

Department 530 - Department of Corrections and Rehabilitation
House Bill No. 1015

Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 Executive Budget	\$288,725,180	\$218,130,655	\$506,855,835
2023-25 Base Level	217,859,809	64,865,627	282,725,436
Increase (Decrease)	\$70,865,371	\$153,265,028	\$224,130,399

Selected Budget Changes Recommended in the Executive Budget

	General Fund	Other Funds	Total
Agencywide			
1. Provides funding for state employee salary and benefit increases, of which \$10,550,710 is for salary increases and \$4,195,576 is for health insurance increases	\$13,965,600	\$780,686	\$14,746,286
2. Restores funding from the general fund for salaries paid from federal funds during the 2021-23 biennium	\$18,371,718	(\$18,371,718)	\$0
Juvenile Services			
3. Increases funding for juvenile contract housing	\$1,681,300	\$0	\$1,681,300
4. Adds one-time funding from the strategic investment and improvements fund (SIIF) for software costs	\$0	\$200,000	\$200,000
Adult Services			
5. Adds funding for electronic medical records system maintenance and support	\$481,096	\$0	\$481,096
6. Adds funding to expand pretrial services to one additional judicial district, including 7 new FTE positions	\$1,037,447	\$0	\$1,037,447
7. Adds funding to reduce parole and probation caseloads, including 10 new FTE positions	\$1,145,623	\$0	\$1,145,623
8. Adds funding for 8 new FTE inmate case managers	\$1,100,634	\$0	\$1,100,634
9. Adds funding to expand the free through recovery program to provide a total of \$16.3 million from the general fund	\$8,300,000	\$0	\$8,300,000
10. Adds funding to expand community behavioral telehealth services statewide	\$1,000,000	\$0	\$1,000,000
11. Adds funding for a treatment recovery impact program for 20 females sentenced to the Department of Corrections and Rehabilitation (DOCR)	\$1,973,700	\$0	\$1,973,700
12. Increases funding for Information Technology Department (ITD) unification costs, including the transfer of 2 FTE positions to ITD; electronic health records, facility offender management system, and community offender management system support; and a business analyst application manager	\$924,000	\$0	\$924,000
13. Adds one-time funding for inflationary costs, including food, medical, clothing, and resident payroll	\$3,478,998	\$0	\$3,478,998
14. Adds one-time funding for the contract with the Dakota Women's Correctional and Rehabilitation Center (DWCRC)	\$2,450,000	\$0	\$2,450,000
15. Adds one-time funding for maintenance and extraordinary repairs	\$4,000,000	\$0	\$4,000,000
16. Adds one-time funding from SIIF for a new female facility at the Heart River Correctional Center	\$0	\$161,200,000	\$161,200,000

A summary of the executive budget changes to the agency's base level appropriations is attached as an appendix.

A copy of the draft appropriations bill containing the executive budget recommendations is attached as an appendix.

Selected Bill Sections Recommended in the Executive Budget

Exemption - Community Behavioral Health Program - Section 3 would provide that any unexpended general fund appropriation authority relating to the \$7 million appropriated for the community behavioral health program for the 2021-23 biennium is not subject to the provisions of North Dakota Century Code Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Operating fund authority - Section 4 would provide authority to DOCR to deposit in and spend from its operating fund pursuant to legislative appropriation any money received from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from the DOCR commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the Youth Correctional Center (YCC) permanent fund.

Exemption - Deferred maintenance and extraordinary repairs - Section 5 would provide that any unexpended general fund appropriation authority relating to the \$6 million continued in Section 9 of Chapter 43 of the 2021 Session Laws for deferred maintenance and extraordinary repairs for the 2021-23 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Exemption - American Rescue Plan Act - Section 6 would provide any unexpended federal funds appropriation authority relating to the allocation to DOCR from the \$10 million appropriated to the Office of Management and Budget for deferred maintenance in subsection 10 of Section 1 of Chapter 550 of the 2021 Special Session Session Laws is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Estimated income - SIIF - Section 7 would provide that \$165,057,000, including \$2,307,000 for IT projects, \$161,200,000 for the Heart River Correctional Center project, and \$1,550,000 for a new James River Correctional Center maintenance shop, is from SIIF.

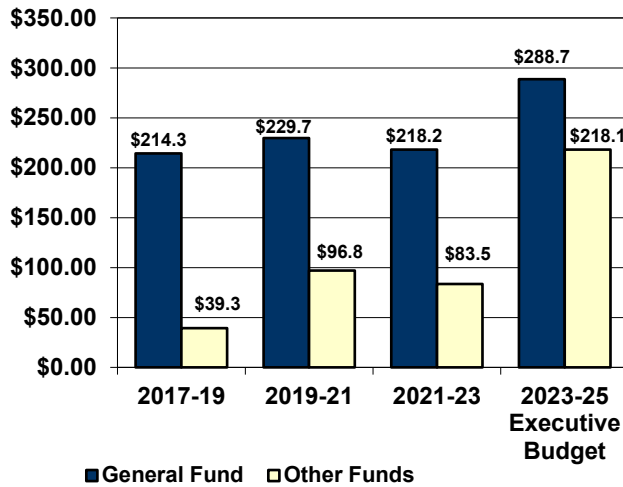
Major Related Legislation

Senate Bill No. 2026 - Appropriates \$2 million from the general fund to the Department of Health and Human Services to demolish unused buildings on the State Hospital campus.

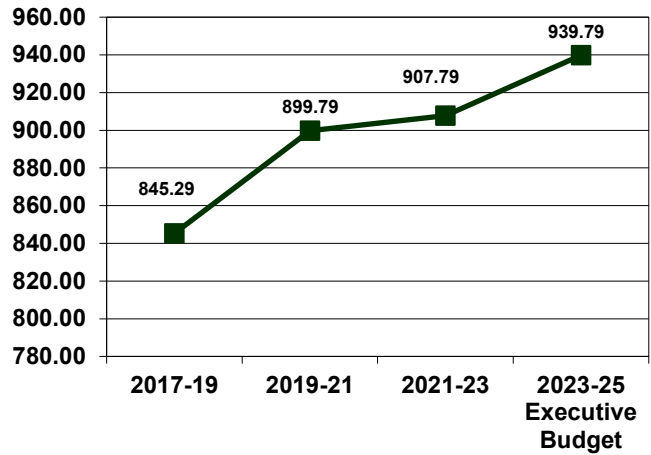
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$203,044,020	\$214,336,704	\$228,286,826	\$217,859,809	\$272,255,726
Increase (decrease) from previous biennium	N/A	\$11,292,684	\$13,950,122	(\$10,427,017)	\$54,395,917
Percentage increase (decrease) from previous biennium	N/A	5.6%	6.5%	(4.6%)	25.0%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	5.6%	12.4%	7.3%	34.1%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

- Added 8 FTE YCC positions to maintain compliance with the federal Prison Rape Elimination Act \$1,006,461
- Added funding for a community behavioral health program, including 1 FTE position \$7,000,000
- Reduced funding for salaries and wages and contract housing and programming (\$7,000,000)
- Restored funding for contract housing and programming \$4,715,073
- Adjusted funding for various operating expenses, including food and clothing, medical, travel, utilities, repairs, maintenance, IT, and professional services \$2,364,585

2019-21 Biennium

- Converted 20 temporary correctional officer positions to FTE positions \$326,435
- Added funding for teacher salaries and wages to comply with the Teacher Composite Schedule \$1,357,790
- Adjusts funding and adds 27.5 FTE positions to assume administrative control of the Tompkins Rehabilitation and Corrections Center, including removing \$8.6 million for contract payments to DHS (\$3,576,240)
- Added funding to contract with the State Hospital for up to 30 addiction treatment beds \$3,873,750
- Added funding and 7 FTE positions for pretrial services \$755,034
- Added funding to expand juvenile day treatment to five additional school districts, to provide a total of \$1,053,500 for day treatment in nine school districts \$537,500
- Increased funding for the DWCRS contract to provide a total of \$11,905,311 \$1,143,360
- Increased funding for transitional services at the Bismarck Transition Center \$549,626

2021-23 Biennium

- Added 5 FTE positions and funding to expand pretrial services \$882,352

- 2. Added 9 FTE positions and funding to expand community corrections \$1,216,470
- 3. Added funding to expand the free through recovery program \$1,000,000
- 4. Removed funding for the contract with DHS for behavioral health services for women under the supervision of DOCR (\$1,956,000)
- 5. Provided for payroll costs of law enforcement-related employees to be paid from the federal Coronavirus Relief Fund instead of the general fund (\$18,371,718)

2023-25 Biennium (Executive Budget Recommendation)

- 1. Restores funding from the general fund for salaries paid from federal funds during the 2021-23 biennium \$18,371,718
- 2. Increases funding for juvenile contract housing \$1,681,300
- 3. Adds funding to expand the free through recovery program \$8,300,000
- 4. Adds funding for a treatment recovery impact program for 20 females sentenced to DOCR \$1,973,700

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$1,466,167	\$0	\$1,391,250	\$306,000	\$16,469,454

Major One-Time General Fund Appropriations

2017-19 Biennium

- 1. No major one-time general fund appropriations \$0

2019-21 Biennium

- 1. Added funding for extraordinary repairs \$876,250
- 2. Added funding for a study of DOCR, including YCC campus infrastructure \$475,000

2021-23 Biennium

- 1. Added funding for miscellaneous equipment, including kitchen equipment \$306,000

2023-25 Biennium (Executive Budget Recommendation)

- 1. Adds funding for inflationary costs, including food, medical, clothing, and resident payroll \$3,478,998
- 2. Adds funding for the contract with the DWCR \$2,450,000
- 3. Adds funding for maintenance and extraordinary repairs \$4,000,000

Department of Corrections and Rehabilitation - Budget No. 530
House Bill No. 1015
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	907.79	\$217,859,809	\$64,865,627	\$282,725,436
2023-25 Ongoing Funding Changes				
Base payroll changes, including \$1,163,549 for the cost to continue 2021-23 biennium salary increases		\$3,277,174	\$49,473	\$3,326,647
Salary increase		10,024,656	526,054	10,550,710
Health insurance increase		3,940,944	254,632	4,195,576
Restores funding from the general fund for salaries and wages		18,371,718	(18,371,718)	0
Converts temporary positions to FTE positions	5.00	80,687		80,687
Adds parole and probation FTE positions	10.00	1,337,928		1,337,928
Adds funding for new parole and probation FTE operating costs		227,168		227,168
Adds funding to expand pretrial services to one additional judicial district	7.00	863,444		863,444
Adds funding for new pretrial services FTE operating costs		174,003		174,003
Adds funding for additional inmate case managers	8.00	1,031,032		1,031,032
Adds funding for new case manager FTE operating costs		69,602		69,602
Adds funding for Heart River Correctional Center (HRCC) residential treatment positions	2.00	529,624		529,624
Adds funding for a new HRCC behavioral health position	1.00	170,698		170,698
Adds funding for new HRCC FTE operating costs		17,696		17,696
Adds a systems mechanic position	1.00	163,558		163,558
Adds funding for systems mechanic FTE operating costs		6,332		6,332
Provides for IT unification, including the transfer of 2 FTE positions; electronic health records, facility offender management system, and community offender management system support; and a business analyst application manager	(2.00)	924,000		924,000
Removes funding for temporary parole and probation salaries		(419,473)		(419,473)
Increases funding for teacher salaries to comply with the Teacher Composite Schedule		269,082		269,082
Adds funding for IT data processing		2,040,121	11,673	2,051,794
Adds funding for electronic medical records system maintenance and support		546,700		546,700
Adds funding for juvenile contract housing		1,681,300		1,681,300
Adds funding for a treatment recovery impact program for 20 females		1,973,700		1,973,700
Increases funding for the free through recovery program		8,300,000		8,300,000
Adds funding to expand community behavioral telehealth services statewide		1,000,000		1,000,000
Adds funding for adult education and career readiness programming		306,300		306,300

Adjusts base budget funding, including reductions to operating fees and services and professional fees and services		(2,163,098)	(1,073,666)	(3,236,764)
Reduces funding for debt service		(348,979)	(8,181)	(357,160)
Total ongoing funding changes	32.00	\$54,395,917	(\$18,611,733)	\$35,784,184

One-time funding items

Adds funding for inflationary costs, including food, medical, clothing, and resident payroll		\$3,478,998		\$3,478,998
Adds funding for transitional facility contract inflation		2,759,222		2,759,222
Adds funding for the Dakota Women's Correctional and Rehabilitation Center contract		2,450,000		2,450,000
Adds funding to contract for 16 female beds at the Dickinson Adult Detention Center		1,003,434		1,003,434
Adds funding for staff and resident development and training		100,000		100,000
Adds funding to contract for a consultant review of the offender management system		757,000		757,000
Adds funding for 30 new cameras		275,000		275,000
Adds funding for equipment		1,645,800	\$75,000	1,720,800
Adds funding for maintenance and extraordinary repairs		4,000,000		4,000,000
Adds funding from the strategic investment and improvements fund (SIIF) for DOCSTARS maintenance			307,000	307,000
Adds funding from SIIF for a new HRCC female facility			161,200,000	161,200,000
Adds funding from SIIF for a new James River Correctional Center maintenance shop			1,550,000	1,550,000
Adds funding from SIIF for software			2,000,000	2,000,000
Adds funding for Roughrider Industries (RRI) supplies			4,083,681	4,083,681
Adds funding for RRI equipment			2,019,000	2,019,000
Adds funding for RRI IT costs			642,080	642,080
Total one-time funding changes	0.00	\$16,469,454	\$171,876,761	\$188,346,215

Total Changes to Base Level Funding

	32.00	\$70,865,371	\$153,265,028	\$224,130,399
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2023-25 Total Funding

	939.79	\$288,725,180	\$218,130,655	\$506,855,835
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Federal funds included in other funds

\$20,183,472

Total ongoing changes as a percentage of base level

3.5% 25.0% (28.7%) 12.7%

Total changes as a percentage of base level

3.5% 32.5% 236.3% 79.3%

Other Sections in Department of Corrections and Rehabilitation - Budget No. 530

Executive Budget Recommendation

Exemption - Community behavioral health program

Section 3 would provide that any unexpended general fund appropriation authority relating to the \$7 million appropriated for the community behavioral health program for the 2021-23 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Operating fund authority

Section 4 would provide authority to DOCR to deposit in and spend from its operating fund pursuant to legislative appropriation any money received from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from the DOCR commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the YCC permanent fund.

Other Sections in Department of Corrections and Rehabilitation - Budget No. 530

Executive Budget Recommendation

Exemption - Deferred maintenance and extraordinary repairs

Section 5 would provide that any unexpended general fund appropriation authority relating to the \$6 million continued in Section 9 of Chapter 43 of the 2021 Session Laws for deferred maintenance and extraordinary repairs for the 2021-23 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Exemption - American Rescue Plan Act

Section 6 would provide any unexpended federal funds appropriation authority relating to the allocation to DOCR from the \$10 million appropriated to the Office of Management and Budget for deferred maintenance in subsection 10 of Section 1 of Chapter 550 of the 2021 Special Session Session Laws is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Estimated income - SIIF

Section 7 would provide that \$165,057,000, including \$2,307,000 for IT projects, \$161,200,000 for the Heart River Correctional Center project, and \$1,550,000 for a new James River Correctional Center maintenance shop, is from SIIF.

HOUSE BILL NO. 1015
(Governor's Recommendation)

Introduced by

Appropriations Committee

(At the request of the Governor)

A bill for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide an exemption; and to provide for a report to the legislative assembly.

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, 2023, and ending June 30, 2025, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Adult services	\$258,140,591	\$220,872,457	\$479,013,048
Youth services	<u>24,584,845</u>	<u>3,257,942</u>	<u>27,842,787</u>
Total all funds	\$282,725,436	\$224,130,399	\$506,855,835
Less estimated income	<u>46,493,909</u>	<u>171,636,746</u>	<u>218,130,655</u>
Total general fund	\$236,231,527	\$ 52,493,653	\$288,725,180
Full-time equivalent positions	907.79	32.00	939.79

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Equipment	\$ 191,000	\$2,019,000
Kitchen equipment	115,000	85,000
Roughrider industries equipment	1,281,988	0
Roughrider storage warehouse	500,000	0
Increased food costs	0	1,119,522
Increased medical costs	0	438,094
Increased hep C treatment costs	0	1,530,809
Increased clothing costs	0	247,520
Increased resident payroll	0	143,053
Increased roughrider supply costs	0	4,083,681
HRCC new facility	0	161,200,000
Transitional facility increases	0	2,759,222
Women's housing increase	0	3,453,434
Team & resident training	0	100,000
HR timekeeping application	0	100,000
Offender management consultant	0	757,000
New cameras	0	275,000
JRCC maintenance shop	0	1,550,000
Industrial washing machines	0	310,000
IT software	0	2,000,000
Policy management application	0	271,040

General maintenance & extraordinary repairs	0	4,000,000
Zero turn mower	0	17,500
Utility tractor and trailer	0	77,400
Body scanner	0	400,000
Roughrider industries IT projects	0	642,080
DOCSTARS enhancements	0	307,000
Tattoo removal machine	0	75,000
Point of care ultrasound	0	27,000
Handheld radios	0	252,000
SORT Equipment	0	105,860
Total All Funds	\$2,087,988	\$188,346,215
Less Estimated Income	<u>696,738</u>	<u>171,876,761</u>
Total General Fund	\$1,391,250	\$ 16,469,454

The 2023-25 one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The department of corrections and rehabilitation shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023 and ending June 30, 2025.

SECTION 3. EXEMPTION – COMMUNITY BEHAVIORAL HEALTH PROGRAM. Section 54-44.1-11 does not apply to \$7,000,000 provided for the free through recovery program included in section 1 of chapter 43 of the 2021 Session Laws. Any unexpended funds from this appropriation are available to the department of corrections and rehabilitation for the free through recovery program during the biennium beginning July 1, 2023 and ending June 30, 2025.

SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING FUND. Any moneys received from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from department of corrections and rehabilitation commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical co-payments; and from the common school trust fund; may be deposited in the department of corrections and rehabilitation operating fund and expended pursuant to legislative appropriation for the biennium beginning July 1, 2021 and ending June 30, 2023.

SECTION 5. EXEMPTION – Deferred Maintenance and Extraordinary Repairs. Section 54-44.1-11 does not apply to \$6,000,000 from the general fund appropriated to the department of corrections and rehabilitation in section 1 of chapter 15 of the 2019 Session Laws, and any unexpended funds from this appropriation may be used for deferred maintenance, capital planning and extraordinary repairs projects by the department of corrections and rehabilitation during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 6. EXEMPTION – AMERICAN RESCUE PLAN ACT (ARPA). Section 54-44.1-11 does not apply to any amounts carried over from the American Rescue Plan Act (ARPA) pursuant to subsection 10 of section 1 of chapter 550 of the 2021 special session laws, and any unexpended funds from this appropriation may be used for the purpose of deferred maintenance and extraordinary repair projects during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 7. ESTIMATED INCOME – STRATEGIC INVESTMENT AND IMPROVEMENTS FUND – ONE TIME FUNDING. The estimated income line item in section 1 of this Act includes the sum of \$165,057,000 from the strategic investment and improvements fund, of which \$2,307,000 is for various IT projects related to critical systems, \$161,200,000 is for the construction of a new heart river correctional center, \$1,550,000 to construct a new maintenance shop at James river correctional center and to demolish the current facility. This funding is considered a one-time funding item.