Added one-time funding for Roughrider Industries equipment over \$5,000.   |             | 167,000             | 167,000             |
| Added one-time funding from the strategic investment and improvements fund for an electronic medical records system.   |             | 935,907             | 935,907             |
| Added one-time funding from other funds from a Council of State Government's grant for implementing justice reinvestment initiatives.  |             | 500,000             | 500,000             |
| Added one-time funding from Adjutant General loan proceeds for law enforcement support relating to unlawful activity associated with the construction of the Dakota Access Pipeline (House Bill No. 1024).           |             | 500,000             | 500,000             |
| Total  | <u>9.00</u> | <u>\$11,292,684</u> | <u>\$17,320,138</u> |

### FTE Changes

The Legislative Assembly authorized 845.29 FTE positions for the Department of Corrections and Rehabilitation for the 2017-19 biennium, an increase of 9 FTE positions from the 2015-17 biennium. The Legislative Assembly added 8 FTE Youth Correctional Center positions to maintain the federal Prison Rape Elimination Act compliance and 1 FTE position associated with the community behavioral health program.

### One-Time Funding

The following is a summary of one-time items for the Department of Corrections and Rehabilitation for the 2017-19 biennium:

|  | Other Funds        |
|--|--------------------|
| Roughrider Industries equipment  | \$167,000          |
| Electronic medical records system (strategic investment and improvements fund) | 935,907            |
| Justice reinvestment initiatives   | 500,000            |
| Dakota Access Pipeline law enforcement (House Bill No. 1024)                   | 500,000            |
| <b>Total</b>   | <b>\$2,102,907</b> |

### Inmate Population

The following table summarizes the 2017-19 biennium inmate population projections used to develop the legislative appropriation:

|                         | Male  | Female | Total |
|-------------------------|-------|--------|-------|
| <b>Fiscal year 2018</b> |       |        |       |
| July                    | 1,616 | 224    | 1,840 |
| August                  | 1,623 | 224    | 1,847 |
| September               | 1,631 | 224    | 1,855 |
| October                 | 1,639 | 224    | 1,863 |
| November                | 1,641 | 224    | 1,865 |
| December                | 1,641 | 224    | 1,865 |
| January                 | 1,641 | 224    | 1,865 |
| February                | 1,641 | 224    | 1,865 |
| March                   | 1,641 | 224    | 1,865 |
| April                   | 1,641 | 224    | 1,865 |
| May                     | 1,641 | 224    | 1,865 |
| June                    | 1,641 | 224    | 1,865 |
| <b>Fiscal year 2019</b> |       |        |       |
| July                    | 1,641 | 224    | 1,865 |
| August                  | 1,641 | 224    | 1,865 |
| September               | 1,641 | 224    | 1,865 |
| October                 | 1,641 | 224    | 1,865 |
| November                | 1,641 | 224    | 1,865 |
| December                | 1,641 | 224    | 1,865 |
| January                 | 1,641 | 224    | 1,865 |
| February                | 1,641 | 224    | 1,865 |
| March                   | 1,641 | 224    | 1,865 |
| April                   | 1,641 | 224    | 1,865 |
| May                     | 1,641 | 224    | 1,865 |
| June                    | 1,641 | 224    | 1,865 |

The following table shows the estimated and actual average male and female inmate populations for the 2015-17 biennium to date:

|                         | Male Inmate Population Estimated v. Actual |                   |                               | Female Inmate Population Estimated v. Actual |                   |                               |
|-------------------------|--|-------------------|-------------------------------|--|-------------------|-------------------------------|
|                         | Legislative Estimated Population           | Actual Population | Actual Above (Below) Estimate | Legislative Estimated Population             | Actual Population | Actual Above (Below) Estimate |
| <b>Fiscal year 2016</b> |  |                   |                               |  |                   |                               |
| July                    | 1,576                                      | 1,550             | (26)                          | 216  | 219               | 3                             |
| August                  | 1,581                                      | 1,555             | (26)                          | 216  | 217               | 1                             |
| September               | 1,587                                      | 1,573             | (14)                          | 217  | 214               | (3)                           |
| October                 | 1,594                                      | 1,590             | (4)                           | 217  | 220               | 3                             |
| November                | 1,601                                      | 1,597             | (4)                           | 218  | 211               | (7)                           |
| December                | 1,608                                      | 1,589             | (19)                          | 219  | 204               | (15)                          |
| January                 | 1,617                                      | 1,578             | (39)                          | 220  | 215               | (5)                           |
| February                | 1,625                                      | 1,558             | (67)                          | 222  | 224               | 2                             |
| March                   | 1,635                                      | 1,571             | (64)                          | 223  | 233               | 10                            |
| April                   | 1,645                                      | 1,563             | (82)                          | 224  | 230               | 6                             |
| May                     | 1,655                                      | 1,567             | (88)                          | 226  | 238               | 12                            |
| June                    | 1,666                                      | 1,566             | (100)                         | 228  | 237               | 9                             |
| <b>Fiscal year 2017</b> |  |                   |                               |  |                   |                               |
| July                    | 1,674                                      | 1,547             | (127)                         | 229  | 229               | 0                             |
| August                  | 1,680                                      | 1,541             | (139)                         | 230  | 227               | (3)                           |
| September               | 1,687                                      | 1,569             | (118)                         | 230  | 225               | (5)                           |
| October                 | 1,693                                      | 1,573             | (120)                         | 231  | 233               | 2                             |
| November                | 1,701                                      | 1,573             | (128)                         | 232  | 240               | 8                             |
| December                | 1,709                                      | 1,571             | (138)                         | 233  | 225               | (8)                           |
| January                 | 1,718                                      | 1,601             | (117)                         | 235  | 213               | (22)                          |
| February                | 1,727                                      | 1,622             | (105)                         | 236  | 225               | (11)                          |
| March                   | 1,736                                      | 1,628             | (108)                         | 238  | 219               | (19)                          |
| April                   | 1,746                                      | 1,618             | (128)                         | 239  | 211               | (28)                          |
| May                     | 1,757                                      |                   |                               | 241  |                   |                               |
| June                    | 1,769                                      |                   |                               | 243  |                   |                               |

#### Dakota Women's Correctional and Rehabilitation Center

The Legislative Assembly provided \$10,761,951 from the general fund for a contract to house female inmates at the Dakota Women's Correctional and Rehabilitation Center in New England, an increase of \$3 from the 2015-17 biennium adjusted appropriation of \$10,761,948.

#### Other Sections in Senate Bill No. 2015

**Health insurance increase** - Section 2 identifies the amount of funding included in the bill for the increase in employee health insurance premiums.

**Appropriation - Department of Human Services** - Section 4 provides an appropriation of \$7 million from other funds and 6 FTE positions to the Department of Human Services for the community behavioral health program. The source of funds is the Department of Corrections and Rehabilitation.

**Appropriation - Department of Human Services** - Section 5 provides an appropriation of \$500,000 from the general fund to the Department of Human Services to contract with a public or private entity to create, initiate, and facilitate the implementation of a strategic plan to increase the availability of behavioral health services in the state.

**Special funds transfer - Strategic investment and improvements fund** - Section 6 designates \$935,907 from the strategic investment and improvements fund for an electronic medical records system.

**Missouri River Correctional Center - Housing unit purchase** - Section 7 designates \$844,000 for the purchase of a 36-bed housing unit at the Missouri River Correctional Center.

**Management of inmate population** - Section 8 creates a new section to North Dakota Century Code Chapter 12-44.1 relating to local management of inmate population.

**Community behavioral health program** - Section 9 creates a new section to Chapter 54-23.3 relating to a community behavioral health plan as a term of parole or an alternative to incarceration.

**Prioritization of admission of inmates** - Section 10 creates a new section to Chapter 54-23.3 relating to prioritization of admission of inmates.

**Criminal justice behavioral health needs study** - Section 11 provides for the continuation of the Legislative Management study of alternatives to incarceration, with a focus on the behavioral health needs of individuals in the criminal justice system.

**Tompkins Rehabilitation Center study** - Section 12 provides for a Legislative Management study of the Tompkins Rehabilitation Center.

**Youth Correctional Center facilities study** - Section 13 provides for a study of Youth Correctional Center facilities by the Department of Corrections and Rehabilitation, in consultation with the Department of Human Services, the Protection and Advocacy Project, and the Supreme Court.

**Justice Reinvestment Oversight Committee** - Section 14 provides for a Justice Reinvestment Oversight Committee, which shall study the implementation of justice reinvestment policies and periodically report to the Legislative Management.

#### **Related Legislation**

**House Bill No. 1041** - Relates to sentence reduction credit, medical paroles, domestic violence offender treatment, grading of theft offenses, credit for time spent in custody, terms and conditions of probation, controlled substances and controlled substance paraphernalia, addiction counseling services, and the supplemental nutrition assistance program.

**House Bill No. 1269** - Provides for reductions in certain mandatory minimum sentences.

**Senate Bill No. 2125** - Amends Section 62.1-02-05 to provide an exemption for correctional officers employed by the Department of Corrections and Rehabilitation to possess a firearm at a public gathering.

**Senate Concurrent Resolution No. 4003** - Provides for a Legislative Management study of the current juvenile justice process, levels of collaboration among various service systems, implementation of dispositional alternatives, and methods for improving outcomes for juveniles involved in the process.