

**Department of Corrections and Rehabilitation  
Budget No. 530  
Senate Bill Nos. 2012 and 2015**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2013-15 executive budget (bills as introduced)	814.29	\$179,983,725	\$30,673,355	\$210,657,080
<b>2013-15 legislative appropriations</b>	<b>814.29</b>	<b>180,915,389</b>	<b>36,134,922</b>	<b>217,050,311</b>
Legislative increase (decrease) to executive budget	0.00	\$931,664	\$5,461,567	\$6,393,231
Legislative increase (decrease) to 2011-13 appropriations	20.00	\$21,349,470	\$4,528,772	\$25,878,242

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

	<b>Ongoing General Fund Appropriation</b>	<b>One-Time General Fund Appropriation</b>	<b>Total General Fund Appropriation</b>
2011-13 legislative appropriations	\$157,901,861	\$1,664,058	\$159,565,919
<b>2013-15 legislative appropriations</b>	<b>177,774,343</b>	<b>3,141,046</b>	<b>180,915,389</b>
2013-15 legislative increase (decrease) to 2011-13 appropriations	\$19,872,482	\$1,476,988	\$21,349,470
Percentage increase (decrease) to 2011-13 appropriations	12.6%	88.8%	13.4%
2013-15 legislative increase (decrease) to executive budget	\$598,016	\$333,648	\$931,664
Percentage increase (decrease) to executive budget	0.3%	11.9%	0.5%

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

**Salaries and Wages**

The legislative action affecting the recommended appropriation for the Department of Corrections and Rehabilitation is in accordance with legislative salary and fringe benefits guidelines as contained in House Bill No. 1015. Consistent with the guidelines, a portion of salaries and wages funding from the general fund (\$4,407,553) and from other funds (\$231,976) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying accrued annual leave and sick leave for eligible employees.

	<b>Major Items FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
The legislative action:				
<b>Adult Services Division</b>				
Adjusted funding for state employee salaries and benefits consistent with the legislative compensation package guidelines included in House Bill No. 1015.		(\$1,931,462)	(\$116,433)	(\$2,047,895)
Added funding to replace locks on the West Cellhouse.		400,000		400,000

Added funding to provide for increased inmate populations.	636,000		636,000
Removed funding for oil impact assistance for employees in areas impacted by oil development. Agencies may request funding from a funding pool appropriated to the Office of Management and Budget for oil impact assistance.	(187,967)		(187,967)
Reduced funding for operating expenses.	(93,750)		(93,750)
Changed the funding source for a portion of salaries and operating expenses for new parole and probation officer FTE positions from the general fund to other funds received from an increase in supervision fees.	(678,000)	678,000	
Added funding for Roughrider Industries for a general license plate issue (Senate Bill No. 2012).		4,900,000	4,900,000
Added funding for a study regarding the relocation of the Missouri River Correctional Center to the Youth Correctional Center site.	200,000		200,000
Added funding for increased probation and incarceration requirements due to provisions of House Bill No. 1302 relating to driving under the influence laws.	3,000,000		3,000,000
<b>Youth Services Division</b>			
Adjusted funding for state employee salaries and benefits consistent with the legislative compensation guidelines included in House Bill No. 1015.	(303,522)		(303,522)
Removed funding for oil impact assistance for employees in areas impacted by oil development. Agencies may request funding from a funding pool appropriated to the Office of Management and Budget for oil impact assistance.	(78,385)		(78,385)
Reduced funding for operating expenses.		(31,250)	(31,250)
Total	<u>0.00</u>	<u>\$931,664</u>	<u>\$5,461,567</u>
			<u>\$6,393,231</u>

#### FTE Changes

The 2013-15 biennium appropriation includes funding for 814.29 FTE positions, an increase of 20 FTE positions from the 2011-13 biennium authorized level of 794.29 FTE positions. The Legislative Assembly did not change the executive recommendation to add 11 FTE correctional officer positions, 3 FTE correctional caseworker positions, and 6 FTE parole officer positions.

#### One-Time Funding

In Section 2 of Senate Bill No. 2015, the Legislative Assembly identified \$3,439,046, of which \$3,141,046 is from the general fund as one-time funding. Of this amount, \$349,950 is for capital projects, \$1,683,296 is for extraordinary repairs, \$552,900 is for equipment, \$652,900 is for information technology upgrades, and \$200,000 is for a study regarding the relocation of the Missouri River Correctional Center. These amounts are not to be considered part of the agency's base budget for preparing the 2015-17 executive budget, and the Department of Corrections and Rehabilitation is to report to the Appropriations Committees during the 2015 legislative session on the use of this funding.

**Capital Projects and Extraordinary Repairs**

Project	2013-15 Executive Budget			2013-15 Legislative Appropriation			Legislative Appropriation Increase (Decrease)		
	General Fund	Other Funds	Total	General Fund	Other Funds	Total	General Fund	Other Funds	Total
Youth Services Division									
Youth Correctional Center									
Repairs and maintenance	\$425,000		\$425,000	\$425,000		\$425,000			
Total - Youth Services Division	\$425,000		\$425,000	\$425,000		\$425,000			
Adult Services Division									
Prisons Division									
Penitentiary repairs and maintenance	\$981,696		\$981,696	\$1,381,696		\$1,381,696	\$400,000		\$400,000
James River Correctional Center repairs and maintenance	872,750		872,750	872,750		872,750			
Missouri River Correctional Center flood hazard mitigation	349,950		349,950	349,950		349,950			
Total - Adult Services Division	\$2,204,396		\$2,204,396	\$2,604,396		\$2,604,396	\$400,000		\$400,000
Total Department of Corrections and Rehabilitation	\$2,629,396		\$2,629,396	\$3,029,396		\$3,029,396	\$400,000		\$400,000

**Inmate Population**

The following table summarizes the 2013-15 biennium inmate population projections used to develop the legislative appropriation--an increase of 87 male inmates and 20 female inmates from the projected inmate population used to develop the executive recommendation:

	Male	Female	Total
Fiscal year 2014			
July	1,389	175	1,564
August	1,391	176	1,567
September	1,392	176	1,568
October	1,394	177	1,571
November	1,396	177	1,573
December	1,398	178	1,576
January	1,399	179	1,578
February	1,401	179	1,580
March	1,403	180	1,583
April	1,405	180	1,585
May	1,407	181	1,588
June	1,408	181	1,589
Fiscal year 2015			
July	1,410	182	1,592
August	1,412	182	1,594
September	1,414	183	1,597
October	1,415	184	1,599
November	1,417	184	1,601
December	1,419	185	1,604
January	1,421	185	1,606
February	1,423	186	1,609
March	1,424	186	1,610
April	1,426	187	1,613
May	1,428	187	1,615
June	1,430	188	1,618

The following table shows the actual average male and female inmate populations for July 2011 through June 2013 as compared to the legislative population estimates for the 2011-13 biennium:

	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
Fiscal year 2012						
July	1,369	1,315	(54)	182	154	(28)
August	1,371	1,322	(49)	183	157	(26)
September	1,373	1,328	(45)	183	152	(31)
October	1,376	1,308	(68)	183	144	(39)
November	1,378	1,307	(71)	184	145	(39)
December	1,380	1,297	(83)	184	147	(37)
January	1,382	1,292	(90)	184	152	(32)
February	1,385	1,305	(80)	185	160	(25)
March	1,387	1,296	(91)	185	157	(28)
April	1,389	1,288	(101)	185	159	(26)
May	1,391	1,296	(95)	185	161	(24)
June	1,394	1,309	(85)	186	164	(22)
Fiscal year 2013						
July	1,396	1,316	(80)	186	169	(17)
August	1,398	1,315	(83)	186	167	(19)
September	1,400	1,315	(85)	187	158	(29)
October	1,403	1,326	(77)	187	169	(18)
November	1,405	1,332	(73)	187	181	(6)
December	1,407	1,360	(47)	188	176	(12)
January	1,409	1,374	(35)	188	172	(16)
February	1,412	1,381	(31)	188	174	(14)
March	1,414	1,376	(38)	189	171	(18)
April	1,416	1,385	(31)	189	175	(14)
May	1,418	1,396	(22)	189	175	(14)
June	1,396			186		

### Male Inmate Contract Housing

The Legislative Assembly provided \$26,002,845 for contract housing and transitional facilities for male inmates, a decrease of \$1,600,000 from the 2011-13 biennium appropriation. This amount includes \$23,452,692 from the general fund and \$2,550,153 of special funds. This funding is to be used to house male inmates at the Missouri River Correctional Center, county jails, and private facilities.

### Dakota Women's Correctional and Rehabilitation Center

The Legislative Assembly provided \$8,966,204 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 \$507,521 from the 2011-13 biennium appropriation.

### Prison Facility Project

The Legislative Assembly in 2009 provided an appropriation of \$64,000,000, of which \$19,465,804 is from the general fund and \$44,534,196 is from the State Penitentiary land fund, to the Department of Corrections and Rehabilitation for completing the renovation and expansion project at the State Penitentiary. Funding from the State Penitentiary land fund was to include interest income earned on money in the fund. Due to the Department of Corrections and Rehabilitation anticipating interest income on money in the State Penitentiary land fund to be \$1.5 million less than projected due to lower than anticipated interest rates, the Legislative Assembly in 2011 authorized the Department of Corrections and Rehabilitation to borrow up to \$1.1 million from the Bank of North Dakota for the purpose of defraying the expenses of the Penitentiary project during the 2011-13 biennium. The department secured a loan of \$1.1 million from the Bank in June 2013. The project is substantially complete and ready for occupancy in June 2013. Projects that remain to be completed include landscaping and demolition of the East Cellhouse after inmate relocation to the new cellhouse.

### Other Sections in Bill

**Exemption** - Section 3 continues appropriation authority for funding related to the prison expansion project until June 30, 2014.

**Missouri River Correctional Center relocation study - Report to the Legislative Management** - Section 4 provides for a land use study of the Missouri River Correctional Center site and for the development of a plan for relocating the center to a site adjacent to the Youth Correctional Center.

**James River Correctional Center and State Hospital property** - Section 5 provides the Legislative Management consider studying the use of the structures and property of the James River Correctional Center and the State Hospital.

**Refusal of admission of inmates** - Section 6 authorizes the Department of Corrections and Rehabilitation to refuse to admit inmates sentenced to the physical custody of the department when the admission of inmates will exceed the maximum operational capacity of the Penitentiary and its affiliated facilities and requires the department to develop a prison population management plan to prioritize admissions based on sentences and the availability of space in the Penitentiary and its affiliated facilities. The department must report annually to the Budget Section on the prison population management plan and inmate admissions and the number of inmates the department has not admitted after sentencing.

**Supervision fees** - Section 7 amends Section 12.1-32-07(2) to increase an offender's probation supervision fee from \$45 to \$55 per month.

#### **Related Legislation**

**Appointment of Warden** - House Bill No. 1118 authorizes the Director of the Department of Corrections and Rehabilitation, rather than the Director of the Adult Services Division, to appoint the Warden and all other officers and employees.

**Admission of visitors** - House Bill No. 1119 authorizes the Warden, with approval from the Director of the Department of Corrections and Rehabilitation, to limit the admission of visitors.

**Driving under the influence** - House Bill No. 1302 provides for increased probation and incarceration requirements for driving under the influence.

**License plate issue** - Senate Bill No. 2012 provides an appropriation of \$4.9 million from special funds and other income received to the Department of Corrections and Rehabilitation relating to a general license plate issue.